

**Article 2300**  
**Conditional Use Permits**

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Also see Article 1500 – Conditional Use Regulations.

**2301 PURPOSE.**

When a proposed use is permitted in a zoning district as a conditional use as set forth in the district regulations, a conditional use permit is required and the application for such conditional use permit shall be submitted and reviewed according to the following:

**2302 SUBMISSION OF APPLICATION.**

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional use permit accompanied by payment of the required fee established by Trustees. The application for a conditional use permit shall disclose all uses proposed for the development, their location, extent and characteristics and shall include a site plan and associated documentation as required in Section 2203 unless specific items required in Section 2203 are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

**2303 REVIEW FOR COMPLETENESS.**

The Zoning Inspector shall review the application for completeness with the submission requirements prior to the application being placed on the agenda of the Board of Zoning Appeals.

**2304 DISTRIBUTION OF APPLICATION.**

The application shall be transmitted to the Board of Zoning Appeals as well as other agencies as follows:

- a. The application may be transmitted to appropriate administrative departments and professional consultants for review and comment.

- b. Any department reports, comments or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Board of Zoning Appeals prior to the time of the Board's review.

**2305 PUBLIC HEARING AND NOTICE BY BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall hold a public hearing within 30 days of accepting an application. Notice of such public hearing shall be given by first class mail to all owners of property, as they appear on the County Auditor's current tax list, within and contiguous to and directly across the street from such property of the proposed use, and further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use. Failure of delivery of such notice shall not invalidate action taken on such application.

**2306 REVIEW CRITERIA.**

The Board of Zoning Appeals shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the proposed use is appropriate and in keeping with the purpose and intent of this Zoning Resolution. In making such a determination, the Board of Zoning Appeals shall find that both the general criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in Article 1500 of this Resolution, shall be satisfied by the establishment and operation of the proposed use.

In addition, the Board of Zoning Appeals shall review the site plan for the proposed conditional use according to the site plan review procedures set forth in Article 2200.

The Board may require such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

**2307 ACTION BY BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall take one of the following actions:

- a. If the proposed conditional use is determined by the Board of Zoning Appeals to be appropriate, the Board of Zoning Appeals shall approve the conditional use application. As part of the approval, the Board of Zoning Appeals may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this Resolution for the protection of individual property rights and the public health, safety, and general welfare of the community and ensuring that the intent and objective of this Zoning Resolution are observed.

- b. If the proposed use is found to be not in compliance with the specifications of this Zoning Resolution, or not appropriate to or in keeping with the purpose, policies and intent of the Comprehensive Plan, the Board of Zoning Appeals shall reject the application.

**2308 TERMS AND DURATION OF CONDITIONAL USE PERMIT.**

A conditional use permit shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional use permit and requirements thereof shall apply to the current and any subsequent owners. The Board of Zoning Appeals may impose reasonable site and operational conditions on the use and may further establish a reasonable length of time within which the Board may reevaluate whether the conditional use continues to be in compliance with all conditions and requirements. The breach of any condition, safeguard or requirement shall automatically invalidate the conditional use permit granted, and shall constitute a violation of the Zoning Resolution. Such violation shall be punishable as per Article 2600. The conditional use permit shall automatically expire if for any reason the conditional use ceases or is abandoned for a period of twelve (12) consecutive months or more. Note: The 1-year term for a church cannot be enforced as it is in conflict with the Federal statute “Religious Land Use and Institutionalized Person Act (RLUIPA)”.

**2309 REAPPLICATION.**

An application for a conditional use permit which has been denied wholly or in part by the Board of Zoning Appeals and is resubmitted to the Board of Zoning Appeals shall comply with all the requirements of this Section, including payment of the required fee.

**2310 EXPIRATION OF CONDITIONAL USE PERMIT.**

A conditional use permit shall be valid for a period not to exceed one (1) year from date of issuance. Inspection and payment of a fee as set forth in the fee schedule shall be required prior to renewal of said permit. A conditional use permit shall be deemed to authorize only one particular conditional use; and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six months.

Conditional use permits are issued each February by the Board of Zoning Appeals. If a permit is issued within three (3) months prior, than the fee for the next calendar year may be waived.

## **REVISION HISTORY**

<b><u>Date</u></b>	<b><u>Section #</u></b>	<b><u>Description of Change</u></b>	<b><u>Req. By</u></b>
7/10/01	ALL	Original Update	Twp. Trustees
11/20/24	2305 2308	Added “Also see Article 1500 – Conditional Use Regulations.” at the beginning of the Article. In Section 2305, changed “20 days” to “30 days”. In Section 2308, added “Note”. Ref. Motion 10/8/24. Effective Date 11/20/24.	Administrative Twp. Trustees