



---

## PROCEDURE FOR CONDITIONAL USE APPLICATION

The Zoning Board of Appeals (ZBA) may authorize those permitted conditional uses listed in the several zoning districts within the Zoning Code.

### **PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS.**

- (1) Authorization. Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted principal uses of such zoning district.  
The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development and with regard to appropriate plans.
- (2) Application for Conditional Use. Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses listed in Chapter 1147 of the Zoning Code, in the zoning district in which the property is situated. An application for conditional use permit shall be filed with the City Manager or his designee. The applicant, or his agent, shall file a conditional use application on forms provided by the City. The completed application form shall also be accompanied by one copy of a plot plan showing:
  - The boundaries and dimensions of the lot.
  - The size and location of existing and proposed improvements, including, but not limited to, buildings, structures, facilities, signs, lighting, accessways, walks, off-street parking spaces, loading berths and landscaping.
  - The proposed use of all parts of the lot and improvements.
  - The relationship of the conditional use requested to the standards set by this Zoning Code.
- (3) Public hearing on conditional use. The Board shall select a time and place for the public hearing on a conditional use application and shall publish one notice of the time, place and date of such hearing in a newspaper of general circulation of the City at least seven days prior to the hearing, and give written notice thereof to all owners of property located within 200 feet in any direction of the property affected by the conditional use application.

- (4) Standards for Conditional Use. The Board shall not grant a conditional use unless it can, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
- The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals or general welfare;
  - The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;
  - The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
  - Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
  - Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
  - The conditional use will be located in a district where such use is permitted and that all requirements set forth in this Zoning Code and applicable to such conditional use will be met.
- (5) Additional Conditions. In granting a conditional use, Section 1147.06 of the Zoning Code permits the Board to impose additional conditions upon the premises benefited by the conditional use as may be necessary to comply with the standards set forth in subsection (d) hereof to reduce or minimize potential injurious affects of such conditional use upon neighboring properties, and to carry out the general purpose and intent of this Zoning Code.
- (6) Decision on Conditional Use. The concurring vote of at least three members of the Board in attendance at the public hearing shall be necessary to grant a conditional use. The Board shall render a written decision containing relevant findings of fact without unreasonable delay after the close of the hearing, and in all cases, within forty-five days after the close of the hearing.
- In cases where the board concurs with the written recommendations and findings of the City Manager or his designee, such written recommendations and findings shall constitute the written decision of the Board.
  - In cases where the Board's decision differs from the written recommendation and findings of the City Manager or his designee, the Board shall collectively, draft, approve, and formally submit written recommendations and findings based on their decision to the secretary of the board. Such written recommendations and findings shall be read aloud by the president of the board at the same meeting in which they are formally submitted.
- (7) Period of Validity. A conditional use granted by the Board shall terminate at the end of one year from date on which the Board grants the conditional use, unless within such one year period, a zoning permit is obtained.

## **PROCEDURE**

1. Obtain, complete, and submit an Application for Conditional Use and related site plans at least 14 days prior to the scheduled public hearing.
2. Applicant(s) should attend the public hearing and be prepared to answer questions relevant to the application.
3. The Board will determine if it has the authority to grant the request.
4. The Board may render a decision the same date as the public hearing, or may continue the matter for further review.
5. In granting a conditional use, the Board may impose appropriate conditions, safeguards, and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the Standards for Conditional uses established in Section 1151.07 and other applicable sections of the Zoning Code.
6. The Board shall render a written decision on the application without unreasonable delay on all cases, within 45 days after the close of the public hearing.
7. Approval of a conditional use does not preclude the need for applicable zoning and building permits.

## **YOU WILL NEED**

- a completed Application for conditional use and three (3) copies of required site plans, if applicable
- any additional information not submitted with the original zoning application, which the Planning Coordinator feels the Board should review

## **FEES**

Each Application for conditional use shall be accompanied by a fee of one hundred and twenty five dollars (\$125.00).

## **QUESTIONS?**

If you have any questions or need assistance in the application process, please contact:

Barbara Dulworth, Planning Director  
City of Sidney  
Sidney, Ohio 45365-2781  
Phone: (937) 498-8131  
Fax: (937) 498-8139  
[bdulworth@sidneyoh.com](mailto:bdulworth@sidneyoh.com)