

ARTICLE 25 CONDITIONAL USE

2500 PROCEDURE

Under certain unusual circumstances, a use of property which typically affects an area more intensely than those uses permitted in the zoning district in which it is located may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as "Conditional Uses" within the respective zoning districts.

The Board of Zoning Appeals may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where such approval will be consistent with the general purpose and intent of this Zoning Resolution as well as the general purpose and intent of the Sylvania Township Land Use Plan.

2501 APPLICATION FOR CONDITIONAL USE

Any person owning or agent designated by the owner of a property may file an application to use such property for one of the Conditional Uses provided for by this Resolution in the zoning district in which the property is situated. An application for a Conditional Use shall be filed with the Planning and Zoning Department on such forms approved by the Board of Township Trustees in accordance with the provisions of this Resolution.

No application will be considered unless the same is fully completed and accompanied by all required information listed on said approved forms. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant(s).
- B. Legal description of the property as recorded in the Lucas County Recorder's office.
- C. Present zoning district.
- D. Description of proposed request for the Conditional Use.
- E. A site plan at a legible scale of the proposal for Conditional Use showing the location of all buildings, parking and loading areas, traffic circulation, open space, landscaping, refuse and service areas, utilities, signs and yard setbacks.
- F. A statement stipulating how the proposal meets the intent and general requirements of the current Township Land Use Plan and Zoning Resolution.
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on adjoining property; and a discussion of the general compatibility with adjacent and other parcels within the immediate area of the proposed Conditional Use.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Board.

The applicant shall also submit the names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property under consideration, as appearing on the Lucas County Auditor's current tax list.

2502 REVIEW BY PLAN COMMISSION (rev. 4/5/2016)

All requests for a Conditional Use, with the exception of *Home Occupation*, shall be reviewed by the Lucas County Plan Commission prior to the Board of Zoning Appeals public hearing. The above application for Conditional Use will be forwarded to the Plan Commission by the Township Planning and Zoning Department.

The Planning Commission shall hold a public hearing on the proposed Conditional Use and recommend approval or denial of the said use, or approval with conditions, and submit its recommendation to the Township Board of Zoning Appeals. When received, such recommendation shall then be considered at a public hearing held by the Board of Zoning Appeals on said proposed use.

2503 GENERAL STANDARDS FOR CONDITIONAL USES

The Board of Zoning Appeals shall not approve a Conditional Use unless in each specific case, it makes specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all the following requirements:

- A. Will be found to be consistent with the general objectives, or with any specific objective or purpose, of this Zoning Resolution.
- B. Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and adequate drainage, refuse disposal, water and sewer, and schools.
- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be significantly detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- E. Will have vehicular approaches to the property that shall be so designated as not to create interference with existing traffic on surrounding public streets or roads.

2504 SUPPLEMENTARY CONDITIONS

In granting any Conditional Use, the Board shall insure that the specific conditions and standards established in Article 22–Supplemental Regulations have been adequately addressed. The Board may prescribe other appropriate conditions and safeguards as it deems necessary to insure that the use will be conducted in conformance with the intent and purpose of this Resolution.

2505 PUBLIC HEARING

The completed application shall be transmitted to the Board of Zoning Appeals who shall cause a public hearing to be held. Notice of such hearing shall be sent by first

class mail to the owner(s) appearing on the Lucas County Auditor's current tax list or the Lucas County Treasurer's mailing list. Said notice will be sent to property owners within 200 feet of the proposal, contiguous to and directly across the street, at least ten (10) days prior to the public hearing. Notice of such hearing shall also be advertised in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed request.

2506 ACTION BY BOARD

The Board of Zoning Appeals shall make its decision within twenty (20) days of the public hearing. The Board of Zoning Appeals shall act by Resolution, in which three (3) members concur, and every action shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason(s) for granting or denying the request. A copy of the Board's Resolution, accompanied by the Board's findings of fact, shall be mailed to the Applicant by ordinary mail.

2507 PUBLIC INFORMATION

All communications to members of the Board of Zoning Appeals, written or oral which pertain to any matter before the Board and shall be reduced to writing and made a part of the record. The official record of the Board's proceeding in any matter shall be kept on file in the Township Hall, subject to the order of the Lucas County Common Pleas Court and available for inspection by the public.

2508 FEES

The Township Trustees shall establish fees as deemed appropriate to defray the costs associated with the advertisement, mailings, or other required or necessary expenses incurred.

2509 EXPIRATION OF CONDITIONAL USE

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not be instituted or utilized within two (2) years of the date on which the permit was issued, or if for any reason such use shall cease for more than two years. Applicants may submit to the Board of Zoning Appeals a request for an extension every two (2) years, commencing (2) years after the date the initial permit was issued.