

## **SECTION 10.0 - CONDITIONAL USES**

### 10.1 CONDITIONAL USES

Conditional Uses, as defined in the Definitions section, are those which cannot be adequately controlled by simple regulations through rigid dimensional and use standards. Conditional uses are those which require individual review by the County Planning and Zoning Commission to insure conformance with the intent of all comprehensive plan elements. Conditional uses include three basic categories:

- 10.11 Planned Development projects--complex projects designed to take maximum advantage of unique site characteristics and potentials along with original design and use concepts and submitted for review under the Planned Development Procedure.
- 10.12 Conditional Uses--single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the Conditional Use Procedure.
- 10.13 Mobile Home Parks subject to the Mobile Home Park Regulations found in Appendix B. Mobile Home Parks shall also conform to the following Planned Development Procedure.

### 10.2 PLANNED DEVELOPMENT PROCEDURE

10.21 Intent: The Planned Development Procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The procedure combines the design-review procedure of subdivision approval and the use-review procedure of zoning amendment, and enables the Planning Commission and Zoning Board of Appeals to review all aspects of a proposed development simultaneously to permit greater flexibility and originality in concept according to the intent of comprehensive plan elements, and still to exercise greater final control over the approved development than is possible through pre-regulated zoning districts. The first step of this planned development procedure would be a preliminary feasibility plan.

#### 10.22 Standards

- a. Design Standards: Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging Planned Development Procedure. This Zoning Ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving comprehensive plan for the standards to guide the approval of Planned Development projects. A Planned Development project may depart from conformance with the dimension, area, and use

regulations for the standard zoning districts and from conformance with the design standards in the Sub-division Regulations Ordinance. However, a Planned Development Project shall conform with all applicable elements of the officially adopted comprehensive plan.

- b. Required Improvements: Planned Development projects shall be subject to the regulations governing required improvements found in the Subdivision Regulations Ordinance.
- c. Parking, Loading, Traffic and Access: Planned Development projects shall be subject to the regulations for parking, loading, traffic and access of this zoning Ordinance.
- d. Special Conditions: The Planning Commission or Zoning Board of Appeals may attach special conditions to approval of the final plats to insure conformance with the intent of all official plan elements.

#### 10.23 Procedure

- a. General: A Planned Development project may be permitted only by amendment to the Zoning Map according to the amendment procedure found in Section 13.0. For procedural purposes, a Planned Development project shall be treated as a subdivision, and the procedure for subdivision approval, as set forth in the County Subdivision Regulations Ordinance, shall be followed in its entirety whether the development shall be in single or divided ownership.
- b. Preliminary Plat: A preliminary plat of the Planned Development project shall be submitted as required by the Subdivision Regulations Ordinance. It is recommended that this submission be preceded by pre-application conferences, as recommended by the Subdivision Regulations Ordinance to determine whether the developer's intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Regulations Ordinance for the preliminary plat shall include:

Explanation of the character of the Planned Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.

Statement of present and proposed ownership of all land within the project.

Development schedule indicating:

Stages in which project will be built with emphasis on area, density, use

and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.

Approximate dates for beginning and completion of each stage.

Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development, and any of its common open space.

- c. Amendment: The amendment procedure established in Section 13.0 shall be initiated after conditional approval of the preliminary plat by the Planning Commission and Zoning Board of Appeals. Under this procedure, the Zoning Map may be amended to designate location proposed in the preliminary plat as a Planned Development district superseding the original zoning district. This Amendment shall be in conformance with all comprehensive plan elements. The Planned Development district shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.
- d. Final Plats: If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other information the Planning Commission or Zoning Board of Appeals may require for the complete consideration of the project in addition to information required by the Subdivision Regulations Ordinance. The final plats shall conform to the preliminary plat and supporting material, except that the Planning Commission, Zoning Board of Appeals, and County Board may approve minor changes without public hearing at this time which do not change the concept or intent of the development. Major changes--changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provisions or covenants, or resubdivision--may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.
- e. Fees and Permits: The County Board may establish a schedule of reasonable fees to be charged for plat review. Zoning permits shall be required for each structure according to Section 12.0. The Zoning Inspector shall base issuance upon conformance with the final plat and supporting material.

### 10.3 CONDITIONAL USE PROCEDURE

10.31 Procedure in applying for a conditional use: The applicant shall follow all procedures set forth on zoning permits. The County Zoning Officer shall refer the application to the Planning Commission. The Planning Commission shall, after careful review of the application for conditional use, make a recommendation of each application to the Board of Appeals. The Board of Appeals, after holding a public hearing in accordance with state statutes, shall make a recommendation independent of that submitted by the Planning Commission within thirty (30) days of the concluded public hearing forwarding such recommendations directly to the County Board. The County Board may approve, modify, or disapprove the application. In the case of approval or approval with modification, the County Board shall issue written authorization to the County Zoning Officer to issue a zoning permit in full conformance with Section 12.0. This authorization shall remain on permanent file with the application. The County Board may attach special conditions to insure conformance with the intent of all comprehensive plan elements. The County Board may establish a schedule of reasonable fees to be charged for conditional use permits.

The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by another provision of this Ordinance or the County Board.

Conditional Uses in All Districts: The following are designed as conditional uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, pumping stations, sanitary landfills, government buildings, transportation facilities, planned development, and similar uses; also those regulations designated in Paragraph 2.33.

Conditional Uses in Specified Districts: Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations.

Standards for Decisions and Recommendations of the Board of Appeals and Planning Commission: No conditional use permit shall be recommended by the Board of Appeals or the Planning Commission unless there is a concurring vote of a majority of all members present on findings of fact that:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted

nor substantially diminish property values within the neighborhood.

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.