

**CHAPTER 630
Conditional Zoning Certificates**

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SECTION 630.01 PURPOSE.

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

SECTION 630.02 PRE-APPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Commission or Zoning Inspector, or its designated representative prior to submitting an application for a conditional zoning certificate. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission or Zoning Inspector shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Board of Zoning Appeals.

SECTION 630.03 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 zoning certificate accompanied by payment of the required fee established by the Trustees. The application for a conditional zoning certificate shall disclose all uses proposed for the development, their location, extent and characteristics and shall include the following:

- A. A development plan and associated documentation as required in Section 620.05 unless specific items required in Section 620.05 are determined by the Zoning

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Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- B. The last known names and addresses of the owners of all properties lying within 500 feet of any part of the property on which the conditional use is proposed.

SECTION 630.04 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall review the submitted application to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed complete and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Board of Zoning Appeals.

SECTION 630.05 DISTRIBUTION OF APPLICATION.

The Zoning Inspector shall forward the application to the Board of Zoning Appeals at least 10 days prior to the Board of Zoning Appeals next scheduled meeting to allow reasonable time for study and review.

- A. The application may also be transmitted to the 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 of Zoning Appeals' review.

SECTION 630.06 NOTIFICATION TO ZONING COMMISSION.

Simultaneously to transmission of the application to the Board of Zoning Appeals, the Zoning Inspector shall notify the Zoning Commission of the application for conditional zoning certificate. The Zoning Commission may review the conditional zoning certificate application and submit an opinion to the Board of Zoning Appeals prior to the time of the Board of Zoning Appeals' review.

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SECTION 630.07 PUBLIC HEARING AND NOTICE BY BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall hold a public hearing on the application. Notice of such public hearing shall be given by first class mail to the property owners within 500 feet of the property line of the property on which the use is proposed and to adjacent property owners other than the applicant regardless of the distance when the applicant owns separate parcel(s) within the 500 feet radius. A "certificate of mailing" shall be obtained from the post office for each mailing. 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.

SECTION 630.08 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 Chapter 390 of this Resolution, is satisfied by the establishment and operation of the proposed use. In addition, the Board of Zoning Appeals:

- A. Shall review the development plan for the proposed conditional use according to the development plan review procedures set forth in Sections 620.04 and 620.07, as applicable.
- B. Shall review any request for variance of any regulation set forth in this Zoning Resolution pertaining to the proposed conditional use, according to variance procedures set forth in Chapter 640.
- C. May require the applicant to submit such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

SECTION 630.09 ACTION BY BOARD OF ZONING APPEALS.

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

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- 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 zoning certificate. 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 Chapter 390 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 not to be 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.

Failure of the Board of Zoning Appeals to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the application.

SECTION 630.10 TERMS AND DURATION OF CONDITIONAL ZONING CERTIFICATE.

A conditional zoning certificate shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional zoning certificate shall expire one year from the date of enactment unless substantial progress is accomplished or as otherwise specifically approved by the Board of Zoning Appeals. The breach of any condition, safeguard or requirement shall constitute a violation of the Zoning Resolution. Such violation shall be punishable as per Chapter 680. A conditional zoning certificate issued pursuant to this Chapter shall be valid only for the use and the operation of such use as specified on the certificate.

SECTION 630.11 REAPPLICATION.

No re-application for a conditional zoning certificate shall be accepted by the Zoning Inspector until the expiration of one year after the denial or revocation, unless the re-application is based on newly discovered evidence, not discoverable at the time of the previous public hearing, sufficient to justify another hearing as determined by the Board of Zoning Appeals. A re-application shall comply with all the requirements of this Chapter, including payment of the required fee.

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