

# **WARREN COUNTY PLANNING & ZONING**

## **Conditional Use Permit (CUP) Procedure**

### Section 10.3-Conditional Use Permits

a. It is hereby declared that certain land uses present unique problems with respect to their proper location and relationship to other land uses. Therefore, analysis and judgment of the consequences of such uses is necessary to preserve and to promote the public health, safety and general welfare. These land uses are identified in each zoning district as Conditional Uses.

b. Applications for Conditional Use Permits and amendments thereto which are authorized for consideration under the regulations of each zoning district shall be filed with the Zoning Enforcement Officer along with a list of the names and addresses of all owners of real property located within one thousand (1000) feet of the property described in the application (as shown on the tax records of the County) and payment of such fee as the County Commission shall from time to time determine. In addition to the aforementioned fee, the applicant shall pay for all notification and publication costs as required by subsection 10.3 (c) hereof.

c. All such applications shall be referred by the Zoning Enforcement Officer for hearing before the Planning and Zoning Commission not later than ninety (90) days from the date of filing of the application. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Planning and Zoning Commission, be continued. Notice of the time and place of such hearing shall be (i) published at the applicant's expense in at least one newspaper of general circulation, within the County at least fifteen (15) days prior to the date of the hearing, (ii) posted at least fifteen (15) days in advance thereof in one or more public areas of the County Courthouse and (iii) given, at the applicant's expense, at least fifteen (15) days before the hearing, by certified mail, to all owners of real property located within one thousand (1000) feet of the parcel of land for which the conditional use is proposed.

d. Within forty-five (45) days after the conclusion of the hearing on an application, the Planning and Zoning Commission shall approve, with such conditions as it deems appropriate shall thereafter be notified in writing of the subsequent application requesting the same Conditional Use or amendment, revision or change thereto with reference to the same property, or part thereof, may be filed by any applicant until the expiration of six (6) months after the denial by the Planning and Zoning Commission.

e. Unless a timely appeal or protest (as provided in Section 10.5 hereof) is received by the County Clerk, a Conditional Use Permit or an amendment thereto shall become effective immediately after the Planning and Zoning Commission's decision. Provided, however, in the event that a Conditional use Permit is filed in conjunction with a required change of zoning, the Conditional Use Permit shall not become effective until the date of enactment of the amendment to the Order.

f. Uses lawfully existing on the effective date of the Order, which would otherwise require Conditional Use Permits under the regulations of the zoning district in which they are located, shall not be required to obtain Conditional Use Permits but a Conditional use Permit shall be required for any subsequent alteration, enlargement or extension thereof.

### Section 10.4-Standards and Recommendations on Conditional Use Permit Applications

a. The Planning and Zoning Commission (or the County Commission in the case of an appeal or protest as provided in Section 10.5 hereof) shall in reviewing any application for a Conditional use Permit or an amendment to an existing Conditional Use Permit determine that such use is in accord with any and all standards established in the Order for such use. These standards are minimum requirements and may be more restrictive through the imposition of conditions governing the particular use or development authorized by the Conditional Use Permit by the Planning and Zoning Commission (or the County Commission in the case of an appeal or protest as provided in Section 10.5 hereof).

b. The Planning and Zoning Commission (or the County Commission in the case of an appeal or protest as provided in Section 10.5 hereof) shall make a determination regarding the impact of the proposed conditional use in accordance with the following criteria and may impose such conditions governing the particular use or development authorized by a Conditional Use Permit as will insure 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 purposes already permitted nor substantially diminish and impair property values within the area;
3. 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;
4. Adequate utilities, buffering, access roads, drainage, open spaces, and/or other necessary public services and facilities can and will be economically provided;
5. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roads;
6. That there is a public necessity for the conditional use.
7. All required permits, authorizations and licenses shall be secured by the applicant from the appropriate federal, state, and local agencies
8. The conditional use shall in all other respects conform to the Order and all of the regulations contained therein.

c. The Planning and Zoning Commission in approving a Conditional Use Permit or an amendment thereto (or the County Commission in the case of an appeal or protest as provided in Section 10.5 hereof) may also specify that the permit shall be null and void if the construction or alteration to the building, structure or improvement of the land which is to be used as authorized by the Conditional use Permit is not completed within six (6) months after the issuance of the permit.

#### Section 10.6-No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled

Issuance of a conditional use permit, zoning permit, or subdivision plat approval authorizes the recipient to commence the activity resulting in a change in the use of the land, to commence work designed to construct, erect, move, or substantially alter buildings and other substantial structures, or to make necessary improvements to a project. However, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lot(s) may be sold until all of the requirements imposed pursuant to the issuance of a Conditional Use Permit have been fulfilled.

## Section 10.7-Maintenance of Common Areas, Improvements, and Facilities

The recipient of any zoning permit, flood plain permit, conditional use permit, plat approval, or its successor, shall be responsible for maintaining all common areas, improvements, or facilities required by the Order or any permit issued in accordance with its provisions, except in those areas, improvements, or facilities with respect to which a covenant of restrictions has been conveyed which requires that a homeowner's association, subdivision association or some similar body becomes responsible for the common areas, improvements, or required facilities. As for the common areas, improvements, or required facilities. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

### **APPLICATION CHECKLIST**

- \_\_\_ 1. Current property zoning identified.
- \_\_\_ 2. Locate/identify all property owners within 1000 feet of all property lines.
- \_\_\_ 3. Complete Conditional Use Permit application completely.
- \_\_\_ 4. Address eight criteria, in writing, as listed in Section 10.4 (b).
- \_\_\_ 5. Completed Conditional Use Permit application must be submitted to Planning and Zoning office no later than 4:00pm the third Thursday of the month. The application will then be placed on the agenda for the Planning & Zoning Commission for the following month.
- \_\_\_ 6. In addition to a Conditional Use Permit, Zoning Permits are required for all structures/improvements.
- \_\_\_ 7. Sketch of your sign with the dimensions, will it be lighted, what will it be made of.
- \_\_\_ 8. If there is to be outside lighting, sketch of type of lighting and where it is to be located.
- \_\_\_ 9. If the road where the property is located is a shared private road, copy of the road agreement showing neighbors are aware of increased traffic which may be caused if the CUP is granted and how road to be maintained.
- \_\_\_ 10. Hours and days of operation of the business you are requesting.
- \_\_\_ 11. A photo ID of the property owner or their designated representative (with a notarized affidavit).

## **Appeal and Protest Procedure Regarding Conditional Use Permits**

- a. If an applicant is aggrieved by a decision of the Planning and Zoning Commission regarding an application for a Conditional Use Permit or an amendment thereto, the applicant may file an appeal with the County Commission requesting a determination from that body. A Notice of Appeal shall be filed in duplicate with County clerk within ten (10) days after the applicant has received written notice of the Planning and Zoning commission's decision and shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in the regulations regarding Conditional Use Permits. Notice of Appeal shall be accompanied by a fee in the amount as determined from time to time by the County Commission and a payment to cover all mailing and publication costs (as provided in section 10.3c of the Warren County zoning Order) necessary to provide notice of the public hearing on the appeal to be conducted by the County Commission.
- b. Any party other than the applicant aggrieved by a decision by the Planning and Zoning Commission regarding a Conditional Use Permit or an amendment thereto may file a protest with the County Commission requesting a determination by that body. Pending a decision by the County Commission on the protest the Conditional Use Permit shall not be effective. A Notice of Protest shall be filed in duplicate with the County Clerk within ten (10) days after the Planning and Zoning Commission's decision and shall specifically state how the Conditional Use Permit application, as initially filed or subsequently modified, fails to meet the criteria (see page 2 of this document) set forth in the regulations regarding Conditional Use Permits. The Notice of Protest shall be accompanied by a fee in the amount determined from time to time by the County Commission and payment to cover all mailing and publication costs (as provided in Section 10.3c of the Warren County Zoning Order) necessary to provide notice of the public hearing on the protest to be conducted by the County Commission.
- c. Before act in on any appeal or protest the County Commission shall set the appeal or protest for public hearing within thirty (30) days of the filing of said appeal or protest. The County Commission shall give written notice of such hearing in the same manner as provided in Section 10.3c of the Warren County Zoning Order hereof. The applicant and the protestants in the case of a protest shall be granted an opportunity to be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Commission, will be aggrieved by any decision or action with respect to an appeal or protest may also be heard at the hearing.
- d. Following the hearing by the County Commission on an appeal or protest, the County Commission shall make a determination regarding the impact of the conditional use in accordance with criteria set forth in Section 10.4 of the Warren County Zoning Order hereof and may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission regarding the Conditional Use Permit or amendment thereto which is the subject of the appeal or protest.
- e. Within forty-five (45) days of the hearing on the appeal or protest the County Commission shall notify in writing the applicant and in the case of a protest the protestant(s) of its decision regarding Conditional Use Permit or amendment thereto.

**WARREN COUNTY PLANNING AND ZONING**  
**Schedule of Fees**

January 1, 2012

**Zoning Permits**

Single Family Residence:	\$ 80.00
Manufactured Dwelling, Mobile Home, & Recreational Vehicle:	\$ 80.00
Two Family Residence (2 units)	\$160.00
Residential Improvement:	\$ 40.00
Commercial:	\$100.00 plus 5¢/ sq. ft.
Multi-Family Residence (more than 2 units) is	charged at Commercial Rate
Shared Use (Tower)	\$300.00

**Conditional Use**

Application:	\$100.00
Amend CUP Conditions	\$ 55.00
Publication:	\$ 55.00
Certified Mailings (# x \$6.50):	

**Rezone Application**

Publication:	\$55.00
Certified Mailings (# x \$6.50):	
Application:	
Less than 1 acre:	\$175.00
1 to 4.99 acres:	\$200.00
5 to 9.99 acres:	\$250.00
10 to 19.99 acres:	\$300.00
20 to 49.99 acres:	\$350.00
50 to 99.99 acres:	\$400.00
100 to 199.99 acres:	\$450.00
200 to 299.99 acres:	\$500.00
300 to 399.99 acres:	\$550.00
400 to 499.99 acres:	\$600.00
Over 500 acres:	\$700.00

**Variance**

Application	\$125.00
Publication	\$ 55.00
Certified Mailings (# x \$6.50)	

**Subdivisions**

Preliminary Plats:	\$25.00/ lot
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**Amendments to Order or Zoning Map**

Application:	\$200.00
Publication:	\$ 55.00

Effective 3-7-01, the fee will be doubled if the correct permit(s) is not obtained before the project is started. Effective 4-30-07, additional publication and certified mailing fees for second hearing conducted by the County Commissioners.

# Warren County Planning and Zoning Application

PARCEL ID \_\_\_\_\_

PERMIT # \_\_\_\_\_

**CONDITIONAL USE** \_\_\_\_\_ **REZONE** From \_\_\_\_\_ To \_\_\_\_\_

**PLAT: P F Description:** \_\_\_\_\_

(Circle One)

Zone Order Reference:

Please check all that apply:

**RESIDENCE** \_\_\_\_\_ (New construction only)

Single Family \_\_\_\_\_ Multi Family \_\_\_\_\_

Single Story \_\_\_\_\_ Two Story \_\_\_\_\_

Basement \_\_\_\_\_ Slab Foundation \_\_\_\_\_ Concrete Foundation: \_\_\_\_\_

# of Bedrooms \_\_\_\_\_ # of Bathrooms \_\_\_\_\_ Square Footage: \_\_\_\_\_

Central Sewer: \_\_\_\_\_ Individual Sewer: \_\_\_\_\_

**MANUFACTURED DWELLING** \_\_\_\_\_ Model \_\_\_\_\_ Make \_\_\_\_\_ Year \_\_\_\_\_

(If exchanging: 60 days to remove the old dwelling) **Remove & Replace** \_\_\_\_\_

**Address where mobile is being moved from:** \_\_\_\_\_

**IMPROVEMENT** \_\_\_\_\_ Type \_\_\_\_\_ Dimensions \_\_\_\_\_

NAME: \_\_\_\_\_

Check One: **OWNER (S)** \_\_\_\_\_ **OTHER (Owner (S) Affidavit Required)** \_\_\_\_\_

MAILING ADDRESS:

STREET: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE # \_\_\_\_\_

If property purchased within last 12 months list previous owner: \_\_\_\_\_

PROPERTY ADDRESS: (If different from mailing address)

STREET: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

(OVER)

DIRECTIONS TO PROPERTY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any buildings presently on property: \_\_\_\_\_

*Signature valid only if notarized or witnessed by Planning & Zoning office staff.*

**PHOTO ID REQUIRED**

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

(By signing this application you acknowledge you have been informed and agree to the stipulations and/or conditions required under the Warren County Zone Order to obtain the necessary permit(s).)

MONIES FOR PERMITS ARE NON-REFUNDABLE                      Witness \_\_\_\_\_

Permits not paid for and acquired within 90 days of applying are canceled.

**OFFICE USE ONLY**

Temporary Electric Sticker \_\_\_\_\_ Permanent Electric Sticker \_\_\_\_\_

PARCEL ID \_\_\_\_\_ LOT \_\_\_\_\_ ACREAGE \_\_\_\_\_

TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_ SECTION \_\_\_\_\_

FLOOD PLAIN \_\_\_\_\_ ZONED \_\_\_\_\_

FIRE DISTRICT: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

CULVERT SPECIFICATIONS DISTRIBUTED: YES \_\_\_\_\_ NO \_\_\_\_\_

60 DAY / FP REVIEW: YES \_\_\_\_\_ NO \_\_\_\_\_ REVIEW DATE: \_\_\_\_\_

AS BUILT / BFE REQUIRED: YES \_\_\_\_\_ NO \_\_\_\_\_

Reviewed By \_\_\_\_\_