

ARTICLE XVI - CONDITIONAL USES

1600 - The Board of Zoning Appeals as hereinafter created may authorize the issuance of a conditional use permit for any of the following buildings or uses in any district:

1. Quasi-public buildings;
2. Recreational areas;
3. Day school, nursery school, private and commercial school;
4. Institutions;
5. Homes for the elderly;
6. Cemeteries, provided that no mausoleum or crematory shall be located less than two hundred (200) feet from adjacent property and/or street lines, and that any new cemetery shall contain a minimum of twenty (20) acres;
7. Aircraft landing field and its necessary appurtenances;
8. Radio stations and towers;
9. A parking lot to be used in conjunction with an abutting property or property directly across the street, provided the lot is to be used, at no charge, for the parking of motor vehicles of owner, employees, customers, patrons or guests of the person or firm controlling and operating the lot, and any other conditions as required by the Board of Appeals.

1601-GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

- The Board of Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character or the general vicinity, and that such use will not change the essential character of the same area;
2. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
3. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
4. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor;
5. Will have vehicular approaches to the property which shall be so designed to not create an interference with traffic on surrounding public thoroughfares;
6. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

1602-SUPPLEMENTARY CONDITIONS AND SAFEGUARDS - In granting any conditional use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards regarding:

1. General character, height and use of structures;
2. Provisions of surrounding open space and treatment of the grounds;
3. Buffering;
4. Street capacity, traffic, parking;
5. Front, side and rear yard requirements;
6. Lighting, noise, odor.

Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Article II, Section 204.

1603-EXPIRATION OF CONDITIONAL USE PERMIT - A conditional use approval shall be deemed to authorize only one particular conditional use, and said approval shall become void if the use is not implemented within two (2) years from the date of approval of the Board of Zoning Appeals.

1604-PROCEDURE FOR A CONDITIONAL USE PERMIT - An application for conditional use permit shall be filed with the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1. Name, address and phone number of Applicant;
2. Legal description of the property;
3. Description of existing use;
4. Description of proposed conditional use;
5. A plan of the proposed site for the conditional use, showing the location of existing and/or proposed buildings, parking and loading areas; traffic access and traffic circulation, landscaping, service areas, utilities, signs, yards and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance.

1605-PROCEDURE FOR HEARING, NOTICE - Upon receipt of the application for a conditional use permit, the Board of Zoning Appeals shall hold a public hearing within forty (40) days from receipt of said application, publish notice in newspaper, and give written notice to all parties in interest.

Action by the Board of Zoning Appeals - Within thirty (30) days after the public hearing, the Board shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. Any person or persons, jointly or severally adversely affected by the Board of Appeals, may appeal to the Court of Common Pleas of Mahoning County. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal. Such appeal must be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board.

1606-REVIEW OF ALL CONDITIONAL USE PERMITS - A conditional use permit for a use authorized under these resolutions shall be issued for a three (3) year period. After a three (3) year period has elapsed, a new conditional use permit shall be required and may be issued provided that the Board of Zoning Appeals and the Zoning Inspector have determined that the said use has been and is continuing operation according to the specifications of the Zoning Ordinance, and any attached special conditions in the previous conditional use permit. If necessary, the Board of Zoning Appeals may modify the requirements for the continued operation of the use as a prerequisite for the reissuance of the conditional use permit.