

Existing Language

~~Existing Language to be deleted~~

Proposed Language to be added

[[Proposed Language Recommended to be deleted by the ZBA]]

ZBA Proposed Language to be added

10.3 CONDITIONAL USE PROCEDURE

10.31 The County Zoning Officer shall refer the application to the Logan County Regional Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission shall make a recommendation to the Zoning Board. The recommendation shall be forwarded to the Zoning Board within thirty (30) days after the Planning Commission's decision. The Zoning Board, after holding a public hearing in accordance with the notice requirements in Section 11.6, shall consider the Planning Commission's recommendation and Standards for Decisions and Recommendations and shall make a recommendation to the County Board. The Zoning Board may recommend special conditions to insure conformance with the Standards for Decisions and Recommendations, as found in this section. The recommendation shall be forwarded to the County Board within thirty (30) days after the Zoning Board's decision. The County Board may approve, modify, or disapprove the application. The County Board may attach special conditions to insure conformance with the Standards for Decisions and Recommendations as found in this section.

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 **substantially** detrimental to or endanger the public health, safety, morals, comfort or general welfare; **Factors to be considered include, but are not limited to: aesthetics, berms, drainage, dust, fencing [[,]] (screening), groundwater, pollution, sound (noise), traffic, vibration, and well water.**
2. The conditional use will not be **substantially** 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-; **Factors to be considered include, but are not limited to: aesthetics, berms, drainage, dust, fencing [[,]] (screening), groundwater, pollution, sound (noise), traffic, vibration, and well water.**
3. The establishment of the conditional use will not **substantially** 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.

10.4 TIME LIMITS AND REVOCATION

- 10.41 Sunset: A Conditional Use permit shall expire within three (3) years from the date of the approval by the County Board, unless the erection of a building or structure has started or evidence of use is filed with the Zoning Office.**

A written request may be submitted for an extension of the time period for a Conditional Use about to expire. The request will require a fee in the amount of the fee for Conditional Use application. **[[The Zoning Board shall consider the request at a public hearing and shall make a recommendation to the County Board.]] The County Board may grant a one (1) year extension of the Conditional Use approval. A Conditional Use may be extended two (2) times.**

- 10.42 Abandonment: Once a Conditional Use ceases or is abandoned for a period of more than 12 months, the Conditional Use approval shall expire; except that the Conditional**

Use approval for a salvage yard shall automatically expire if the State license for operating the salvage yard lapses for a period of time more than six months.

10.43 Revocation: Upon a public hearing, a Conditional Use approval may be revoked by the County Board for:

A. A violation of the codes and ordinances of Logan County including, but not limited to, the Zoning Ordinance;

[[B. A violation of the district regulations;]]

[[C]] B. A violation of non-compliance with the conditions, limitations or requirements contained in the Conditional Use approval or these regulations.

15.2 DEFINITIONS

Use, Conditional

Uses of such variable nature as to make control by rigid pre-regulation impractical. After due consideration in each case, by the County Board, after receiving the report and recommendations of the ~~Planning Commission~~ **Zoning Board** relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Conditional Use" may or may not be granted by the County Board.