

CHAPTER 1278  
Conditional Uses

1278.01 Conditional use plan.

CROSS REFERENCES

Determination of additional permitted or prohibited uses - see P. & Z.  
1224.17, 1224.18  
Conditional use defined - see P. & Z. 1288.01(27)

1278.01 **CONDITIONAL USE PLAN.**

Each application for a conditional use shall be submitted to the Zoning Administrator accompanied by a plan prepared in accordance with the following standards:

- (a) Application and Acceptance. After the Zoning Administrator has discussed general details, a plan may be submitted by the applicant and accepted for review, provided that it meets the following requirements:
  - (1) Plan requirements. The conditional use plan shall show all items as established in a written policy by the Planning Commission. These requirements shall include a surveyed drawing of the lot or tract in question and the size in acres or square feet, size and location of existing and proposed structures, parking area and number of spaces, proposed building facade elevations or perspectives to indicate general character, and any other requirements which, in the opinion of the Planning Commission, are necessary for the proper review of a conditional use plan. **The application must contain a description of the proposed use of the property and how the proposed use meets the criteria of section 1278.01(b)(1) and (2).**
  - (2) Number of copies. The number of plan copies submitted shall be as determined by the Zoning Administrator.
  - (3) Staff Review. After a conditional use plan has been accepted, the Director of Planning and Community Development shall review the plan and prepare a recommendation for the Planning Commission.
  
- (b) Planning Commission Review.
  - (1) **Conditions and Criteria** After hearing requests of the applicant and the staff recommendations, it shall be the duty of the Planning Commission to ascertain whether the characteristics of the proposed conditional use comply with the following conditions and criteria:
    - (i) Consistent with Zoning Ordinance and Master Plan. ~~That~~ The proposed use is consistent with the general intent of the district in which it is located, and that it complies with all applicable requirements and conditions in

accordance with provisions of this Zoning Ordinance **and the Middletown Master Plan**; and

(ii) Adjacent property not affected. ~~That~~ The property adjacent to the proposed use is not likely to be adversely affected, and that the general character of the proposed use is compatible with the surrounding ~~developments~~ **uses with respect to intensity of use, traffic generation, public safety, or other criteria deemed relevant by the Planning Commission.**

(2) Commission Action.

(i) **Planning Commission shall hold a public hearing regarding the application prior to taking action. Notice shall be given by publication in a newspaper of general circulation at least seven (7) days prior to the hearing. Notice shall also be mailed to all property owners within Two Hundred (200) feet from the property under consideration. Failure to give notice by mail shall not invalidate any hearing or action taken regarding the application.**

~~(A)~~(ii) After reviewing the proposed conditional use plan, the Planning Commission shall approve or disapprove the plan. Approval of any such plan shall be effective for an indefinite period. However, there shall not be more than one conditional use plan covering the same site in effect at any time.

~~(B)~~(iii) If after reviewing the plan, the Commission feels that the plan as submitted is not completely compatible with the surrounding district(s) or that it will create any detrimental effects on adjacent property, the Commission may impose additional restrictions on the site such as fencing, landscape screening, setbacks and any other reasonable requirements which in the opinion of the Commission will provide adequate safeguards to insure that the development will not be detrimental to adjacent properties or the surrounding district(s).

~~(e)~~ City Council Confirmation. ~~Any decision by the Planning Commission to approve a conditional use plan shall be confirmed by resolution of the City Council after a public hearing for which two weeks' notice in a newspaper of general circulation in the City has been given before a Conditional Use Certificate is issued.~~

~~(d)~~(c) Conditional Use Certificate. After ~~City Council~~ **Planning Commission** approval of the plan, the Secretary of the Planning Commission shall issue a Conditional Use Certificate stating thereon the exact requirements, if any, imposed on the plan by the Commission. A copy of this Certificate shall be sent to the Zoning Administrator.

~~(e)~~(d) Issuance of Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued until any and all Planning ~~and City~~ Commission requirements, as set forth on the Conditional Use Certificate, have been included on a revised plan. It shall be the duty of the Zoning Administrator to determine that the plan, or revised plan, as submitted complies with such Certificate. If, in the opinion of the Zoning Administrator, compliance with the Conditional Use Certificate will necessitate a new ~~drawing~~ **plan**, he may request resubmission of the plan before granting a Certificate of Zoning Compliance. (Ord. 4886. Passed 12-27-68.)

(e) Effect of a Conditional Use. **Approval of a Conditional Use is not affected by a change in ownership. If the Conditional Use ceases and the property is**

subsequently either used for a permitted use or remains vacant for more than one year, a new application must be initiated to re-establish a Conditional Use.

- (f) **Revocation of Conditional Use Certificate.** Planning Commission may revoke a Conditional Use Certificate after holding a hearing if it is determined that the terms and of the conditions of the conditional Use Certificate have not been or are not presently being met.

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