

Athens Township Zoning Code

Conditional Use

Section 11.01 Explanation and Purpose

A **Conditional Use** is a use permitted, but only if special conditions are imposed upon that use to make that use less severe, unpleasant or harmful to neighboring properties. Conditional uses are uses of land specifically permitted within a zoning district but only with the approval of the Board of Zoning Appeals (BZA), following a review of the use and its potential impact on its surroundings and a review of additional conditions which may mitigate those impacts.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development and with regard to appropriate plans. These uses are generally consistent with the purpose of the zoning district in which they are located but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. This article establishes the procedure for Conditional Use Permits and the general standards that must be met for all conditional uses. The BZA may authorize those permitted conditional uses listed in the various zoning districts within the Zoning Code, Table 1, including additional, more specific conditions, as prescribed.

Standards for Conditional Use

The BZA shall not grant a conditional use unless it can, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals or general welfare;
- The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;
- 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;
- Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
- The conditional use will be located in a district where such use is permitted and that all requirements set forth in this Zoning Code and applicable to such conditional use will be met.

Additional Conditions

In granting a conditional use the BZA may impose additional conditions upon the premises benefited by the conditional use as may be necessary to comply with the standards set forth in subsection (3) (above), Standards for Conditional Use, hereof, to reduce or minimize potential injurious effects of such conditional use upon neighboring properties, and to carry out the general purpose and intent of this Zoning Code.