

Village of Creston Zoning Conditional Use Application

Date Application Received: _____ Zoning Application No.: _____

Land Owner Name : _____ Ph. No.: _____

Mailing Address: _____

City/Village: _____ State _____ Zip Code _____

Parcel location of proposed conditional use:

Current Parcel No./Description according to the map office: _____

** * Note: No Conditional Use shall commence until final approval has been granted by the Village of Creston Council.*

Zoning Inspector and Applicant

are to initial & date each of the following when completed by the applicant.

Type of Conditional Use Requested

- ☐ Agriculture (R-1& R-2) §152.107 *See Appendix A
- ☐ Bed & Breakfast (R-2)
- ☐ Cemetery (R-1& R-2 & MF)
- ☐ Church (R-1& R-2 & MF & R-B) §152.105 *See Appendix A
- ☐ Day Care Center (R-1& R-2 & MF) §152.105 *See Appendix A
- ☐ Drive-Thru Facilities in Association with a Permitted Use (R-B)
- ☐ Gasoline Station (R-B)
- ☐ Library (R-1& R-2 & MF & R-B) §152.105 *See Appendix A
- ☐ Manufactured Home Park (R-1) §152.108 *See Appendix A
- ☐ Nursing/Rest Home/Assisted Living (MF) §152.106 *See Appendix A
- ☐ Outdoor Miniature Golf (G-B) §152.112 *See Appendix A
- ☐ Outdoor Parking of Commercial Truck Cabs (R-1& R-2) §152.109 *See Appendix A
- ☐ Outdoor Storage and Display (G-B) §152.110 *See Appendix A
- ☐ Oil & Gas Wells (R-1 & G-B)
- ☐ Parks and Playgrounds (R-1& R-2 & MF)
- ☐ Planned Residential Development (R-1 & R-2)
- ☐ Public/Private Schools (R-1& R-2 & MF) §152.105 *See Appendix A
- ☐ Public Safety Facility and other Semi-Public Uses (R-1& R-2 & MF & R-B)
- ☐ Residential Dwellings Above the First Floor in a Commercial Building (R-B & G-B)
§152.113 *See Appendix A
- ☐ Storage of Flammable and Combustible Liquids (I-1) §152.111 *See Appendix A
- ☐ Two Family Dwelling (R-2) §152.104 *See Appendix A

General Standards for All Conditional Uses: Regulated according to Section 152.101 (A) - Conditional Uses

Conditional uses and uses accessory to such conditional use shall be permitted in a district only when specified as a conditional use in such district, and only if such use conforms to the standards in addition to any specific conditions, standards and regulations for such category of use set forth in the Creston Zoning Code.

Submission of Application: Regulated according to Section 152.310 (A) - Conditional Uses

The owner, or agent thereof, of property for which such conditional use is proposed shall file with the Zoning Inspector an application for a conditional zoning certificate accompanied by payment of the required fee established by Council. The application for a conditional zoning certificate shall disclose all uses proposed for the development, their location, extent and characteristics and shall include, unless parts are not applicable or necessary and are waived by the Zoning Inspector for certain types of projects, a site plan and associated documentation as required in the following:

1. An accurate legal description prepared by or certified by a registered surveyor of the state;

Zoning Insp. Intls. _____

2. A property location map showing existing property lines, easements, utilities and right-of ways;

Zoning Insp. Intls. _____

3. A development plan indicating;

- a.) Use, location and height of existing and proposed buildings and structures, including accessory building, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights;
- b.) Location and configuration of off-street parking and loading areas, the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
- c.) Adjacent streets and property including lot lines, buildings, parking and drives within 200 feet of the site;
- d.) Proposed and existing fences, walls, signs, lighting;
- e.) Location and layout of all outdoor storage areas including storage of waste materials and location of trash receptacles;
- f.) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management; and
- g.) Dimensions of all buildings, setback, parking lots, drives and walkways.

Zoning Insp. Intls. _____

4. Topographic maps with sufficient elevations to show existing and generally proposed grading contours, and major vegetation features, including wooded areas;

Zoning Insp. Intls. _____

5. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and elements and the existing trees to be removed;

Zoning Insp. Intls. _____

6. Summary table showing total acres of the proposed development; number of acres devoted to the proposed use including streets and open space; number of dwelling units by type; and

Zoning Insp. Intls. _____

7. Other features necessary for the evaluation of the development plan as deemed necessary by the Zoning Inspector or Planning Commission.

Zoning Insp. Intls. _____

Review for Completeness: Regulated according to Section 152.310 (B) - Conditional Uses

The Zoning Inspector shall review the application for completeness with the submission requirements prior to the application being placed on the agenda of the Planning Commission.

Date Application & Supporting Documents received: _____ Applicant Intls.: _____ Zoning Inspector Intls.: _____

Commission Review of Conditional Uses: Regulated according to Section 152.310 (C) - Conditional Uses

The application shall be transmitted to the Planning Commission, at which time the Planning Commission may then distribute the application to appropriate administrative departments for review and comment. Administrative review should be completed and any reports or comments submitted to the Planning Commission prior to the time of the Commission's Review.

Date of Public Hearing and General Notice by Planning Commission:

Regulated according to Section 152.310 (D) - Conditional Uses

The Planning Commission shall hold a public hearing on the application. Notice of such public hearing shall be given in one or more newspapers of general circulation in the village at least ten days before the date of the public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

Date: _____ Time: _____

Notice to parties of Interest:

Regulated according to Section 152.310 (E) - Conditional Uses

A written notice of the public hearing shall be mailed by the Zoning Inspector, by first class mail, at least ten days before the date of the public hearing to the applicant, the owner of the property, if different from the applicant, and to all property owners within 200 feet of the lot on which the conditional use is proposed. The notice shall contain the same information as required in §152.310 (D).

Date Notices Sent Out: _____

Property Owners within 200 feet of the location of the proposed conditional use:

<u>Name</u>	<u>Mailing Address</u>	<u>Actual Address</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

(Please use an additional sheet of paper if necessary for more properties.)

The Planning Commission shall review the proposed conditional use, as presented on the submitted plans and specifications, to determine whether or not the use is appropriate and in keeping with the purpose and intent of this zoning code. In making such a determination, the Planning Commission shall find that both criteria established for all conditional uses and the specific requirements established for that particular use, as set forth in §§152.100 through 152.166 shall be satisfied by the establishment and operation of the proposed use.

1. Planning Commission Review Criteria: Regulated according to Section 152.310 (F) - Conditional Uses

The Planning Commission shall review the plan for the proposed conditional use according to the following review criteria:

- a.) The plan is consistent with any plan for the orderly development of the village;
- b.) The appropriate use and value of property within and adjacent to the area will be safeguarded;
- c.) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;
- d.) The development will have adequate public service, parking and open spaces;
- e.) The plan, to the extent practical, will preserve and be sensitive to the natural characteristics of the site;
- f.) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property; and
- g.) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with any applicable regulations or design criteria established by the village or any other governmental entity which may have jurisdiction over such matters.

- h.) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.
- i.) The Commission may require such additional information as deemed necessary including the carrying out of special studies and the provisions of expert advice.

2. General Standards for All Conditional Uses: Regulated according to Section 152.101 (B) - Conditional Uses

In addition, the Planning Commission and Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that:

- a.) The conditional use in the proposed location will be harmonious and in accordance with the general purpose of this zoning code set forth in §§ 152.001 through 152.006, and with the objectives of §152.100 and for the district in which located.
- b.) The conditional use will not be hazardous or disturbing to the use and enjoyment of property in the immediate vicinity for the existing and future uses permitted, nor substantially diminish or impair property values within the neighborhood.
- c.) The establishment of the conditional use in the proposed location will not impede the normal and orderly development and improvement of the surrounding public streets.
- d.) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- e.) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets.
- f.) The establishment of the conditional use should not be detrimental to the Economic welfare of the community by creating excessive additional requirement at public cost for public facilities such as police, fire and schools.
- g.) There is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that may be incompatible.
- h.) The design and arrangement of circulation aisles, parking areas, and access drives shall provide for interconnecting circulation among adjacent parcels.
- i.) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as specifically otherwise provided in this zoning code.

3. Conformance With District Regulation: Regulated according to Section 152.102 - Conditional Uses

- a.) A conditional use shall conform to the regulation for the district in which such use is to be located unless otherwise specifically provided in this zoning code. Whenever there is a difference between the provisions of the conditional use regulations of the subchapter and the district regulations, the provisions of this subchapter shall prevail.

- b.) Each conditional use shall comply with the parking regulation of §§152.180 through 152.188 and the sign regulations in §§152.200 through 152.222.
- c.) Certain conditional uses are defined in §152.008, and shall be limited to uses which meet the definition of the particular use.

4. Specific Area and Yard Requirements for Conditional Uses:

Regulated according to Section 152.103 - Conditional Uses

- a.) The minimum area and yard requirements for permitted conditional uses in residential districts are established in Schedule 152.103(B), and the minimum area and yard requirements for permitted conditional uses in business and industrial districts are established in Schedule 152.103(C). Additional standards and requirements pertaining to such uses are set forth in §§152.104 through 152.113 and are referenced in Schedules 152.103(B) and 152.103(C).

Action By Planning Commission : Regulated according to Section 152.310 (G) - Conditional Uses

The Planning Commission shall take one of the following actions:

1. If the proposed conditional use is found to be appropriate, the Planning Commission shall recommend that Council, by resolution, approve a conditional zoning certificate. As part of the recommendation, the Planning Commission may prescribe appropriate conditions, stipulations, safeguards and limitations on the duration of the use as it may deem necessary and in conformance with the intent and purposes of this code for the protection of nearby property and the public health, safety, and general welfare of the community.
2. If the proposed use is found to be not in compliance with the specifications of this zoning code, the Planning Commission shall recommend the denial of the conditional zoning certificate.
3. If the Planning Commission does not act on the application for a conditional use permit within 60 days from the first Planning Commission meeting at which such was a business item, then the applicant shall be deemed to have been disapproved; provided however, that the applicant may waive this time limit and consent to the extension of such period in which event he or she shall give notice of waiver to the Planning Commission. Any extension shall be mutually agreed upon and shall not bind the Planning Commission from acting at any time.

Planning Commission Recommendation:

Conditions/Comments:

Date of completion: _____ **Applicant Intls.** _____ **Zoning Insp. Intls.** _____

Review by the Village of Creston Council: Regulated according to Section 152.310 (H) - Conditional Uses

Following action by the Planning Commission, the application for the conditional zoning certificate, along with the Planning Commission's recommendation, shall be submitted to Council for confirmation.

Date of Council Review: _____

Action By Council: Regulated according to Section 152.310 (I) - Conditional Uses

Council, by majority vote, may enact a resolution granting a conditional zoning certificate recommended by the Planning Commission. A conditional zoning certificate which violates, differs from or departs in substantive form from the recommendation of the Commission shall not take effect unless approved by five members of Council. If Council fails to act within 120 days from when the application was determined complete, or an extended period of time as may be agreed upon, the applicant may assume that the application has been denied.

Supplementary Conditions by Council: Regulated according to Section 152.310 (J) - Conditional Uses

Council may impose such additional conditions and safeguards as deemed necessary for the general welfare, for the protection of individual property rights and for ensuring that the intent and objectives of this zoning code are observed.

Creston Council Decision:

Additional Conditions/Comments:

Terms and Duration: Regulated according to Section 152.310 (K) - Conditional Uses

A conditional zoning certificate shall be deemed to authorize a particular conditional use on a specific parcel for which it was approved. The conditional zoning certificate in nonassignable and shall expire one year from the date of the enactment, unless substantial progress is accomplished or as otherwise specifically approved by Planning Commission and Council. The breach of any condition, or requirements shall automatically invalidate the conditional zoning certificate granted and shall constitute a violation of the zoning code. Such violation shall be punishable as per §152.999.

Reapplication: Regulated according to Section 152.310 (L) - Conditional Uses

An application for a conditional zoning certificate which has been denied wholly or in part by the Planning Commission or Council and is resubmitted to the Commission shall comply with all the requirements of this section, including payment of the required fee.

AGREEMENT TO CONDITIONAL USE REQUIREMENTS:

APPLICANT _____ Date: _____

WITNESS _____ sworn to and subscribed before me

this _____ day of _____, 20 _____.

Conditional Uses ~ Appendix A ~

Additional Requirements for Various Uses

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### **Agricultural Uses and For the Keeping of Animals Regulations:**

Regulated according to Section 152.107 - Conditional Uses

In the R-1 and R-2 One Family Residential District, agriculture, as defined in 152.008, is a permitted conditional use in accordance with the following requirements:

1. The minimum area of a lot for grazing, dairying, and animal husbandry, shall be five acres. Apiculture (bees), horticulture (plants), floriculture (flowers), and viticulture (grapes) shall be permitted on any size lot, provided that buildings and structures accessory to an agricultural use shall be on a lot with a minimum of five acres.
2. Private stables for the keeping of one or more horses or ponies shall be permitted as an accessory use on a lot having a minimum of five acres, and shall be permitted only for the use of the property owner or lessee thereof and his or her family and/or friends invited to use the animals without the payment of any fee.
3. The maximum number of animals permitted shall be one animal per acre~~x~~ provided the lot complies with the minimum requirement of five acres set forth in divisions (A) and (B) above.
4. Dwellings shall conform to the minimum lot width and setback requirements specified in Schedule 152.038.
5. Private stables and associated structures, building, and structures accessory to a permitted agricultural use and any fenced enclosure in which farm animals, horses or ponies are kept shall be no less than 100 feet from any lot line, except that roadside stands for the sale of products grown on the premises may be located no less than 30 feet from the front lot line. A perimeter fence shall be permitted provided such fence does not constitute a corral or fenced area used for the purpose of containing such animals.
6. Fenced enclosures for the keeping of farm animals, horses and/or ponies closer than 100 feet to a lot line may be approved by the Planning Commission provided that neighboring property owners within 100 feet shall be notified, in writing, when the proposed placement of the fence is less than 100 feet from the lot lines.
7. Roadside stands shall not exceed 100 square feet in area and shall require a conditional use permit.

### **Flammable and Combustible Liquids:**

Regulated according to Section 152.111 - Conditional Uses

The storage of flammable and combustible liquids shall be in compliceance with state and national fire code regulations. This shall be enforced by the Fire Chief.

### **Manufactured Home Parks:**

Regulated according to Section 152.108 - Conditional Uses

Existing mobile home parks are a conditionally permitted use in the R-1 One-Family district. No new mobile home parks, as defined in 152.008, shall be permitted, and no expansions to land area devoted to the existing mobile home parks shall be permitted.

All manufactured home parks shall comply with the requirements of Ohio Administrative Code Chapter 3701, promulgated by the Ohio Public Health Council in accordance with R.C. Chapter 3733.

1. Such regulations are adopted and made a part hereof as though the same were rewritten in full herein.
2. The purpose of such regulations is to provide minimum standards for existing manufactured home parks in the village.
3. At least one copy of the regulations shall be on file with the Clerk of Council for inspection by the public. One copy shall also be on file in the Wayne County Law Library. In addition, the Clerk of Council shall have copies available for distribution to the public at cost.

### **Miniature Golf:**

Regulated according to Section 152.112 - Conditional Uses

Land for the purpose of operating a miniature golf course shall have all outdoor play areas enclosed with a fence subject to the approval of the Planning Commission.

### **Nursing Home, Rest Homes and Assisted Living Requirements:**

Regulated according to Section 152.106 - Conditional Uses

Nursing homes, rest homes, and assisted living facilities may be permitted in an MF-1 District provided that:

1. All structure and activities shall be located so as to abide by the required yards of Schedule 152.203(B).
2. The Density shall not exceed 25 patients per acre.

### **Outdoor Parking of Commercial Truck Cabs:**

Regulated according to Section 152.109 - Conditional Uses

The outdoor parking of a commercial truck cab is permitted as a conditional use in the R-1 and R-2 Districts and shall comply with the following:

1. The outdoor parking of a commercial truck cab shall be permitted only on a lot that has direct access to one of the following truck routes:
  - a. Sterling St.;
  - b. Burbank St.;
  - c. Myers St.;

### **Outdoor Parking of Commercial Truck Cabs (cont.):**

- d. State Route 3;
  - e. Pine St.;
  - f. County Road 59; or
  - g. County Road 70
- 
- 2. There shall be a maximum of one commercial truck cab permitted to be parked on a residential lot. For the purposes of these regulations, a commercial truck cab shall include any tractor designed and intended to pull trailers or semitrailers.
  - 3. Trailers and semitrailers shall not be permitted to be parked on a residential lot.
  - 4. Only a commercial truck cab used on a regular basis by the resident for the resident's occupation shall be permitted to be parked on the resident's lot.
  - 5. No maintenance, service or extended running of a commercial truck cab shall be permitted on a residential lot.
  - 6. The Planning Commission may limit the maximum gross vehicle weight of a commercial truck cab depending on the capacity of the street to which the lot has access.

### **Outdoor Storage and Display:**

Regulated according to Section 152.110 - Conditional Uses

Outdoor storage and outdoor display of goods, supplies, and equipment which are used or to be sold on the premises are permitted to the extent appropriate to a permitted use in G-B and I-1 Districts in compliance with the following regulations:

- 1. All areas to be devoted to outdoor storage and/or display shall be clearly indicated on the site plan.
  - 2. All storage and display areas shall meet the yard requirements of the principal use as specified in Schedule 152.058.
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- 1. Storage of any materials out of doors (except the display of merchandise for sale) shall be located in the rear yard and shall be effectively screened from any observer's view at grade level on an adjoining road or residential premises, pursuant to 152.235. Such storage or display shall be located to permit the free access of fire fighting equipment around the building at all times.
  - 2. The outdoor display of goods for sale shall not be located in areas intended for traffic circulation, according to the site plan.

### **Residential Dwelling Units Located Above the First Floor in a Commercial Building:**

Regulated according to Section 152.113 - Conditional Uses

Residential dwelling units may be permitted as a conditional use in the R-B Retail Business and G-B General Business Districts provided such dwelling units comply with the following:

**Residential Dwelling Units Located Above the First Floor in a Commercial Building (cont.):**

1. Residential dwelling units shall only be permitted when located above the first floor in a commercial building. For the purposes of this provision, a commercial building shall be a building which is designed and constructed to be occupied by either a retail, personal service or office use or restaurant.
2. No more than two dwelling units shall be permitted in any one building.
3. The floor area of each dwelling unit- shall not be less than 850 square feet plus 150 square feet for each bedroom over one.
4. A minimum of two parking spaces shall be provided for each unit. All parking spaces shall be reserved for the exclusive use of the occupants of the dwelling units and be located on the same lot as the dwelling unit(s) shall be restricted by a lease agreement or other instrument of record describing the premises for which the parking is provided and ensuring the retention of such parking for the exclusive use of the occupants of the dwelling units. All such agreements shall be established for periods not less than one year and renewable on an annual basis. Copies of the agreement shall be submitted annually to the Zoning Inspector.

**Two-Family Dwellings Requirements:** Regulated according to Section 152.104 - Conditional Uses

In an R-2 District, two-family dwellings may be permitted in compliance with the following:

1. In locations where the proposed site is within 300 feet of another two-family dwelling, or a school, church or nonresidential district.
2. Each dwelling unit complies with the minimum floor area requirements set forth in §152.040, including unit converted from a single-family dwelling.

**Public and Private Schools, Day Care Centers, Churches and Libraries Requirements:**

Regulated according to Section 152.105 - Conditional Uses

In R-1, R-2 and MF-1 Districts, public and private schools, day care centers, churches, and libraries may be permitted in compliance with the following:

1. Outdoor playgrounds, tot lots, exercise areas or activity areas shall be fully enclosed by a fence subject to the approval of the Planning Commission.
2. The parking and circulation plan shall include a drop-off point for the children.
3. The access points should be located to minimize thru traffic on residential streets.

Village of Creston Zoning  
Conditional Use Certificate

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Date Application Received: \_\_\_\_\_

Zoning Application No.: \_\_\_\_\_

Land Owner Name: \_\_\_\_\_

Address/Location of Conditional Use: \_\_\_\_\_  
\_\_\_\_\_

Application Fee in the amount of \$ \_\_\_\_\_

Paid by CHECK # \_\_\_\_\_ / CASH

Paid this date: \_\_\_\_\_

Signature of Receiver: \_\_\_\_\_

All Other Applicable Fees Paid? (example: other agencies who reviewed the request during processing)

(circle one) YES / NO

Signature verification of payment completion: \_\_\_\_\_

\*\*\*\*\*

Date of total application procedure completion: \_\_\_\_\_

Date of Planning Commission Public Hearing: \_\_\_\_\_ Date of Council Meeting: \_\_\_\_\_

Type of Conditional Use: \_\_\_\_\_

(CIRCLE ONE)

**APPROVED / DENIED**

Conditions/Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Zoning Inspector Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature of Village Official

\_\_\_\_\_  
Date

**Agricultural Uses and For the Keeping of Animals Regulations:**

Regulated according to Section 152.107 - Conditional Uses

In the R-1 and R-2 One Family Residential District, agriculture, as defined in 152.008, is a permitted conditional use in accordance with the following requirements:

- A. The minimum area of a lot for grazing, dairying, and animal husbandry, shall be five acres. Apiculture (bees), horticulture (plants), floriculture (flowers), and viticulture (grapes) shall be permitted on any size lot, provided that buildings and structures accessory to an agricultural use shall be on a lot with a minimum of five acres.
- B. Private stables for the keeping of one or more horses or ponies shall be permitted as an accessory use on a lot having a minimum of five acres, and shall be permitted only for the use of the property owner or lessee thereof and his or her family and/or friends invited to use the animals without the payment of any fee.
- C. The maximum number of animals permitted shall be one animal per acre provided the lot complies with the minimum requirement of five acres set forth in divisions (A) and (B) above.
- D. Dwellings shall conform to the minimum lot width and setback requirements specified in Schedule 152.038.
- E. Private stables and associated structures, building, and structures accessory to a permitted agricultural use and any fenced enclosure in which farm animals, horses or ponies are kept shall be no less than 100 feet from any lot line, except that roadside stands for the sale of products grown on the premises may be located no less than 30 feet from the front lot line. A perimeter fence shall be permitted provided such fence does not constitute a corral or fenced area used for the purpose of containing such animals.
- F. Fenced enclosures for the keeping of farm animals, horses and/or ponies closer than 100 feet to a lot line may be approved by the Planning Commission provided that neighboring property owners within 100 feet shall be notified, in writing, when the proposed placement of the fence is less than 100 feet from the lot lines.
- G. Roadside stands shall not exceed 100 square feet in area and shall require a conditional use permit.