

WARREN COUNTY PLANNING & ZONING
CONDITIONAL USE (CUP) PERMIT PROCEDURE

Please note: The directions and requirements for applying for a Conditional Use Permit are part of ARTICLE IX: PERMITS AND PLAT APPROVAL of the Warren County Zoning Codes. This packet consists only of the sections of Article IX which pertain to the Conditional Use Process.

Section 9.1: PERMITS REQUIRED

- A.** The use made of property may not be changed, substantially cleared (except for agricultural purposes), graded, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one or more of the following permits or approvals:

 - 1. A zoning permit issued by the Planning and Zoning Administrator.
 - 2. A conditional use permit granted by the Planning and Zoning Commission.
 - 3. A final subdivision plat or PUD approved as stated by the Planning and Zoning Commission and duly recorded by the Office of the Recorder of Deeds.
- B.** Permits and approvals are granted under the provisions of the Order only when a review of the application submitted, including any plans contained therein, indicates that the development will comply with the Order if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in the Order, all development shall occur strictly in accordance with such approved plans and applications.
- C.** Physical improvements to land may not be commenced except in accordance with the provisions of the Order, whether after issuance of a zoning permit, conditional use permit, approval of a PUD on minor, preliminary, or final plat as stated by the Planning and Zoning Commission.
- D.** An application for a permit shall be submitted in such form as the planning and Zoning Commission, Board of Zoning Adjustment, Planning and Zoning Administrator and/or the County Commission may from time to time prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed action. If such application is made by person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application, that the proposed work is authorized by the owner in fee and that the person making the application is authorized by the owner in fee to make such application. Such application shall briefly describe the proposed action, and shall give such additional information as may be required by the Planning and Zoning Administrator. Such application shall be accompanied by the payment of such fees as the County Commission may from time to time determine.
- E.** Issuance of any of the permits, as described above, authorizes the recipient to commence the activity specifically described, permitted, or authorized by the permit or plat as issued by the appropriate authority. However, the intended use may not be commenced, no building or mobile home may be occupied and in the

case of subdivisions, no lots may be sold until all of the requirements have been complied with.

- F.** No permit or approval pursuant to the Order shall be granted to any applicant while said applicant is in violation of any of the provisions of the Order, unless permission therefore is specifically granted by the permit issuing authority. The only exception to the provision shall be for permits specifically intended to remedy said violation(s).
- G.** It shall be unlawful for any electrical, gas, telephone or water utility to connect its lines to any building, structure or site in the County unless the appropriate permit or approval has been granted by the appropriate County authority and is displayed on said building, structure or site.

Section 9.2: APPLICATIONS TO BE COMPLETE

- A.** All applications for permits must be complete before the permit issuing authority is required to consider the application. Incomplete applications shall be rejected.
- B.** An application is complete when it contains all the information necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all the requirements of the order, and all fees are paid in full.
- C.** The permit issuing authority shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirement and the form and type of information that must be submitted. The Planning and Zoning Administrator shall develop standard forms which will expedite the submission of the necessary plans and other required information, as appropriate.

Section 9.3: ZONING PERMITS & CONDITIONAL USE PERMITS: EXPIRATION OF PERMITS

- A.** Permits issued pursuant to this Order shall expire automatically within one (1) year after the issuance of such permits, except in the case of a Conditional Use Permit where the time frame for compliance is two years unless it is altered in the stipulations by the Planning and Zoning Commission.
- B.** This Section shall also apply to permits issued prior to the date this section becomes effective.

Section 9.5: CONDITIONAL USE PERMITS

- A.** Applications for conditional permits for uses specifically authorized for consideration under the regulations of each district shall be made to the Planning and Zoning Commission, and shall be accepted by the Planning and Zoning Administrator, along with all filing fees and a list of the names and addresses (provided by the applicant) of all owners of any real property located within one thousand (1000) feet of the property described in the applications, as shown on the tax records of the County. Applications for conditional use permits shall be submitted to the Planning and Zoning Administrator not later than 3:00pm the third Wednesday of each month, to allow time for compliance with notification as required, (the mailing and publishing fees to be paid by the applicant), and administrative requirements for inclusion, at the earliest, at the following month's Planning and Zoning Commission hearing.

- B.** The Planning and Zoning Administrator shall refer the application to the Planning and Zoning commission for investigation. Any such hearing may, for good cause, at the request of the applicant, or in the discretion of the planning and Zoning Commission, be continued. The Planning and Zoning Administrator shall mail a notice of a public hearing on the application to all of the adjoining owners listed by the applicant, (at the applicant's expense), and shall publish a notice of said hearing at least once in a local newspaper of general circulation in the county and post such notice in a public place in the County Administration Building at least fifteen (15) days prior to said hearing, (at the applicant's expense). The Planning and Zoning Commission, after rendering its decision on the application, may deny said application or may direct the Planning and Zoning Administrator to issue a conditional use permit which shall embody the conditions and restrictions imposed upon such permit by the Planning and Zoning Commission.
- C.** Uses lawfully existing on the effective date of the Order which would otherwise require conditional use permits under the regulations of the district in which they are located shall not be required to obtain conditional use permits, but shall require a conditional use permit for any subsequent alteration, enlargement or extension thereof.

**Section 9.6: STANDARDS AND RECOMMENDATIONS ON GUIDANCE ON
CONDITIONAL USE PERMIT APPLICATIONS**

- A.** When presented to the Planning and Zoning Commission at the public hearing, the application for a Conditional Use Permit shall be accompanied by a report setting forth the Planning and Zoning Administrator's proposed findings and the other requirements of the Order, as well as uses on properties surrounding that of the applicant, and recommendations, if any, for additional conditions to be imposed by the Planning and Zoning Commission.
- B.** If the Planning and Zoning Administrator proposes a finding that the application fails to comply with the requirement of the Order, the requirement in question shall be identified and supporting reasons stated for the proposed finding or conclusions.
- C.** The Planning and Zoning Commission may deny said application or may direct the Planning and Zoning Administrator to issue a Conditional Use Permit which shall embody the conditions and restrictions imposed upon such permit by the Planning and Zoning Commission.
- D.** The Planning and Zoning Commission may impose such conditions on the issuance of a Conditional use Permit as will, in the Planning and Zoning Commission's sole discretion insure that:

 - 1. The establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - 2. The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposed already permitted, not substantially diminish and impair property values within the area;
 - 3. 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;

4. Adequate utilities, buffering, access roads, drainage, open spaces, and/or other necessary public services and facilities can and will be economically provided;
5. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roads;
6. The Conditional Use shall, in all other respects, conform to the Order and all of the regulations contained therein, including, but not limited to, any specific conditions relating to the proposed Conditional Use and the applicable regulations of the district in which it is located.

Section 9.7: RECONSIDERATION OF APPLICATIONS

- A. Whenever (1) the County Commission disapproves a Conditional Use Permit application, a subdivision plat application, or a rezone request, or (2) the Board of Adjustment disapproves an application for a variance, on any basis other than the failure of the applicant to submit a complete application, such action shall not be reconsidered by the respective Commission or Board within six (6) months of the date of disapproval, unless the applicant clearly demonstrates that:
 1. Circumstances affecting the property that is the subject of the application have substantially changed, or
 2. New information is available that could not, with reasonable diligence, have been presented at a previous hearing. A request to be heard on this basis must be filed with the Planning and Zoning Administrator within the time for an appeal to Circuit Court (usually thirty (30) days for such administrative action). However, such a request does not extend the period within which an appeal must be taken.
- B. Notwithstanding subsection (A), the Planning and Zoning Commission may at any time, consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

Section 9.8: AMENDMENTS TO AND MODIFICATIONS OF PERMITS

All requests for changes in permits or approved plans will be processed as new applications. If such requests are required to be acted upon by the County Commission and/or the Planning and Zoning Commission, new conditions may be imposed in accordance with Section 9.7, but the applicant retains the right to reject such additional conditions by withdrawing his request for amendment, and may then proceed in accordance with the previously issued permit.

Section 9.9: CONDITIONAL USE PERMIT REMOVAL PROCESS

The Planning and Zoning Commission may remove or revoke a Conditional Use Permit, previously approved, either by voluntary application by the property owner or by application by the Planning and Zoning Administrator in the case of a violation of the Conditional Use stipulations. No fees are required or to be collected for the application to remove or revoke a Conditional Use Permit.

**Section 9.10: CONDITIONAL USE PERMITS:
 EFFECT OF PERMITS ON SUCCESSORS AND ASSIGNS**

- A.** Conditional Use Permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferrable unless otherwise specified in the individual permit. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
1. No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with
 2. The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property.

Section 9.11: CONDITIONAL USE PERMIT PROTEST PROCEDURE

- A.** If an applicant is aggrieved by a decision of the Planning and Zoning Commission regarding an application for a Conditional use Permit or an amendment thereto, the applicant may file a protest the County Commission requesting a determination from that body. A Notice of Protest shall be filed in duplicate with the County Clerk within ten (10) days after the Planning and Zoning Commission's decision and shall specifically state how the application, as initially filed or subsequently modified, meets the criteria set forth in the regulations regarding conditional use Permits. Notice of Protest shall be accompanied by a fee in the amount as determined from time to time by the County Commission and a payment to cover all mailing and publication costs necessary to provide notice of the public hearing on the protest to be conducted by the County Commission.
- B.** Any party other than the applicant aggrieved by a decision by the Planning and Zoning Commission regarding a Conditional Use Permit or an amendment thereto may file a protest with the County Commission requesting a determination by that body. Pending a decision by the County Commission on the protest the Conditional Use Permit shall not be effective. A Notice of Protest shall be filed in duplicate with the County Clerk within ten (10) days after the Planning and Zoning Commission's decision and shall subsequently modified, fails to meet the criteria set forth in the regulations regarding Conditional Use Permits. Notice of Protest shall be accompanied by a fee in the amount as determined from time to time by the county Commission and a payment to cover all mailing and publication costs necessary to provide notice of the public hearing on the protest to be conducted by the County Commission.
- C.** Before acting on any protest, the County Commission shall set the protest for public hearing within thirty (30) days of the filing of said protest. The County Commission shall give written notice of such hearing in the same manner as is provided in Section 9.6 hereof. The applicant and the protestants, in the case of a protest, shall be granted an opportunity to be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Commission, will be aggrieved by any decision or action with respect to a protest may also be heard at the hearing.
- D.** Following the hearing by the County Commission on a protest, the County Commission shall make a determination regarding the impact of the Conditional

Use in accordance with the criteria set forth in Section 9.8D hereof and may affirm, reverse or modify in whole or in part, any determination of the Planning and Zoning Commission regarding the Conditional use Permit or amendment thereto which is the subject of the protest.

- E. Within forty-five (45) days of the hearing on the protest, the County Commission shall notify, in writing, the applicant and the protestant(s) of its decision regarding the Conditional use Permit or amendment thereto.

**Section 9.12: CONDITIONAL USE & PLAT APPROVAL:
 COMPLETING DEVELOPMENT IN PHASES**

- A. If a development is constructed in phases or stages in accordance with this Section, then subject to Section 9.14 (Authorizing Use or Sale Before Completion of Development) the requirements and conditions imposed shall apply to each phase or stage as if it were the entire development.
- B. As a prerequisite to taking advantage of the provisions of this Section, the developer shall submit plans that clearly show the various phases or stages of the proposed project and the requirements of these regulations that will be satisfied with respect to each phase or stage.
- C. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development, then as part of the application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit issuing authority, no land may be used, and no buildings may be occupied except in accordance with the schedule approved as part of the permit.

**Section 9.13: CONDITIONAL USE PERMIT, ZONING PERMIT, PLAT APPROVAL:
 NO OCCUPANCY, USE, OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED**

Issuance of a Zoning Permit, Conditional Use Permit, or Plat Approval authorizes the recipient to commence the activity resulting in a change in the use of the land to commence work designed to construct, erect, move, or substantially alter buildings and other substantial structures, or to make necessary improvement to a subdivision. However, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lot(s) may be sold until all of the requirements of this order and all additional requirements imposed pursuant to the issuance of a Conditional Use Permit have been fulfilled.

**Section 9.14: CONDITIONAL USE PERMIT, ZONING PERMIT, PLAT APPROVAL:
 AUTHORIZATION OF USE OR SALE BEFORE COMPLETION OF DEVELOPMENT**

- A. In cases when, because of weather conditions or other factors beyond the control of the Conditional Use Permit, Zoning permit, or Plat Approval recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this Order prior to commencing the intended use of the property or any buildings, the Planning and Zoning Commission may authorize the commencement of the intended use or the occupancy of buildings if the permit recipient provides a performance bond or other security satisfactory to the County Commission to ensure that all of the requirements of this Order will be fulfilled within a reasonable period of time.

B. When the Planning and Zoning Commission imposes additional requirements upon the permit recipient in accordance with this Section or when the developer proposes, in the plans submitted, to install amenities beyond those required by this Order, the Planning and Zoning Commission may authorized the permittee to commence the intended use of the property, or any building, before the additional requirements are fulfilled or the amenities installed if it specifies a date by which, or a schedule, according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one or more of the following:

1. A performance bond or other security satisfactory to the County Commission is furnished; and
2. A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when the application for renewal is made.

Warren County Planning and Zoning Application

PARCEL ID _____ PERMIT # _____

Complete this section in full:

APPLICANT NAME(S) _____

Check One: OWNER(S) _____ OTHER (Owner(s) Notarized Affidavit Attached*) _____

Applicant's Mailing Address

STREET: _____

CITY: _____ STATE: _____ ZIP CODE: _____

Applicant's Phone # _____

Site Address ~ Actual Location to be Permitted

Site must have a valid address assignment from the
911 Business Office at 636-456-7088.

STREET: _____

CITY: _____ STATE: _____ ZIP CODE: _____

If property was purchased within the last 12 months, list previous owner: _____

DIRECTIONS TO PROPERTY: _____

List all buildings presently on the property: _____

Complete ***ONLY*** the following section(s) that apply to the permit(s) you are requesting at this time ----

Rezone	Check here if requesting a change in Zoning _____
	Current zoning of parcel is _____
	Requesting a Rezone of the parcel to _____

****IF THIS APPLICATION IS FOR A REZONE OR CONDITIONAL USE PERMIT, ADDITIONAL DOCUMENTS ARE REQUIRED. OBTAIN AND COMPLETE APPLICABLE DOCUMENTS & ATTACH****

Conditional Use Permit	Check here if applying for a Conditional Use Permit _____ Zoning District _____
	Specify the Conditional Use(s) sought (from the Conditional Uses list in the appropriate zoning district of the current Warren County Zoning Codes): _____

Permit for a Dwelling	Select 1: Residence Constructed On-Site _____ Mobile Home _____ Modular Home _____ RV _____
	Select 1: Single Family _____ Multi Family _____
	Select 1: Single Story _____ Two Story _____ Multi Story _____
	Select 1: Basement _____ Slab Foundation _____ Piers/Posts _____ Concrete with Crawl Space _____
	Select 1: Central Sewer _____ Individual Septic _____ (Septic must be permitted prior to Structure Permit)
	Answer Each: Total # of Bedrooms _____ Total # of Bathrooms _____ Total Square Footage _____
	Plans provided to P&Z/Sanitarian for review _____ Date Reviewed _____ Staff Initials _____
	If Mobile Home/Modular Home/RV attach a copy of the title or bill of sale and complete the following:
	Model _____ Make _____ Year _____
	VIN/Serial # _____
	If removing a Mobile or Modular and replacing, check here _____ Floor Plan Attached _____
	Address where Mobile/Modular is being moved from: _____

If exchanging Mobile Home or Modular Home the old dwelling must be removed within 60 days.

Permit for Other Structures

Home Additions, In Ground Pools, Privacy Fences

Commercial Buildings & Signs

Improvements: Non-Residential Structures such as Storage Sheds, Carports, Decks, Patios, Pole Barns, Livestock Shelters, Barns, Grain Bins, Machine Sheds, Garages, etc.

All structures require a permit, regardless of size or use.

Select the structure you plan to build from the list below:

Commercial/Business-Related Building or Structure _____ Sign _____
In Ground Pool _____ Privacy Fence _____ Deck _____ Patio _____
Carport _____ Detached Garage _____ Attached Garage _____ Shed _____
Pole Barn _____ Machine Shed _____ Livestock Shelter _____ Grain Bin _____
Home Addition _____ Other(Specify Type) _____

Home additions require septic review before the Structure Permit can be issued.

If a home addition, how many bedrooms will be added? _____

If a home addition, will the addition have plumbing? _____

If for business use, describe the use of the structure in detail – _____

Additional permits may be required for construction of any structure intended for other than personal use. Contact the P&Z office for information regarding Conditional Use Permits or other zoning questions prior to submitting a building permit application.

Answer each of the following:

Will the new structure have internal plumbing? YES _____ NO _____

Dimensions of the structure to be built or added? _____

Total Square Feet of the New Structure or of the Addition _____

Will your structure be electrified? YES _____ NO _____ Not at this time _____

If electrified, will the structure have its own meter base? YES _____ NO _____

It is the property owner's responsibility to take the necessary measures to determine whether additional permits are required, and be aware of all legal restrictions that may apply to the property, structures, shared roads, or use of the property.

It is also the property owner's responsibility to take necessary steps to identify property lines, easements, right of ways, and public or private roads and comply with the appropriate setback requirements.

Signature valid only if notarized or witnessed by Planning & Zoning/Sanitation Office Staff.

PHOTO ID REQUIRED

SIGNATURE: _____ **DATE:** _____

(By signing this application you acknowledge you have been informed and agree to the stipulations and/or conditions required under the Warren County Zone Order to obtain the necessary permit(s).)

PERMIT FEES ARE NON-REFUNDABLE Staff Witness _____

Reviewed by _____

P&Z OFFICE USE ONLY

CONDITIONAL USE _____ REZONE From _____ To _____

PARCEL ID _____ ACREAGE _____ +/-

SECTION _____ TOWNSHIP _____ RANGE _____

SUBDIVISION _____ PLAT _____ LOT _____

ZONED _____ FLOODPLAIN _____ PERMIT # _____

FIRE DISTRICT _____ PLANS REVIEWED _____

Temporary Electric Sticker # _____ () Permanent Electric Sticker # _____ ()

APPLICATION CHECKLIST

___ 1. **APPLICANT MUST APPEAR AT PLANNING & ZONING MEETING ON _____.**

IF APPLICANT DOES NOT APPEAR, CONDITIONAL USE WILL NOT BE HEARD AND ACTED UPON UNTIL NOTIFICATION FEES ARE PAID, AGAIN. IT IS APPLICANT'S RESPONSIBILITY TO MAKE SURE THEY HAVE THE DATE.

___ 2. Current property zoning identified. _____

___ 3. Locate/identify all property owners within 1000 feet of all property lines and attach mailing list. Attached _____

___ 4. Complete Conditional Use Permit application completely.

___ 5. Address six criteria, in writing, as listed in Section 9.6 (d). Attached _____

___ 6. Completed Conditional Use Permit application must be submitted to Planning and Zoning office no later than 3:00pm the third Wednesday of the month. The application will then be placed on the agenda for the Planning & Zoning Commission for the following month.

___ 7. In addition to a Conditional Use Permit, Zoning Permits are required for all structures/improvements.

___ 8. Sketch of your sign with the dimensions, will it be lighted, what sign be made of. Attached _____

___ 9. If there is to be outside lighting, sketch of type of lighting and where it is to be located. Attached _____

___ 10. If the road where the property is located is a shared private road, copy of the road agreement showing neighbors are aware of increased traffic which may be caused if the CUP is granted and how road to be maintained. Attached _____

___ 11. Hours and days of operation of the business you are requesting. Included _____
State here if not included on other pages:

___ 12. A photo ID of the property owner or their designated representative (with a notarized affidavit). Attached _____

I understand that if a Conditional Use Permit is approved, it does not supersede any deed restrictions, subdivision restrictions, Home Owner Association covenants, or other agreements between parties that may restrict the type of operation granted through the Conditional Use Permit. I am aware that all fees related to the Conditional Use Permit are non-refundable.

Applicant Signature

Date

Witness