

Application for Conditional Use and Site Plan Review

(1) Applicant Name(s): _____

Phone: _____ E-mail: _____

Address: _____

(2) Owner (s) Name (s): _____

Phone: _____ E-mail: _____

Address: _____

(3) Property location / Address: _____

Sidwell / Parcel Id: _____ Township: _____

(4) Current Use _____ Current Zoning _____

(5) Proposed Use in detail (please use space on page 2)

(6) Property Description: Total Acreage: _____ Public Road Frontage (feet): _____

(7) Are there any Variances to the Zoning Regulations being requested? Yes: _____ No: _____

(8) Number of employees (if applicable) _____ Number of parking spaces _____

(9) Applicable Code Section _____

(10) Application requires compliance with the following in order for the application to be complete:

- Property owner must be present at the hearing to present case themselves or with the assistance of an attorney.
- Owner must complete the applicable items listed on submitting application of Warren County Zoning Code Sections 1.303 and 1.306
- The owner must complete the attached Temporary License/Right of Entry (Page 4).
- Legal description / Deed (obtain in Recorder's Office 406 Justice Drive, Rm 237, or log onto <https://www.warrencountyrecorder.com>)
- 1 digital copy of the Site Plan (At a scale/size specified by Zoning Inspector) with vicinity & North arrow
- Plot plan must have a title block, area noting revision dates.
- Locations of proposed and existing easements.
- Location of natural features (i.e. ponds, water ways, wetlands, trees six-inch diameter or larger, etc.)
- Location of gas, electric, phone, etc.
- Additional information may be required by zoning inspector if necessary, per Section 1.303 and 1.306.
- Applicant has attended the required pre-submittal meeting with the Zoning Inspector and a Staff Planner prior to submitting this application. Date of meeting: _____; Persons in attendance: _____.

Owners Name(s): _____

Owner Signature(s): _____ Date: _____

Proposed use in detail for a Conditional Use and Site Plan

Conditional Use/ Site Plan Review

TEMPORARY LICENSE/RIGHT OF ENTRY FOR POSTING SIGN

(to be completed and signed by all Owner(s) of record)

In accordance with Section 1.306.6, a sign stating the public process for this specific property shall be posted on the property subject to Conditional Use/Site Plan Review accordingly, all Owner(s) do hereby grant to Warren County and its employees or agents a temporary license/right of entry onto the subject property to place and maintain a sign as required in Section 1.306.6 of the Warren County Rural Zoning Code. The duration of this temporary license/right of entry is from the date of execution of the Application for Conditional Use/Site Plan Review until the sign is removed by Warren County or its employees or agents on or immediately after the date the final public hearing is closed by the Approving Authority.

SIGNED BY:

Owner Signature

Date

Owner (please print)

Owner Signature

Date

Owner (please print)

Owner Signature

Date

Owner (please print)

WITNESSED BY:

Name (please print)

Signature

Date

Name (please print)

Signature

Date

Proposed use in detail for the Site Plan

SEC 1.306 CONDITIONAL USE APPLICATION:

- 1.306.1 Purpose and Approval:** Conditional Use is provided as a category and means of permitting certain uses listed in the Table of Permitted Uses as potentially acceptable. Allowance is contingent on the Board of Zoning Appeals (BZA) granting approval in request for such use. A conditional use may only be approved if the BZA finds that proposal is in accordance with this Section and meets applicable use-specific requirements specified in Article 3, Chapter 2, or any additional conditions specified by the BZA.
- 1.306.2 Application Requirements:** The applicant shall submit the required application form and fee. The information to accompany the application for conditional use shall be the same as the information required for site plan review as specified in Section 1.303.
- 1.306.3 Application Processing:** The procedure by which the application in request of conditional use approval shall be submitted, reviewed, and processed is as follows:
- (A) Pre-submittal consultation with the Zoning Inspector;
 - (B) Formal submittal to, and processing by, Zoning Inspector (as specified in Section 1.303.3);
 - (C) Review comments from involved authorities and surrounding property owners;
 - (D) Review and decision by the BZA or any appeal; and
 - (E) **Case File Record:** Application files maintained by the Zoning Inspector shall contain all written information submitted, reference the location of audio recording of the proceedings, and include written meeting minutes and findings of fact. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year. The resolution of the Approving Authority in decision on the plan is placed in the case file and provided to the applicant. The decision resolution on the plan by the BZA is placed in the case file and provided to the applicant.
- 1.306.4 Applicable Requirements and Provisions Following Use Approval:**
- (A) **Permits or Approvals From Other Involved Authorities:** The applicant is responsible for obtaining all necessary permits or approvals from other approving authorities before issuance of the zoning permit.
 - (B) **Development and Maintenance in Compliance with the Approved Plan:** It is the responsibility of the owner of the property for which the conditional use approval has been granted, or of their duly authorized agent(s) acting in their behalf, to develop, improve, operate, and maintain the site, including the buildings, structures, and all development component elements of the use, in accordance with the approved plan and all conditions of approval.

- (C) **Expiration and Extension of Use Approval:** If the development and/or conditional use approved by the BZA has not commenced within two (2) years following the approval, the approval shall become null and void, requiring re-application. The applicant may only request an extension prior to the conditional use approval expiration date. A written request for extension shall be submitted to the Zoning Inspector. The BZA may grant up to twelve (12) months in extension of its initial approval and entertain subsequent extensions thereafter.
- (D) **Conditional Use Approval Abandoned or Dormant:** If the development and/or use has commenced, the conditional use approval will be considered null and void if the approved use is abandoned or dormant for a period of two (2) years. If so re-application in accordance with Section 1.306.3 is required.
- (E) **Modification of The Approved Use Plan:**
- (1) **Minor Modification Allowances:** The following are considered minor modifications allowable for approval by the Zoning Inspector:
- (a) Changes made during development to improve safety, protect natural features; accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
 - (b) Changes in landscaping that are consistent with the standards of this Code and that does not reduce the total amount of landscaping or buffering required.
 - (c) Adjustments in alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
 - (d) Reduction or changes in signage or lighting which will not affect off-site properties.
- (2) **Major Modifications:** BZA approval is required for any proposed change which:
- (a) Does not meet the minor modification qualification criteria specified above in number one (1).

1.306.5 Review Criteria:

- (A) In reviewing conditional uses, the BZA shall consider the following in the interest of public health and safety, public convenience, comfort, prosperity, or general welfare:
- (1) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located; (except as provided in Section 1.308.5)
 - (2) Whether the use deviates from the suggestions of the Comprehensive Plan; and,
 - (3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (B) In order to approve a conditional use, the BZA shall use the following review criteria:
- (1) The use will be harmonious with, and in accordance with, the purpose of this zoning code; and,
 - (2) The use will conform to the general character of the neighborhood in which it will be located; and,
 - (3) Imposing special conditions or requirements that would mitigate the special characteristics which are inherent to the use and enable compatibility with the existing neighborhood; and,
 - (4) The use complies with all applicable provisions of this zoning code, including any use specific standards; and,
 - (5) The use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and the use will not change the essential character of the same area; and,
 - (6) The use will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community; and,
 - (7) That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and,
 - (8) That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and,
 - (9) Only one conditional use is allowed on a parcel of property.

1.306.6 **Notification:** The Zoning Inspector shall post a sign stating the public process and where to get additional information.

Written notice of the hearing shall be mailed by the Approving Authority, by first class mail, at least ten days before the date of the hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such hearing, and shall not invalidate any action taken at such hearing.

1.306.7 **Post Conditional Use Approval:** BZA approval of the Conditional Use shall be followed by a separate review of the Site Plan by the BZA. The plan for development and/or operation of the approved use shall be evaluated based on the Site Plan review per Section 1.303.

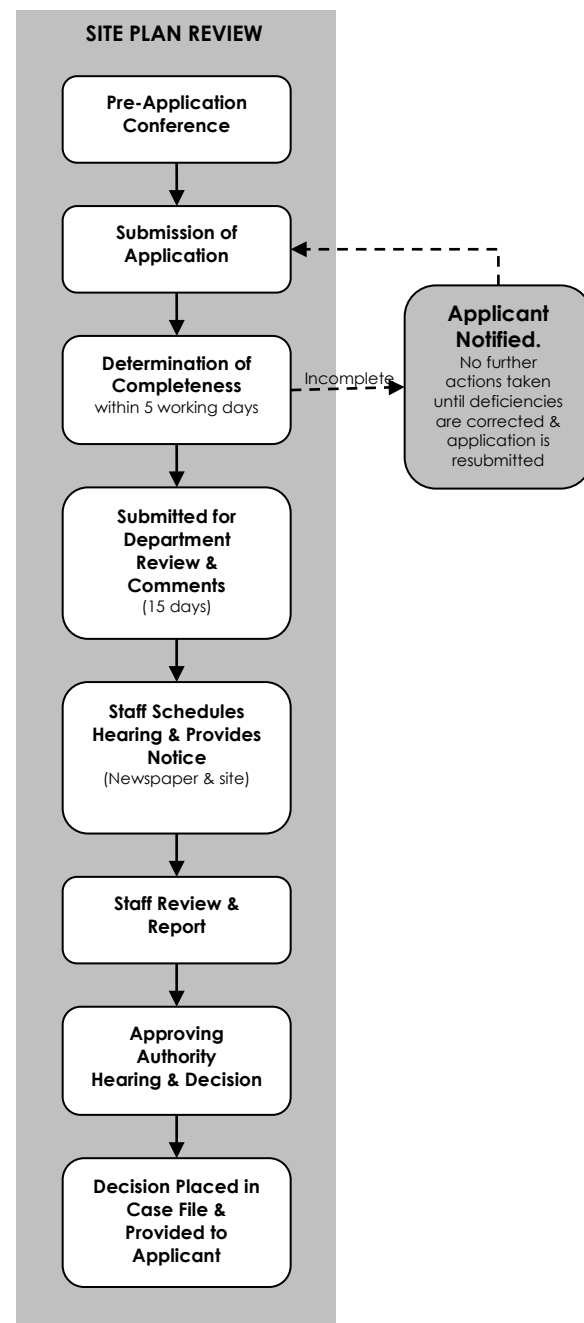
SEC 1.303 **SITE PLAN REVIEW:**

1.303.1 **Applicability:** Certain uses require site plan review by the Approving Authority.

- **Warren County Board of Commissioners (BOCC):** BOCC review is required for uses indicated in the Table of Permitted Uses (Section 2.205).
- **Warren County Board of Zoning Appeals (BZA):** BZA review is required for all conditional uses indicated in the Table of Uses (Section 2.205) except as otherwise indicated in the Table of Uses.
- The Approving Authority shall review the site plan in the interest of public health and safety, as well as, public convenience, comfort, prosperity, or general welfare, as applicable, by considering the following factors:
 - (A) To protect the long-term public interest by reviewing the internal and external relationship of development that may have considerable potential significance and impact to the county;
 - (B) To ensure the application of quality design principles within new and redevelopment projects;
 - (C) To determine the impact on the public, including, but not limited to, the neighboring properties.
 - (D) To ensure that new development contains elements of internal cohesiveness and factors that promote good neighborhood atmosphere;
 - (E) Suggestions of the Comprehensive Plan;
 - (F) To promote the orderly and safe flow of vehicular and pedestrian traffic;
 - (G) To confirm that all requirements of this Code applicable to development and operation of the use are satisfied; and
 - (H) To confirm that the proposed plan satisfies other County, State, and/or Federal standards which are applicable to permitting the proposed development.

1.303.2 Exemptions:

- (A) Site Plan Review process is not required for the following:
- (1) Uses exempt per the Table of Uses;
 - (2) Change in the ownership of any land or structure;
 - (3) Exterior or interior maintenance and repair of any existing use structure;
 - (4) Re-occupancy of any building or re-use of any structure with a previously permitted use;
 - (5) Proposed use, construction, removal, or alteration of exempt agricultural use structure. Nevertheless, proposed structures in a regulatory floodplain must satisfy the Warren County Flood Damage Reduction Regulations;
 - (6) Proposed construction, removal, or alterations of a single-family or two family-dwelling not located in a one-hundred (100) year floodplain or accessory structure containing not more than five-hundred seventy-six (576) square feet which is located within the flood fringe;
 - (7) Interior alteration of a building used for an approved principal or accessory use;
 - (8) Exterior alteration of a building used for an approved principal or accessory use which does not expand the building footprint by more than twenty-five percent (25%) compared to the building footprint within the past five years;
 - (9) A change of occupancy within the same use category, provided no modification of the site is proposed or required by the standards of this Code – such as an increase in the number of required parking spaces, landscape buffering – and that such change maintains compliance with all applicable requirements of this Code;
 - (10) An additional building may be constructed if that building:
 - (a) Will not expand the building footprint by more than ten percent (10%) compared to the building footprint within the past five (5) years;
 - (b) Will not increase a parcel’s acreage;
 - (c) Will not produce concerns regarding the environment or traffic;
 - (d) Has access from a public road; and
 - (c) Meets approval from the Zoning Inspector.



- (11) Any use and/or structure which is solely approvable by the Zoning Inspector; and Figure 1.303-1
- (12) Land and structures, not including buildings, required in the provision of essential services defined in this Code, public utilities, and/or railroads.

1.303.3 Application Requirements: The required application form, fee, and information to accompany the site plan must satisfy the following requirements, unless the Zoning Inspector determines otherwise:

(A) **Site Plan Drawing Format and Number of Copies Required:**

- (1) The site plan shall be drawn to a scale specified appropriate by the Zoning Inspector. Information must be clear and legibly drawn;
- (2) Eleven (11) folded copies of the site plan drawn on sheets no greater than twenty-four (24) inches by thirty-six (36) inches; and,

(B) **Site Plan Minimum Information:** The minimum information, which must be provided on the site plan and/or in other documents submitted for site plan review follows:

- (1) Name, address, and phone number of the applicant site owner, and agent, if applicable, and the fax number and e-mail address of each, if available. If applicable, the name, identification number, and seal of the architect, landscape architect, engineer, or surveyor;
- (2) A title block giving a name for the proposed development, and a legend, notes, and/or labels explaining the drawn content shown on each drawing, and; a legal description, parcel identification number, and address of the property in question;
- (3) Notation of the month and year submitted and a place for noting revision date(s);
- (4) Written and graphic scale of the plan drawing(s);
- (5) Vicinity map drawn to scale with a north arrow and in display of the site location in relation to the surrounding road network and local jurisdictions;
- (6) Legal and common description of the site boundary and the parcel(s) involved shown on the plan, detailing the bearing and dimension of each course of the boundary line;
- (7) The acreage and/or square footage of the site;
- (8) The zoning classification(s) of the site and of all abutting parcels;
- (9) Applicant shall provide a list of the owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing and two sets of mailing labels for each property owner.
- (10) Location and dimensions of proposed/existing streets, driveways, sidewalks, and any other walkway within the site, with notation of County Thoroughfare Plan specified right-of-way, the pavement type, width, and construction design details noted and depicted for each;

- (11) Schematic depiction of existing and proposed locations of gas, electric, phone, fiber-optic, and other telecommunication lines and terminal facilities, sanitary sewer lines or septic system components, water service lines, wells, fire hydrants and emergency connections, storm water drainage management components, and sewer lines;
- (12) Location and dimensions of proposed/existing easements and notation of the percentage of the site occupied by the easements;
- (13) Existing and proposed topography on and in proximity of the site represented with elevation contour lines depicted according to the following intervals: one (1) foot for zero (0) to six (6) percent slopes; two (2) foot for six (6) to eighteen (18) percent slopes; and five (5) foot for slopes over eighteen (18) percent; and
- (14) Location of existing surface water feature, natural or man-made, including lakes, ponds, runoff control basins, marshes, wetlands, rivers, creeks, streams, or other drainage way.
- (15) A tree survey that includes information on all existing trees 6" DBH or larger. Information shall include the location, size, and condition of each tree. If the site is heavily wooded and large areas are to be protected, individual trees do not need to be surveyed. The survey shall reflect all tree preservation, no disturbance and landscape areas.

(C) **Public Notification:**

- (1) The Zoning Inspector shall post a sign stating the public process and where to get additional information.
- (2) Written notice of the hearing shall be mailed by the Approving Authority, by first class mail, at least ten days before the date of the hearing to all owners of property within five hundred (500) feet from the parcel lines of each property that is the subject of the hearing, to the addresses of the owners appearing on the County Auditor's current tax list. The failure of delivery of the written notice SHALL NOT delay or postpone any such hearing, and shall not invalidate any action taken at such hearing.
- (3) The Zoning Inspector shall advertise the public notice in a newspaper of general circulation.

(D) **Development Specific Information:** The following information, as determined applicable and necessary by the Zoning Inspector, must be provided on and/or accompany the site plan:

- (1) Existing and proposed land development on and around the site;
- (2) Notation and depiction of any variance from this Code which has been secured;
- (3) The schedule for development;
- (4) The location of each existing and proposed structure with notations of:
 - (a) The type, number, and size of each;
 - (b) The respective distances in feet from the boundary lines of the site;
 - (c) The lowest foundation opening and first finished floor elevations of each building;
 - (d) Existing structures or part(s) thereof that are to be altered or removed;
 - (f) **For residential proposals:** a site summary indicating the number of dwelling unit(s) within each building, the number bedrooms per unit, floor plans, floor area square feet, density computation, recreation facilities and open spaces; and
 - (g) **For non-residential proposals:** the number of offices and number of employees;
 - (h) The number of floors, floor plans, floor area square feet, total square footage, and exterior elevations.
- (5) The height of each proposed structure as measured in accordance with Sections 3.103.3 and 4.103
- (6) Off-street parking provisions, the total number, typical dimensions and square footage of the parking spaces, handicapped use designation, widths and turning radii dimensions of all driveways, and pavement material;
- (7) Off-street loading/unloading provisions, showing the locations and noting the dimensions and square footage of each space;
- (8) The location of outdoor storage, waste disposal and/or trash containment area along with detail screened and/or buffered plans for each;
- (9) The location of fences and walls, and cross-section diagram for proposed fences and walls;
- (10) Landscaping plan, with details of plantings for buffers and screening in accordance with requirements of this Code;
- (11) The location, type, intensity, height, and orientation of all building exteriors;
- (12) Documentation of site lighting, along with a photo-metric analysis; and
- (13) Depiction and description of the location, type, number, and size of display faces, height, setback, and illumination, if any, of all existing and proposed signs.

(E) **Supplementary Information:** Additional information may be required if deemed necessary by the BOCC, BZA, Zoning Inspector, or RPC. Such additional information may include, but is not limited to, their requirement of a traffic impact study (TIS), market analysis, environmental assessment, condominium documents, and any study or report in evaluation of the proposed impact on public facilities and services. The following information may be required as determined applicable and necessary by the Zoning Inspector:

- (1) Front, side, and rear elevation drawings of structures. Drawn with sufficient details to evaluate visual appearance and function;
- (2) Written certification of the required sewage disposal permits having been issued or able to be issued by the approving authority;
- (3) Certification by the Warren County Engineer or Ohio Department of Transportation (ODOT) and the Fire/EMS Department of jurisdiction that the sight-distance location, configuration and number of existing and/or proposed street and/or driveway access intersections for the development are acceptable;
- (4) Certification from the Warren County Building Department, Warren County Engineer and Federal Emergency Management Agency (FEMA) that proposed structure(s) and/or fill within the one-hundred (100) year floodplain is compliant with the requirements of the Warren County Flood Damage Reduction Regulations;
- (5) Stormwater drainage quantity and quality management provisions to the approval of the Warren County Engineer and the Warren County Soil and Water Conservation District;
- (6) Soil erosion and sedimentation control measures as required by the Warren County Soil and Water Conservation District. Control measures address pre and post development, soil type boundaries, predevelopment land cover, clearing limits, wooded areas proposed to remain or, be cleared, and soil stockpiling and sediment trap basins;
- (7) Identification of local airport airspace and indication that the proposed development meets Federal Aviation Administration (FAA) and/or the Ohio Division of Aviation standards;
- (8) A statement documenting potential impacts to groundwater and air quality, and other environmental impacts.

1.303.4 Site Plan Requirements for PUDs and Conditional Uses: Site Plan Review in a Planned Unit Development (PUD) is subject to BOCC approval per the requirements and process specified in Section 1.303. Site plan approval of a Conditional Use by the BZA is subject to the requirements and process specified in Section 1.306.

1.303.5 The Review Process:

- (A) **Consultation with Zoning Inspector:** Prior to submitting a site plan application, the applicant or property owner shall first consult with the Zoning Inspector. The purpose of this informal consultation is to discuss applicable standards and technical issues pertinent to the proposal, to comment on required compliance of the proposal to standards of this Code, and to comment on whether or not the site plan application is the necessary and appropriate process for making a decision on the proposed development. The applicant or Zoning Inspector may also request input on the proposal from staff of other potentially involved regulatory authorities or consultants. A concept sketch plan is not required at this time, but would be helpful to explain:

- (1) The location of the project;
- (2) The proposed development (in general terms);
- (3) The proposed layout of buildings, parking, access points, open spaces, and drainage facilities;
- (4) The relationship to existing surrounding development; and any other conditions or items relevant to the processing of the application.

- (B) **Formal Submittal and Processing:** The applicant shall formally submit the required application to the Zoning Inspector in accordance with the requirements specified in Section 1.303.3.

The Zoning Inspector, upon accepting the site plan application, has the duty to determine whether the application is complete within five working days of receipt of an application. If the Zoning Inspector determines that the application is not complete, the applicant shall be notified, in writing, of the specific deficiencies of the application including any additional information that must be supplied. The applicant shall be informed that no further action will be taken by the County on the application until the deficiencies are corrected.

Upon receipt of a complete application, the Zoning Inspector shall notify the applicant of completeness, notify surrounding property owners by mail of the hearing at least ten (10) days prior thereto; submit and have the advertised notice in a newspaper of general circulation. The Zoning Inspector shall provide the accepted application to applicable authorities/departments involved for review of the plan and allow fifteen (15) days to respond and receive comments before the Zoning Staff Report is sent to the BOCC or Approving Authority.

- (C) **Staff Review and Public Comments:** The Zoning Inspector and other applicable authorities/departments shall provide written comments; report on any deficiencies, problems, or concerns, and offer recommendations. Public comments will be considered and recorded.
- (D) **Review and Action:** The Approving Authority shall consider comments and recommendations received regarding the site's development. Upon closing the hearing, the Approving Authority shall adopt a resolution to approve or deny the site plan as submitted, or to approve with conditions. Conditions may include plan revisions and safeguards to be performed by the applicant. Appeal of the Approving Authority's decision is to the Court of Common Pleas.
- (E) **Case File Record:** Application files maintained by the Zoning Inspector shall contain all written information submitted. The application file is numbered by the year in which the application was reviewed and consecutive to other applications within the same year.

(1) **Site Plan Review by BOCC:**

- (a) You may reference the audio recording of the proceedings and the written meeting minutes at the BOCC Office.
- (b) The resolution of the Approving Authority in decision on the plan is placed in the case file and provided to the applicant.

(2) **Site Plan Review by BZA:**

- (a) You may reference the audio recording of the proceedings and the written meeting minutes at the Zoning Office.
- (b) The resolution of the Approving Authority in decision on the plan is placed in the case file and provided to the applicant.

1.303.6 Review Criteria: The site plan review is conducted to determine anticipated impacts on the public health and safety, as well as the public convenience, comfort, prosperity, or general welfare, as applicable. Factors to be considered include those in Section 1.303.1, and the following additional criteria:

- (A) **Adequacy of Information and Compliance with Zoning Code:** The plan contains the Code required information and is presented in an understandable manner that provides an accurate description of the proposed development, structure(s), site improvements and impacts. The plan complies with all applicable requirements of the Zoning Code pertinent to the proposal.
- (B) **Design Layout Sufficiency and Sensitivity:** The design components proposed and used are considered sufficient and sensitive to site topography, drainage, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access and the type, size and location of buildings.
- (C) **Design Character, Operational Compatibility, and Coordination:** The appearance and design character of the proposed development and all corresponding operational activities are considered compatible and coordinated with surrounding, existing, and planned developments. The proposed structures must also be identified as a primary or secondary, and must be coordinated to function with the internal operations of the site.
- (D) **Preservation of Significant Features:** The plan preserves: architecturally, historically and/or culturally significant buildings; wetland, floodplain, streams, aquifer recharge areas; soils areas with severe limitations for use; steep slopes; and tree lines, hedgerows, wooded areas, and trees that are determined valuable to retain.
- (E) **Pedestrian Access and Circulation:** The plan proposes provision of pedestrian circulation and access. Determination of adequacy is based on such provisions being designed to be safe, comfortable, compatible, connected, conflict-free, and compliant with applicable ADA regulations.
- (F) **Vehicular Access and Circulation Streets:** Driveways, parking aisles, and other related elements designed for vehicle access and circulation demands are determined sufficient per evaluation by the Warren County Engineer and Fire/EMS department. These elements are evaluated for safety and function.

- (G) **Parking and Loading:** Off-street parking and loading provisions are determined sufficient based upon the proposed number, size, location, and arrangement of parking spaces and provisions for shared-parking and for compliance with Article 3, Chapter 3 Parking, Loading, and Circulation Standards.
- (H) **Landscaping and Screening:** Evaluated based on the design and effectiveness of landscaping/building material to screen and mitigate negative visual impacts and for compliance with Article 3, Chapter 4 Landscaping and Screening Requirements.
- (I) **Exterior Lighting:** Evaluated for compliance with Article 3, Chapter 5 Lighting Requirements and Standards.
- (J) **Signage:** Evaluated for compliance with Article 3, Chapter 6 Signage Standards and Requirements.
- (K) **Public Service Impact:** The impact to public services facilities and utilities for water, sanitary sewer, natural gas, electricity, telephone and cable, roadways, police, fire and EMS protection, sidewalks, bikeways, and public schools are evaluated in terms of their capacity to accommodate the proposed development.
- (L) **Stormwater Drainage Stormwater Management Plan:** Evaluated based on the quantity and quality of runoff, impact on upstream or downstream property, and a maintenance plan, to the approval of the Warren County Engineer and the Warren County Soil and Water Conservation District.
- (M) **Soil Erosion and Sediment Control:** The plan provisions for minimizing soil erosion during development and preventing sedimentation during and after development are determined acceptable per evaluation by the Warren County Soil and Water Conservation District.
- (N) **Emergency Access and Service Facilities and Public Safety:** The plan provides for emergency access and service facilities (fire lanes, hydrants, and suppression supply connections) within the site as determined necessary per evaluation by the Fire/EMS department of jurisdiction in conjunction with the Warren County Building Department. The proposed development does not pose a threat to public safety.
- (O) **Building Design:** Building design is found harmonious in character with the surrounding area with regard to scale, mass, and orientation.
- (P) **Compliance with Public Health and Safety:** The application must provide plan of procedures to mitigate nuisances to surrounding areas such as, but not limited to odors, excess noise, and/or unsanitary operations. Any externalities must be with the realm of public health, safety, and wellness.

1.303.7 Post Site Plan Approval Requirements:

- (A) **Permits or Approvals:** From Other Involved Authorities: The applicant is responsible to obtain necessary permits or approvals from any other applicable authority before issuance of the zoning permit.

(B) **Development and Maintenance:** Per the approved Site Plan the property owner is responsible for the improvement and maintenance of the site in accordance with the approved site plan and all conditions of approval. Failure to comply with the approved Site Plan and all conditions of approval may result in an enforcement action being brought in a court of competent jurisdiction.

(C) **Expiration and Extension of Plan:** If development has not commenced within two (2) years following the site plan approval, the approval shall become null and void, requiring re-application. The applicant may only request an extension prior to the site plan approval expiration date. A written request for an extension shall be submitted to

the Zoning Inspector. The Approving Authority may grant up to twelve (12) months in extension of its initial approval of the plan and entertain subsequent extensions thereafter.

(D) **Modification of the Approved Site Plan:**

(1) **Minor Modification Allowances:** The following are considered minor modifications allowable for approval by the Zoning Inspector:

- (a) Changes made during development to improve safety, protect natural features, and/or accommodate unanticipated site constraints or to comply with further requirements of other authorities. These changes should not affect surrounding property or the approved plan layout.
- (b) Changes in landscaping species that is consistent with the standards of this Code and that do not reduce the total amount of landscaping or buffering required.
- (c) Change in the boundary or arrangement of a structure that does not violate minimum zoning required setbacks nor affect locations of other components of the approved site plan requirements or conditions.
- (d) Adjustments in the alignment of vehicular and pedestrian access and circulation components for purposes of improved safety or to eliminate conflict with other components in the site which will not create off-site conflicts.
- (e) Reduction in signage or changes in lighting which will not affect off-site properties.

(2) **Major Modifications:**

(a) BOCC approval is required for any proposed change to a Site Plan which:

(1) Does not meet the minor modification qualification criteria specified above in 1.303.7(D) (1);

(2) May only be approved for a site within a PUD.

(b) BZA approval is required for any proposed change to a Site Plan which:

(1) Necessitates action in determination on a request of variance from an applicable requirement of this Code or expansion of a non-conforming use or structure; or,

(2) Had been approved prior to January 20, 2012, but is now identified as a conditional use under the regulations of this Zoning Code.