

ORDINANCE TO AMEND TOWN OF UNION ZONING CODE

The Town Board of the Town of Union do ordain as follows:

The following code provisions are hereby amended relating to the issuance of conditional use permits to clarify that the conditional use permit is granted by the Town Board and not the Planning and Zoning Committee:

Section 3.7(2)(A) shall be amended to provide as follows:

To review and recommend to the Town Board the approval or denial of the issuance of conditional use permits, and to issue building permits within the provisions of this ordinance.

Section 3.13, Town Board, shall be amended to provide as follows:

The Town Board is the public body having authority thereon to change or amend this Ordinance. The Town Board is also the public body having authority to grant approval or denial of conditional use permits.

Agricultural District One (A-1), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Agricultural District Two (A-2), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Agricultural District Three (A-3), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Local Business District (B-1), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Commercial Highway Interchange District (CHI), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Lowland Conservancy Overlay District One (C-1), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board

will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and

will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Highland Conservation District Two (C-2), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Rural Residential District (R-R), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Light Industrial District (M-1), (3) Conditional Use, shall be amended to provide as follows:

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only

subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Section 5.0, Conditional Use Permits, shall be amended to provide read as follows:

5.1 General Provisions

Any use listed as a conditional use in this Ordinance shall be permitted only upon application in duplicate to the Building Inspector and issuance of a conditional use permit by the Town Board. A conditional use permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

5.2 Required Information

In order to secure evidence upon which to base its determination, the Planning & Zoning Committee and the Town Board may require, in addition to the information required for a conditional use permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specifications of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Ordinance.

5.3 Standards Applicable to All Conditional Uses

(A) In passing upon a conditional use permit application, the Planning & Zoning Committee and Town Board shall consider the following factors:

- (1) The location, nature, and size of the proposed use.
- (2) The size of the site in relation to it.
- (3) The location of the site with respect to existing or future roads giving access to it.
- (4) Its compatibility with existing uses on land adjacent thereto.
- (5) Its harmony with the future development of the district.

- (6) Existing topography, drainage, soils types, and vegetative cover.
- (7) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

5.4 Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Planning & Zoning Committee and the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

This ordinance is passed by the Town Board of the Town of Union, this 7 day of May, 1998.

TOWN OF UNION:

By: Wayne Disch
Wayne Disch, Chairman

By: Linda A. O'Leary
Linda O'Leary, Clerk

Posted 5/9/98

Evansville Tractor Parts
Union Co-op
Evansville Review

By Clerk Linda O'Leary