

**PROPOSED CHANGE TO §701.01**  
**CONDITIONAL HEIGHT REGULATION**  
**HIGHLAND COUNTY ZONING ORDINANCE**

Delete existing §§701.01-1, 701.01-2 and 701.01-3

Replace with the following:

- §701.01-1. Structures or facilities exceeding the heights specified in the Zoning Schedule, Table 1, may be permitted by conditional use permit issued by the Governing Body.
- §701.01-2. The Governing Body, or the Highland County Zoning Administrator at the request of the Governing Body, may require certain information from an applicant at any time during the conditional use permit application process including fire safety measures or cross-section drawings or other illustrations of the physical impact the structure will have upon the area.
- §701.01-3 It shall be the responsibility of the applicant to comply with all applicable federal and state standards and regulations as set forth by agencies with the authority to regulate such structures or facilities. If such standards and regulations are changed, then the owners or operators of the structure or facility governed by this section shall bring such structure or facility into compliance as required.
- §701.01-4 Any conditional use permit application that includes a request for a height exception that is pending at the effective date of these ordinance revisions shall not require a separate conditional use permit application solely for the height exception. Any future conditional use permit application that includes a request for a height exception, along with the other reasons for needing a conditional use permit, shall not be required to apply for a separate conditional use permit solely for the height exception.

**PROPOSED CHANGE TO §802.03-7**

The proposed addition to this Article is shown in *italics*.

- §802.03-7 Conditions set forth in Article 802.03-6 for the various conditional uses are minimum. In approving a proposed conditional use or other special exception, the Governing Body may stipulate such additional requirements as are necessary to protect the public interest. The Governing Body may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Governing Body; *further, all conditions and requirements stipulated by the Governing Body must be completed to the satisfaction of the Governing Body before a building permit will be issued and/or before the conditional use can be put into effect.*

**PROPOSED CHANGE TO §302.154**

The only proposed change to this Article is the deletion of the word "height" as shown in [ ] .

§302.154      **Variance.** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for [height,] area, and size of structure or size of yards and open spaces, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

It seems that there is a typo in this article but this is the way it appears in the published ordinance. Replacement of the comma after "open spaces" with a period and capitalization of the word "establishment" to form a new sentence would at least allow it to make sense.    JRS

**These amendments were adopted by the Board of Supervisors on 21 April 2005.**