

## **ARTICLE 10**

### **SPECIAL USE PERMIT REVIEW REQUIREMENTS**

#### **Section 10.1 When a Special Use Permit is Required**

For all uses listed under zoning district regulations as requiring a special use permit, or any expansion of such a use, requires review and approval by the Planning Commission.

#### **Section 10.2 Required Information**

The applicant shall submit a special use permit application to the Village at least thirty (30) days prior to the Planning Commission meeting date at which it is requested to be reviewed for approval. The site plan may be submitted not less than fifteen (15) days prior to the meeting. An application for special use permit shall contain the following:

- A. Completed special use permit application form provided by the Village.
- B. Five (5) copies of a complete site plan meeting the requirements of Article 9 of this Ordinance.
- C. All necessary fees.

#### **Section 10.3 Hearing**

Upon receipt of an application for a special use permit, a public hearing shall be scheduled for a Planning Commission meeting at which the special use permit will be reviewed. One (1) notice of the public hearing shall be published in a local newspaper of general circulation within the Village, and shall be sent by mail to the owner(s) of the property for which approval is being considered, to property owners within three hundred (300) feet of the boundary lines of the property for which approval is being considered, and to the occupants of all structures within three hundred (300) feet of the property in question. All notices shall be given not less than five (5) days and not more than fifteen (15) days prior to the hearing at which the application will be considered.

- A. The notice shall:
  - 1. Describe the nature of the special use request.
  - 2. Indicate the property which is the subject of the special use request.
  - 3. State when and where the public hearing on the special use request will be held.
  - 4. Indicate when and where written comments will be received concerning the special use requested.
- B. Planning Commission Decision: Following a public hearing, the Planning Commission may postpone a decision pending review of required additional

information, deny, approve or approve with conditions the special use permit. The decision of the Planning Commission shall be incorporated in a statement containing the conclusions on which the decision is based and any conditions imposed. Any conditions imposed shall meet all of the following requirements:

1. Would protect the natural environment, the health, safety and welfare, the social and economic well being of those who will use the land use or activity under consideration, residents and landowners adjacent to the proposed land use or activity, and the community as a whole.
  2. Would be necessary to meet the intent, purpose and standards of this zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
  3. There is rough proportionality between the cost to the developer to provide the improvements in relationship to the impact to be mitigated.
  4. There is a reasonable connection between the condition imposed and the impact it is mitigating.
- C. Appeal of Special Use Permit Decision: Any person aggrieved by the decision of the Planning Commission in granting or denying a special use permit may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within thirty (30) days of the posting of the minutes of the meeting and state the basis for the appeal.

#### **Section 10.4 Changes to Approved Special Use Permit**

All work conducted related to a project with an approved special use permit and related site plan shall be in conformance to that permit and site plan. Any change to the type or scale of the use require amendment to the special use permit by the Planning Commission.

#### **Section 10.5 Expiration of Special Use Permit**

- A. Approval of a special use permit shall expire twelve (12) months after issuance, if a building permit has not been issued and construction begun pursuant to the special use permit, or if the use permitted by the special use permit has not been established and maintained.
- B. If the use permitted by the special use permit is inactive for twelve (12) consecutive months, the special use permit shall expire.

#### **Section 10.6 Standards of Determination**

Applications for uses permitted after special use approval shall be granted or denied based on the following standards specified in this sub-section, as well as applicable standards established elsewhere in this Ordinance.

- A. The proposed use shall of such that the location, size and character will be in

harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of zoning district in which it is to be located.

- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the zoning district involved.
- C. The proposed use shall be designed as to the location, size, intensity, site layout and hours of operation so as to eliminate any nuisance emanating, therefrom which might be noxious to the occupants of any other permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- D. The proposed use shall be such that the proposed location and height of buildings or structures and locations, nature and height of walls, fences and landscaping will not interface or discourage the appropriate development and use of adjacent land and buildings or unreasonably affects their value.
- E. The use shall not place demands on public services and facilities in excess of current capacity.
- F. The proposed use shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.
- G. The proposed use shall not cause substantial injury to the value of the other property in the neighborhood in which it is located and will not be detrimental to existing and/or permitted land uses in the zoning district.
- H. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

**End of Article 10**