

32.08.020 Special Use Permits

- A. Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this paragraph, except where the context clearly indicates a different meaning:

SPECIAL USE: A use which would be otherwise not permitted in a particular zoning area except that such special use does provide substantial public service and convenience from said use and is a use not found to be hazardous, harmful, offensive, dangerous, annoying or otherwise adverse to the nearby property owners, residents, neighborhood or community. Unnecessary hardship upon the person or entity requesting the special use permit is not to be considered as a basis of relief for the applicant.

- B. Authorization, Public Hearing, Notice And Report: Special uses may be authorized by the city council after review, public hearing and recommendation from the city plan commission. No application for a special use permit shall be acted upon by the plan commission until after a public hearing has been noticed and held in the prescribed manner. The plan commission shall cause notice of the time and place of such hearing to be given as provided in 65 ILCS 5/11-13-6. The applicant for the special use permit shall notify all abutting and opposite property owners of the time, date and subject matter of the hearing. Proof of the notification shall be tendered by the applicant to the plan commission prior to the hearing.

- C. Application: An application for a special use permit shall be made in duplicate and filed with the department of public health and safety upon such form and accompanied by such information as may be required by that department and the plan commission. Such applications shall be forwarded to the plan commission within five days after receipt by the department of public health and safety. Such applications shall include:

1. Name and address of the applicant;
2. Name and address of the owner of the property described in such application;
3. Name and address of all abutting property owners and owners of frontage directly opposite the frontage of the subject property;
4. A description of the subject property by legal description as well as street address;
5. Type of improvement presently located on said property;
6. Proposed operation or use of the subject property;
7. The zoning district within which the subject property is located at the time of said applications;
8. Such additional information as may be required by the department of public health and safety, the plan commission or the council.

The application shall be accompanied by payment of an application fee in the amount as established from time to time by the council.

- D. Review And Approval: The plan commission shall review the subject property, existing and proposed structures, architectural or engineering plans, if any, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, water and sewerage systems and the proposed special use. The plan commission shall hold the public hearing pursuant to the prescribed notice and such hearing shall be conducted and the records of the proceeding shall be made and preserved in such a manner and according to such procedures as the plan commission shall prescribe from time to time by its rules. All testimony shall be taken under oath, which oath shall be administered by the member of the plan commission presiding at the hearing.
- E. Standards: No special use permit shall be recommended by the plan commission for approval to the council unless the commission shall find, based on the evidence presented to it, that:
1. The proposed special use will serve the public welfare and convenience at the proposed location;
 2. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
 3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the subject property in relation to it, and the location of the subject property with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the surrounding property and neighborhood in which it is to be located;
 4. The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the subject property shall be such that the use will not hinder or discourage the appropriate development and use of the adjacent land;
 5. Adequate utilities, access roads, drainage and all other necessary facilities have been or are being provided;
 6. Parking areas as well as ingress and egress have been so designed and suitably screened from adjoining property so as to minimize or prevent traffic congestion or traffic hazards and nuisances; and
 7. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
- F. Conditions: The plan commission may recommend and the council may provide such conditions or restrictions on the landscaping, design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased side or front and rear yards, and parking requirements as shall be deemed necessary to secure the general objectives, purpose and intent of this chapter. All special use permits shall be for a period of fixed duration and valid only for the applicant thereof.
- G. Action By The Plan Commission: The plan commission shall, within 15 days after the hearing thereon, recommend to the council that the application for the special use permit be granted or denied in whole or in part, with or without modification, or said commission may recommit the application for further study, report or public hearings, or any combination thereof. Final action on all applications shall be made not later than 60 days after the first public hearing.
- H. Action By The Council: The council shall take action on the application at its next regularly scheduled meeting after receipt of the written recommendation by the plan commission. The council may grant or deny the application in whole or in part, with or without modification, or may resubmit the application to the plan commission for further study. Such action shall be by a majority of the

members of the council present and voting. If an application for a special use permit is not acted upon finally by the council at the second succeeding meeting of the council after the date upon which the recommendation of the plan commission is filed with the council, said application shall be deemed to have been denied unless the applicants shall have consented to extend the period within which the council must act.

(Code 1970, § 10-10-3; Code 1987, § 7-173)