

## Chapter 2: Special Land Use Review

### Section 9.2.1 – STATEMENT OF INTENT

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses.

In hearing and deciding upon special approvals, the Planning Commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the Village into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

### SECTION 9.2.2 – APPLICATION

The application for Special Land Use review shall be made on the forms and according to the guidelines provided by the Village. Each application shall be accompanied by the following:

- A. The section of this Ordinance under which the Special Use is sought.
- B. A detailed site plan which shall include all the information required by Section 9.1.5, except in the following cases. In the situations listed below, the site plan need only include the information deemed necessary by the Planning Commission to thoroughly review the proposal against the standards of this Ordinance.
  - 1. Home Occupations requiring Special Land Use approval.
  - 2. Special Use signs.
  - 3. Special Uses that are proposed to occupy an existing building and are not proposing to, nor required to, make any exterior changes to the building or lot.
- C. A description of the proposed use of the property.

Other information which the Planning Commission may reasonably deem necessary for review.

The application shall be submitted by the owner of an interest in the land for which special use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.

### SECTION 9.2.3 – NOTICE OF PUBLIC HEARING

The Village shall schedule a public hearing in accordance with Chapter 3 of this Article.

#### SECTION 9.2.4 – PLANNING COMMISSION DETERMINATION

Following the public hearing, the Planning Commission shall review the application for the special land use proposal, together with the public hearing findings and reports and recommendations of the Village Planner, Building Official, the Police and Fire Department, the Village Engineer, and other reviewing agencies. The Planning Commission is authorized to deny, approve, or approve with conditions, requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to approval.

Performance guarantees may be required by the Planning Commission, in accordance with Chapter 4 of this Article, to ensure compliance with special approval conditions.

#### SECTION 9.2.5 – STANDARDS FOR GRANTING SPECIAL USE APPROVAL

Approval of a special land use proposal shall be based on the determination that the proposed use will comply with all requirements of this Ordinance, including the site plan review criteria set forth for the specific use in Section 9.1.9 and applicable use standards set forth for the specific use in Article 4. In addition, the following standards shall be met.

- A. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
- B. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, business, and landowners immediately adjacent; or the Village as a whole.
- C. The proposed special use shall be compatible with and in accordance with the general principles and future land use configuration of the Village Master Plan and shall promote the intent and purpose of this Ordinance.
- D. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
- E. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
  1. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
  2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  3. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
  4. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

5. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified house considered appropriate to ensure minimal impact on surrounding uses.
6. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
  - a) Proximity and access to major thoroughfares.
  - b) Estimated traffic generated by the proposed use.
  - c) Proximity and relation to intersections.
  - d) Location of and access to off-street parking.
  - e) Required vehicular turning movements.
  - f) Provision for pedestrian traffic.
7. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.
8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, flare or flashing lights.
9. The location of the proposed special land use shall not result in a small residential area being substantially surrounded by non-residential development, nor shall the location of the proposed special land use result in a small non-residential area being substantially surrounded by incompatible uses.
10. The proposed use shall be compatible with the natural environment and conserve natural resources and energy.

#### SECTION 9.2.6 – RECORDING OF PLANNING COMMISSION ACTION

Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

#### SECTION 9.2.7 – EFFECTIVE DURATION OF SPECIAL USE APPROVAL

Special Use approvals shall run with the land and shall not be issued for specified periods, unless the use is clearly temporary or time related in nature.

#### SECTION 9.2.8 – AMENDMENTS TO SPECIAL LAND USES

When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special approval of land use.

#### SECTION 9.2.9 – REVOCATION OF SPECIAL LAND USE APPROVAL

Approval of a special land use and site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Building Official shall place the special land use on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke appeal if it finds that a violation exists and has not been remedied prior to the hearing.