

# Chapter 18

## SPECIAL USE PERMITS

### 10-18-1: INTENT AND PURPOSE:

- A. The development and execution of this Zoning Title is based upon the division of the Village into districts, within which the uses of land, structures, and buildings as well as the massing and location of structures and buildings in relation to the land are substantially uniform. It is recognized, however, that there are certain types of uses which because of their specific characteristics, or the services which they provide cannot be permitted in a particular district without consideration of the impact of such use upon the neighboring land, and of the public need for such particular use at a particular location.
- B. The Board of Trustees, in accordance with the procedures and standards set forth in this Section, may grant special use permits.
- C. Special use permits will be limited to those uses currently permitted in the underlying zoning district as indicated on the land use chart in Chapter 21 of this Zoning Title. (Ord. 2640, 5-23-1995)

### 10-18-2: GENERAL PROVISIONS:

- A. The special uses allowed in the land use chart in Chapter 21 of this Zoning Title shall be authorized in the districts hereinafter indicated subject to the provisions of this Section. When a use is not specifically listed in Section [10-21-2](#) of this Zoning Title or cannot reasonably be included in any category shown on the land use chart it shall be considered a special use subject to the provisions of this Chapter. All other applicable provisions of this Zoning Title, including those of the district in which the proposed special use is to be located, shall apply, except as expressly modified by the terms of the special use permit in order to comply with the standards set forth in this Section. (Ord. 2758, 3-23-1998)
- B. The development of any parcel or tract of land which has been submitted to the Village as a planned development pursuant to [Chapter 19](#) of this Zoning Title shall not be subject to the approval process of this Section.
- C. Each special use should be presented and judged on its own merits. It shall not be sufficient to base justification for approval upon an already existing special use.
- D. The burden of providing evidence and persuasion that any special use permit is necessary and desirable shall in every case rest with the applicant. (Ord. 2640, 5-23-1995)

### 10-18-3: STANDARDS FOR REVIEW:

An application for a special use permit shall be granted by the Board of Trustees only if it finds that the applicant has demonstrated that at a minimum the proposed use complies with the following standards:

- A. The proposed use is consistent with the goals and policies of the Comprehensive Plan;
- B. The establishment, maintenance, or operation of the use or combination of uses will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of the residents of the Village;
- C. The proposed use will not diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses which are permitted by this Zoning Title;
- D. The establishment of the proposed use will not impede the normal and orderly development and improvement of surrounding properties for uses or combination of uses otherwise permitted in the zoning district;
- E. The proposed use will not diminish property values in the vicinity;
- F. Adequate measures already exist or will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets;
- G. The proposed use will be consistent with the character of the Village;
- H. The proposed use will not materially affect a known historical or cultural resource;
- I. The design of the proposed use considers its relationship to the surrounding area and minimizes adverse effects, including visual impacts of the proposed use on adjacent property;
- J. The design of the proposed use promotes a safe and comfortable pedestrian environment;
- K. The proposed use has included adequate consideration consistent with these standards for buffers, landscaping, fencing, lighting, building materials, public open space, and other improvements associated with the proposed use; and
- L. The off-site impacts of the proposed use such as vehicular traffic, noise, hours of operation, etc., have been shown to be compatible with the surrounding area. (Ord. 2640, 5-23-1995)

#### **10-18-4: PROCEDURES:**

The following steps are provided to assure the orderly review of every special use permit application in

a timely and equitable manner:

A. Prefiling Review And Transmittal Of Application:

1. Conference:

- a. A prospective applicant, prior to submitting a formal application for a special use permit, shall meet for a prefiling conference(s) with the Zoning Administrator, the Director of Public Works and any other Village official designated by the Village Administrator. The purpose of the conference(s) is to help the applicant understand the Comprehensive Plan, the Zoning Title, the standards by which the application will be evaluated, and the application requirements.
- b. After reviewing the special use permit process, the applicant may request a prefiling conference with the Village staff to discuss a request for waiver of any application requirement which in the applicant's judgment should not apply to the proposed special use. Such request shall be made in writing prior to the submission of the formal application documents.
- c. All requests for waiver shall be reviewed by the Zoning Administrator and a final determination regarding the waiver shall be given in writing to the prospective applicant within ten working days.
- d. The applicant, prior to submitting a formal application for a special use permit, may be required to schedule a meeting to discuss the proposed development and its impact on area residents. If such a meeting is required, the applicant shall send a written notice of the meeting to all property owners within five hundred feet of the proposed development. Such notice shall be mailed not less than fifteen days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the Zoning Administrator. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

2. Zoning Board of Appeals: The Zoning Administrator shall confer with the Chairman of the Zoning Board of Appeals on all applications. Upon the determination of both the Administrator and the Chairman, the Zoning Board of Appeals may be asked to participate in the prefiling conference(s).

3. Filing of Application: Following the completion of the prefiling conference(s), the applicant shall file the application for a special use permit. The Zoning Administrator may deliver copies of the application to other appropriate Village departments for review and comment.

4. Deficiencies: The Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, he shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.

5. Report on Compliance: A copy of the complete application and a written report prepared by the Zoning Administrator incorporating the comments of Village staff and other agencies regarding the compliance of the proposed development with the requirements and standards of this Section shall be delivered to the Zoning Board of Appeals.

6. Determination Not Binding: Neither the Zoning Administrator's determination that an application is complete nor any comment made by the Zoning Administrator, staff or the Zoning Board of Appeals at a prefiling conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a special use permit for the proposed

development, or component part thereof, nor shall be intended or construed as a binding decision of the Village, the Zoning Board of Appeals or any staff member.

#### B. Review and Action by the Zoning Board of Appeals:

1. Upon receiving the report from the Zoning Administrator, the Zoning Board of Appeals shall hold at least one public hearing on the proposed special use. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with the provisions of this Zoning Title, State law and rules of procedure adopted by the Zoning Board of Appeals.
2. Notice of the required public hearing shall be published by the Village not more than thirty nor less than fifteen days before the scheduled hearing in a newspaper published in the Village or if there is none, then in a newspaper of general circulation in the Village and shall contain the following information:
  - a. The number designation of the application;
  - b. The date and time of the public hearing;
  - c. The location of the public hearing; and
  - d. The general location of the property, the legal description of the property and its street address, if applicable, and a short description of the proposed project and purpose of the public hearing.
3. Notice of the required public hearing shall also be provided by the Village by posting a sign or signs on the property no less than seven days prior to the public hearing. The sign shall be weatherproof and contain such information as is required in subsection B2 above. Failure to post such sign(s) and/or the removal or knocking down (by the Village or others) of the sign after posting but before the hearing shall not invalidate, impair, or otherwise affect any special use permit subsequently granted following such public hearing.
4. Notice of the required public hearing shall also be provided by the Village by regular mail to the owners of record of the property which is the subject of the application (if different than the applicant), and the owners of all property within five hundred feet of the subject property as shown on the written list provided by the applicant pursuant to the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code (such notice should be sent to the owners as recorded in the office of the Recorder of Deeds or the Registrar of Zoning Ordinances of Cook County and as they appear from the authentic tax records of Cook County, as shown on the list prepared by the applicant as required in 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code). The applicant shall be required to submit to the Village a search by a reputable zoning ordinance company or other evidence satisfactory to the Village indicating the identity of all such owners required to receive notice, and an affidavit certifying that the applicant has complied with the requirements of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code. Such notice shall contain the information as is required in subsection B2 of this Section and shall be mailed not more than thirty nor less than fifteen days prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the special use permit. The applicant shall also provide for the service of a separate notice which the applicant is required to serve under 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code. The applicant shall be required to comply with all conditions of 65 Illinois Compiled Statutes 5/11-13-7 of the Illinois Municipal Code, except that the statutory area requirement of two hundred fifty feet is hereby replaced with a Village requirement of five hundred feet.

5. The Zoning Board of Appeals shall review the application, the standards and requirements established by this Zoning Title, the report of the Zoning Administrator, and any oral and written comments received by the Zoning Board of Appeals before or at the public hearing. Within thirty days following the close of the public hearing and at a regular meeting, the Zoning Board of Appeals shall make specific findings addressing each of the standards set forth in Section [10-18-3](#) of this Chapter and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the Board of Trustees.

#### C. Review And Action By The Board Of Trustees:

1. Within sixty days of receipt of the report and recommendation of the Zoning Board of Appeals, and without further public hearing, the Board of Trustees may deny the application, may refer the application to the Zoning Board of Appeals for further review, may postpone further consideration pending the submittal of additional information including any application requirement previously waived or may approve the special use permit. (Ord. 2640, 5-23-1995)
2. Any action taken by the Board of Trustees pursuant to subsection C1 of this Section shall require the concurrence of a majority of all Trustees and the Village President then holding office, however, if the application fails to receive the approval of the Zoning Board of Appeals, the zoning ordinance shall not be approved except by a favorable majority vote of all Trustees then holding office. (Ord. 2733, 8-11-1997)
3. In approving a special use permit, the Board of Trustees may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in Section [10-18-3](#) of this Chapter and to prevent or minimize adverse effects on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the Village Board may deem to be in furtherance of the objectives of this Section.
4. Advance written notice of the first meeting of the Village Board where a special use permit application will be considered shall be provided by regular mail to the owners of record of the property which is the subject of the application (if different from the applicant), and the owners of all property within five hundred feet of the subject property, not less than ten days prior to the date of the first Village Board meeting. This requirement is enacted to assure the most complete public notice possible for the proposed application for a special use permit, it is not required by State law. Accordingly, any failure to comply with this subsection shall not invalidate, impair or otherwise affect any special use permit subsequently granted following such meetings. (Ord. 2640, 5-23-1995)

#### **10-18-5: APPLICATION REQUIREMENTS:**

- A. An application for a special use permit may only be filed by one who has an ownership interest, or the agents thereof, or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use is to be located, or any unit of government which either owns the parcel or proposes to acquire the parcel by purchase, gift, or condemnation.
- B. Applications for a special use permit shall be filed with the Zoning Administrator in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the Zoning Administrator. Every application shall contain at a minimum the following information and related data:

1. The names and addresses of the owner of the subject property, the applicant and all persons having an ownership or beneficial interest in the subject property and proposed project.
  2. A statement from the owner, if not the applicant, approving the filing of the application by the particular applicant.
  3. A survey, legal description and street address of the subject property.
  4. A statement showing compliance of the proposed project to the Comprehensive Plan and Zoning Title; and evidence of the proposed project's compliance in specific detail with each of the standards and objectives of this Section.
  5. A scaled site plan showing the existing contiguous land uses, zoning districts and public thoroughfares.
  6. A scaled site plan of the proposed project showing the lot area, required yards and setbacks, contour lines, common space and the location, bulk, and lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.
  7. Schematic drawings illustrating the design and character of the building elevations, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses and the floor area of the entire project.
  8. A landscaping plan showing the location, size, character and composition of vegetation and other material.
  9. The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
  10. A schedule of development showing the approximate date for beginning and completion of each stage of construction of the project.
- C. The applicant may submit a written request for waiver of any application requirement in accordance with subsection [10-18-4A1b](#) and c. The decision of the Zoning Board of Appeals shall be final regarding the approval or denial of the request. However, the Zoning Board of Appeals' decision regarding the request for a waiver of an application requirement does not preclude the Village Board from requesting that same information or any additional information it deems applicable for its review of the application.
- D. Every application must be accompanied by a fee in such amount as established from time to time by the Village Board to defray the costs of providing notice and contracting with independent professionals to review applications as required by the Zoning Board of Appeals or the Village Board. Additional materials may be required during the review of a proposed special use permit if determined necessary by the Zoning Board of Appeals or the Village Board. (Ord. 2640, 5-23-1995)

### **10-18-6: EFFECT OF APPROVAL OR DENIAL:**

- A. Approval of the special use permit by the Board of Trustees in accordance with this Section, authorizes the applicant to proceed with any necessary applications for building permits,

certificates of occupancy, and other permits which the Village may require for the proposed project. The Zoning Administrator shall review applications for these permits for compliance with the terms of the special use permit granted by the Board of Trustees. No permit shall be issued for the project which does not comply with the terms of the special use permit.

- B. An approval of a special use permit by the Board of Trustees shall be null and void if the recipient does not file an application for a building permit for the proposed project within nine months after the date of the approval of the special use permit.
- C. An approval of a special use permit by the Board of Trustees shall be null and void if construction has not commenced within fifteen months and is not completed within thirty three months after the date of adoption of the ordinance approving the special use permit.
- D. An extension of the time requirements stated in subsections B and C of this Section may be granted by the Board of Trustees for good cause shown by the applicant, provided a written request is filed with the Village at least four weeks prior to the respective deadline.
- E. A special use permit shall be null and void if the use for which the approval was granted ceases for a period of one year.
- F. No application for a special use permit which was previously denied by the Board of Trustees shall be reconsidered by the Zoning Board of Appeals or the Board of Trustees if it is resubmitted in substantially the same form and/or content within two years of the date of such prior denial.
  - 1. The Zoning Administrator shall review the revised application for a special use permit and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the Zoning Board of Appeals to appeal the determination of the Zoning Administrator, provided a petition for appeal is filed in writing with the Zoning Administrator within ten days of the decision.
  - 2. The Zoning Board of Appeals shall affirm or reverse the determination of the Administrator regarding whether the new application is in substantially the same form within thirty days of receipt of a petition for appeal.
  - 3. If it is determined that the new application is not substantially in the same form, then the applicant is entitled to submit an application and have it reviewed in accordance with the provisions of Section [10-18-4](#) of this Chapter. (Ord. 2640, 5-23-1995)