

Article 9: Special Land Use Approvals

9.1 INTENT AND PURPOSE

This Article is intended to provide review procedures and standards for uses defined in this ordinance as requiring a special land use approval.

9.2 SPECIAL LAND USE APPLICATION REQUIREMENTS

Applications for special land use approval shall be submitted using a form provided by the City. Applications shall include a complete site plan satisfying all the text and graphic requirements in Article 8.

9.3 PUBLIC NOTICE OF HEARING

Before conducting a Public Hearing, a public notice stating the time and place of the hearing shall be published at least fifteen (15) days before the Hearing date in a newspaper of general circulation in the County. Written notices stating the time and place of the Hearing shall be sent by mail at least fifteen (15) days before the hearing date to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet per Public Act 110 of 2006, as amended.

9.4 SPECIAL LAND USE REVIEW STANDARDS

The Planning Commission shall review all requests for special land use approval on an individual basis for conformity and compliance with the provisions of this Article and applicable standards of this Ordinance. In consideration of all applications, the Planning Commission shall review each of the following standards and determine that each has been satisfied before its approval of a proposed special land use:

- A. The proposed special land use meets all standards for site plan review per Article 8.
- B. The proposed special land use meets this Ordinance's intent and purposes.
- C. The proposed special land use is of such location, size, and character that it will be harmonious with neighboring uses and relate with the physical and economic aspects of adjacent uses in relation to prevailing shopping habits, convenience of access by prospective customers, continuity of development, and the need for particular services or facilities in specific areas of the City.
- D. The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

- 41 E. The special land use shall be designed and located in order to protect, accommodate and enhance
42 natural or manmade features of the site such as topography, vegetation, soils, water features,
43 historic structures and scenic views.
- 44
- 45 F. The scale, bulk, elevation, exterior materials and color of the buildings in the special land use shall
46 be designed to blend with the character of the surrounding land uses and neighborhood. Where the
47 bulk, scale or elevation of such buildings varies greatly from the surrounding structures, greater
48 setbacks may be required.
- 49
- 50 G. The proposed special land use shall not create a nuisance or be hazardous to the public health,
51 safety, or welfare.
- 52
- 53 H. The proposed special land use shall not create excessive additional requirements at public expense
54 for public facilities and services.
- 55
- 56 I. The proposed special land use shall meet all required conditions of the Zoning District in which it is
57 proposed to be located.
- 58
- 59 J. The proposed special land use shall not harm the value of other property in the surrounding area in
60 which it is to be located. It will not be detrimental to existing, future, and other permitted land uses
61 in the applicable Zoning District.
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63 9.5 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

64 The procedures for application submittal for a special land use approval shall follow those for site plan
65 review in Article 8, with the following modifications:

66 9.5.1 Planning Commission Review

67 The Planning Commission shall:

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- 70 A. Review the application to determine if it satisfies the standards for special land uses and all
71 other applicable standards of this Ordinance. Administrative review shall not be an option
72 for special land use approval.
- 73
- 74 B. Hold a public hearing to consider the proposed special land use consistent with the
75 procedures for a public hearing in Section 9.3.
- 76
- 77 C. The Planning Commission shall prepare a finding of fact concerning the standards provided
78 in this Article and decide to approve, approve with conditions, or deny a proposed special
79 land use.

80 9.5.2 Planning Commission Approval

81 Approval of a proposed special land use or approval with conditions will require a minimum of six (6)
82 affirmative votes of the Planning Commission. If six (6) affirmative votes on a motion to approve a
83 proposal are not received, the proposal will be deemed to have been denied.

84 If the Planning Commission determines that a special land use shall be approved, it shall authorize
85 the Zoning Administrator to issue a special land use permit in conformity with such approval. A
86 special land use permit shall be valid as long as the use continues following the terms stated in the
87 approved permit. A special land use permit shall expire and become null and void if the
88 corresponding special land use has not been initiated within one (1) year from the Planning
89 Commission’s approval date.

90 9.5.3 Planning Commission Denial

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92 If the Planning Commission determines that a special land use does not meet the standards of this
93 Article, it shall deny the application and provide in writing the reasons for such denial.

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95 9.5.4 Planning Commission Approval with Conditions

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97 The Planning Commission may impose conditions in granting approval that it deems necessary to
98 fulfill the spirit and purpose of this Article and this Ordinance. Such conditions may include
99 conditions necessary:

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- 101 A. To ensure that public services and facilities can accommodate increased service and facility
- 102 loads caused by the proposed special land use.
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- 104 B. To protect, accommodate, and enhance natural or manmade features of the site such as
- 105 topography, vegetation, soils, water features, historic structures, and scenic views.
- 106
- 107 C. To ensure compatibility with adjacent uses of land.
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- 109 D. To promote land use in a socially and economically desirable manner.
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111 9.6 RECORD OF ACTIONS

112 All decisions on a special land use shall be incorporated in a statement of conclusions relative to the special
113 land use under consideration. The decision shall specify the basis for the decision and any conditions
114 imposed.

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116 9.7 EXPIRATION, REVOCATION, AND REAPPLICATION

117 Except as otherwise provided in this Article, the standards and procedures for expiration and revocation of
118 an approved special land use permit or the reapplication for special land use that has expired or been denied
119 shall be the same as those for site plan review in Article 8.

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121 9.8 AMENDMENTS AND MODIFICATIONS

122 The standards and procedures for amending or modifying an approved special land use permit shall be the
123 same as those for site plan review in Article 8, with the exception that a major amendment to an approved
124 special land use permit will require a new public hearing before the Planning Commission following the
125 standards and process in Article 12.
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127 9.9 FEES AND GUARANTEES

128 Fees and performance guarantees associated with reviewing and approving a special land use application
129 shall be consistent with the requirements in Article 12.
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131 9.10 APPEAL

132 An application that the Planning Commission has denied under this Article may not be appealed to the
133 Zoning Board of Appeals.
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