

Public Hearing Application Special Use Permit (SUP)



SUBJECT PROPERTY INFORMATION	
Property Address:	
Check applicable Special Use request(s) below: <input type="checkbox"/> Conditional Use <input type="checkbox"/> Nonconforming Use	
Property's Current Zoning:	Property's Current Use:
Zoning District(s) that allows the proposed Special Use:	Lot/Tract Area (square feet):
Brief Project Description:	

FOR INTERNAL USE ONLY
Case #:
Date Received:
Pre-Application Discussion:
Hearing Date:
Assigned to:
Fee Paid:
Third Party Deposit:

PETITIONER & OWNER INFORMATION	
Petitioner	
Petitioner's Name:	Phone:
Address (City, State, ZIP):	
Email:	
Owner	
Property Owner's Name and Owner's Authorized Representative Name (if the Petitioner is not the legal owner of the property):	Phone:
Address (City, State, ZIP):	
Email:	

PROPERTY OWNER SIGNATURE			
By signing, the Property Owner authorizes the Petitioner to seek zoning approval for the Subject Property.			
Property Owner or Authorized Representative Signature	Date	Petitioner Signature (If Other Than Property Owner)	Date
Sworn to before me this ____ day of _____, 20____.		Sworn to before me this ____ day of _____, 20____.	
Notary		Notary	

PROPERTY INFORMATION - DETAILED

PIN Number(s):

Legal Description (note if attached):

SUPPLEMENTAL MATERIAL

The following attached items include required forms, templates, and informational material to complete this application.

- | | |
|--|--|
| <ul style="list-style-type: none">- Public Hearing Cost Recovery Form- Affidavit of Title, Covenant, and Warranty Form- Authorization to Enter and Traverse Land Form- Certificate of Compliance for Notice of Pending Land Use Relief Standards for a Planned Development- Certificate of Compliance Form- Notice of Pending Land Use Relief Standards | <ul style="list-style-type: none">- Three Steps to Public Notification- Certified Mail Notice Template- City Highland Park Zoning Code, Article XIV: Special Uses- Affordable Housing Requirement- Plan & Design Commission Schedule & Deadlines |
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APPLICATION CHECKLIST

Please submit the completed application form and all required materials to:

City of Highland Park
Department of Community Development - Planning Division
1150 Half Day Road, Highland Park, Illinois 60035

Questions? Contact the Planning Division at 847.432.0867 or visit cityhphil.com.

INCOMPLETE
APPLICATIONS WILL NOT
BE PLACED ON AN
AGENDA

- | | |
|--|--|
| <ul style="list-style-type: none"><input type="checkbox"/> Completed Application Form*<ul style="list-style-type: none">- Complete in its entirety- Petitioners' name(s) should be written exactly as on the proof of ownership- Notarized signatures of all owner(s) and petitioner(s) are mandatory<input type="checkbox"/> Application Fee*<ul style="list-style-type: none">- Make check payable to: City of Highland Park<input type="checkbox"/> Third Party Cost Recovery Form & Fee<ul style="list-style-type: none">- Make check payable to: City of Highland Park<input type="checkbox"/> Affidavit of Title, Covenant, and Warranty<ul style="list-style-type: none">- Any form of ownership must be accompanied by a notarized affidavit of title citing date of title and/or trust agreement | <ul style="list-style-type: none"><input type="checkbox"/> Authorization To Enter And Traverse Land<ul style="list-style-type: none">- To be signed by owner and City representative<input type="checkbox"/> Certificate of Compliance Form<ul style="list-style-type: none">- This ensures disclosures are made as part of any real estate sales contract or promotional sales literature<input type="checkbox"/> Project Narrative*<ul style="list-style-type: none">- Describe the project- Address the Special Use Standards (Section 150.1404)<input type="checkbox"/> Other Exhibits*<ul style="list-style-type: none">- Photos, letters, reports, requested materials, etc. <p><i>*Items marked with an asterisk are required for Pre-Application Discussions</i></p> |
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Public Hearing Cost Recovery Fees

Third Party Cost Recovery

During the course of reviewing and processing development applications the City of Highland Park often incurs expenses for third party consulting costs. In order to efficiently process zoning applications, every filed petition is subject to certain cost recovery fees (“Cost Recovery Fees”) that are placed in a City escrow account (“Cost Recovery Fee Escrow”), as provided in Section 150.306 of “The Highland Park Zoning Code of 1997” as amended. Cost Recovery Fees are in addition to any and all other filing fees and other charges established by the City. Based on their typical complexity and need for third party consulting services, the Cost Recovery Fees for various projects are:

- | | | | |
|---|----------|--|---|
| • Application Involving a Special Use: | \$1,500 | • Application Involving a Special Exception to Zoning: | \$2,000 |
| • Application Involving a Special Use w/exceptions: | \$2,500 | • Application Involving a Subdivision: | \$750 |
| • Application Involving a Planned Unit Development: | \$10,000 | • Application Involving a Major Subdivision: | \$5,000 |
| • Amendment to a PUD | \$5,000 | • Other Projects Not Herein Defined: | Determined by Director of Community Development |

The following items denote costs incurred by the City in processing a petition that would be deducted from the Cost Recovery Fee Escrow:

- | | |
|--|---|
| • Publication of notices | • Corporation Counsel, or other City retained attorney or law firm, consultation, meeting attendance, document preparation and review |
| • Court reporter (if necessary) | |
| • Professional and technical consultant services | |
| • Document recordation Process | • Copy reproduction |

Process

Every petition must be accompanied by the required petition fee and Cost Recovery Fee. Cost Recovery Fees will be forwarded to the Finance Division and deposited in a Cost Recovery Fee Escrow.

Within 90 days following final action on a petition, a final accounting will be made and any remaining funds in the Cost Recovery Fee Escrow after payment of the total actual costs due will be returned to the owner or petitioner.

In cases where the Cost Recovery Fees exceed the original deposit, Community Development staff will notify the petitioner and request additional funds in increments of \$1,000. Such funds will be forwarded to Finance and added to the Cost Recovery Fee Escrow. The City shall maintain an accurate record of all drawings from the Cost Recovery Fee Escrow.

Failure to pay any portion of the Cost Recovery Fee or replenish the Cost Recovery Fee Escrow within 30 days of the mailing of notice shall be grounds for refusing to process a petition and for denying or revoking any permit.

Petitioner Agreement

By signing below, the owner or petitioner acknowledges that it is subject to all of the provisions contained in Section 150.306 of the Zoning Code and agrees to pay, and to have consented to, (i) the Cost Recovery Fees, (ii) any costs of collection that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, and (iii) any additional Cost Recovery Fees assessed. No petition filed shall be considered complete unless and until all fees and deposits have been paid. Every approval granted and every permit issued, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of Cost Recovery Fees as required pursuant to City ordinance.

Responsible Party Signature: _____ Date: _____

Billing and Refund Information	
This information will be used for all billing and refunds.	
Name:	Phone:
Address	City, State, ZIP:
Email:	

Affidavit of Title, Covenant, and Warranty

STATE OF ILLINOIS
COUNTY OF LAKE

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the City of Highland Park:

- 1) That affiant has an interest in the real estate described below:

- 2) The following mortgagees, firms, corporations or persons are holders of liens against the above described real estate:

- 3) That since the title date of _____, _____ in the policy of title insurance issued by _____ affiant has not done or suffered to be done anything that could in any way affect the title to premises, and no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment note or other instrument that can result in a judgment or decree against affiant within five days from the date hereof.

- 4) That this instrument is made to induce the City of Highland Park to accept for review the affiant's application for a variation request.

- 5) Affiant further states:

Affiant

Subscribed and sworn to before me this _____

Day of _____, 20_____.

Notary Public

(SEAL)

Authorization to Enter and Traverse Land

**AUTHORIZATION TO ENTER AND TRAVERSE LAND
FOR RESEARCH OF REQUESTED ZONING RELIEF
OR OTHER MATTERS**

This Authorization is dated as of the ____ day of _____, 20__ (the “Authorization”) by and between _____, (“Owner”) as Owner of the property located at _____, Highland Park, Illinois (“Subject Property”), and the CITY OF HIGHLAND PARK, an Illinois Municipal Corporation (the “City”).

SECTION ONE. GRANT OF AUTHORIZATION.

A. The Owner grants and conveys to the City, its employees, the City Council, and the members of the Zoning Board of Appeals, Plan Commission, Design Review Commission, Historic Preservation Commission, Lakefront Commission and/or other City Commissions _____ (collectively, “City Representatives”), authorization and a right to enter on, over, across, and upon the Subject Property, for the purpose of researching the requested relief for the Subject Property that is the subject of an application to the City for one or more of the following types of zoning relief: i) variation; ii) special use; iii) special exception; iv) conditional use; v) planned unit development; vi) amendment; vii) sign variance (collectively, “Zoning Relief”), and for other purposes incidental thereto (“Zoning Relief Research”). The Owner also grants the City Representatives with authorization and a right to enter on, over, across, and upon any property owned or controlled by the Owner that is located adjacent to the Subject Property, if any, for the purpose of providing access to the Subject Property for the Zoning Relief Research.

B. The Owner represents that it has the authority and power to grant this Authorization.

C. The Owner shall not take, or cause or permit any other party to take, any action that will impair, prevent, or prohibit the City Representatives’ use of the Subject Property for the purposes stated in this Authorization.

SECTION TWO. DUTY TO WARN.

The Owner shall notify the City Representatives of the presence of any items located on the Subject Property that require protection or may cause injury to the City Representatives.

SECTION THREE. INSURANCE AND INDEMNIFICATION.

The City agrees to indemnify and hold harmless the Owner from all claims, losses, or damages of any kind, including legal and other expenses incidental to the investigation, defense, and settlement of such claims or losses to the extent such claims or losses result on the Subject Property from either the negligent or willful acts or omissions of the City Representatives in performing the Zoning Relief Research.

SECTION FOUR. EXPIRATION.

This Authorization shall expire immediately upon the final action of the City in its consideration of the Zoning Relief requested on the Subject Property.

SECTION FIVE. NO OBLIGATION OF CITY.

The City Representatives shall be under no obligation to exercise any of the rights granted to any of them in this Agreement. The failure of the City Representatives, or any one of them, to exercise at any time any such right shall not be deemed or construed to be a breach of this Authorization, nor shall such failure void or affect the City Representatives’ right, or that of any one of them, to enforce such right or any other right.

2431517_v5

OWNER

By: _____

CITY OF HIGHLAND PARK

By: _____

Director of Community Development or Designee

Information: Certificate of Compliance for Notice of Pending Land Use Relief

Section 150.308 of the City of Highland Park Zoning Code requires that if a property is the subject of an application for a special use permit, variation, map amendment, Zoning Code text amendment, or plat of subdivision, there must be written disclosures made as part of any real estate sales contract or promotional sales literature. The seller must prove to the City that it has complied with the Code as well, before the relief can be granted.

If the subject property is subject to a real estate transaction while seeking a special use permit, variation, map amendment, Zoning Code text amendment, or plat of subdivision, the seller must sign the Certificate of Compliance Form and provide a written disclosure such as the template provided.

SEC. 150.308 PENDING LAND USE APPLICATION DISCLOSURE NOTICE.

(A) Notice Required. A disclosure notice in the form and content set forth in this Section shall be required in connection with all applications seeking any of the following land use relief:

- (1) A variation from the regulations of this Chapter, in accordance with Article XII of this Chapter;
- (2) A Special Use Permit, in accordance with Article XIV of this Chapter; or
- (3) An amendment to either the text of this Chapter or the Official Zoning Map, in accordance with Article XV of this Chapter.

(B) Notice Location and Form. The applicant shall cause a disclosure notice of a pending application for land use relief, on a form to be provided by the City, to be attached to (1) any contract for the sale of any portion of the real property that is the subject of the pending application; (2) all promotional, sales, and advertising literature; and (3) all information packets distributed to prospective purchasers; provided, however, that no disclosure notice shall be required to be attached to, or made part of, advertisements in newspapers, magazines, and other similar forms of print media

(C) Notice Content. The disclosure notice shall, at a minimum, include the following information:

- (1) The existing zoning classification of the real property;
- (2) The name of, and contact information for, the applicant;
- (3) A brief description of the nature of the land use relief requested; and
- (4) The following statement: “This property is the subject of an application for land use relief initially filed with the City of Highland Park on [DATE]. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed.”

(D) Demonstration of Compliance. Prior to the approval by the City Council or the Zoning Board of Appeals, as the case may be, of any or all of the land use relief requested, the applicant shall provide evidence of compliance with the requirements set forth in this Section to the City Director of Community Development.

(E) Responsibility for Compliance. The obligation set forth in this Section shall be the sole responsibility of the applicant for the requested relief. Nothing herein shall be deemed or interpreted as imposing upon the City any responsibility to satisfy the disclosure requirements set forth in this Section. (Section 150.308 added by Ord. 18-07, J. 33, p. 069-072, passed 2/12/07)

Certificate of Compliance

CERTIFICATE OF COMPLIANCE
NOTICE OF PENDING LAND USE RELIEF

I, _____, am the (circle one: land owner, developer, other _____) of the property described herein as follows:

I certify that all efforts have been made to comply with the applicable requirements of Section 150.308 of “The City of Highland Park Zoning Ordinance of 1997” and Section 151.112 of “The Highland Park Code of 1968”, and that the required notice has been provided in the following forms (check all that apply):

- Promotional Sales and Advertising Literature
- Attachments to Real Estate Contracts
- Other forms (please specify): _____

ATTACH EXAMPLES OF ALL FORMS OF DISCLOSURE NOTICE

Applicant Name

Applicant Signature

Title of Representative

Subscribed and sworn to before me this _____

Day of _____, 20_____.

Notary Public

(SEAL)

Template: Pending Land Use Relief Disclosure Notice

CITY OF HIGHLAND PARK
PENDING LAND USE RELIEF DISCLOSURE NOTICE

Subject Property Address: _____ Current Zoning: _____

Land Use Relief Requested: _____

This property is the subject of an application for land use relief initially filed with the City of Highland Park on _____, 20____. Unless and until the application is approved by the City of Highland Park, in accordance with its applicable codes and ordinances, the land use relief requested in the application shall not be allowed.

Applicant: _____

Address: _____

State, City ZIP: _____

Phone: _____

Email: _____

Legal Notification Information

STEP 1

Confirm Names and Addresses

Use the Lake County Website or Township Assessor as a Resource



STEP 2

Mail the Public Notices

Via Certified Mail, Return Receipt
No Less than 15 days Prior to the Meeting



STEP 3

Return Proof of Notification

To Planning Division Prior to the Hearing

STEP 1: CONFIRM THE NAMES AND ADDRESSES FOR ALL PROPERTY WITHIN 400 FEET

Staff will provide you with a list of addresses within 400 feet of the subject property. Ownership information can be obtained by submitting the subject property address on the Lake County Assessment Office website at:

<http://www.lakecountyiil.gov/376/Search-by-Address>

Please note that property owners do not necessarily live at properties they own.

Alternatively, property information can be obtained from your township tax assessor's office. By calling and giving them your address, they can provide you the necessary information.

STEP 2: MAIL THE PUBLIC NOTICE

Staff will send you a copy of the Public Notice for use in the notification mailing. You may also use the "Certified Mail Notice Template" provided in the Public Hearing application packet. No sooner than thirty (30) days and no fewer than fifteen (15) days prior to the meeting, do the following:

Mail via Certified Mail with Return Receipt. From the post office or the U.S. Post Office website (www.usps.com), send each property owner a copy of the public notice via Certified Mail with a Return Receipt requested. The names obtained from the Township Assessor's Office or the Lake County website must be used (see Step 1). Retain proof of notification (the original, stamped certified mail receipts from the post office or the e-mail confirmation) for submittal to the Planning Division (Step 3).

Staff may request that additional project information be included as part of the letter.

STEP 3: RETURN PROOF OF NOTIFICATION TO THE PLANNING DIVISION

Make sure that all certified mail receipts are returned to Planning Division at the Public Services Building at 1150 Half Day Road no later than fifteen (15) days prior to your scheduled hearing date.

Noncompliance with these requirements may result in a continuance of the hearing until proof that all required property owners have been notified in the time frame specified.

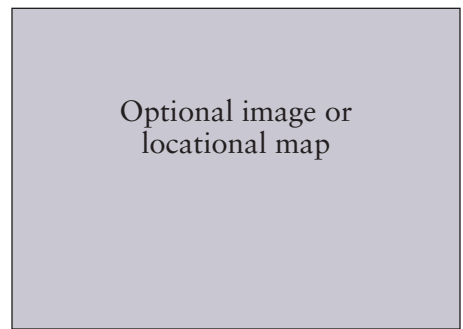
Notice Template

The template letter below is an example of a notification letter that must be sent out via Certified Mail no sooner than thirty (30) days and no fewer than fifteen (15) days prior to a Public Hearing. This template letter should be used for reference. Staff will provide assistance with drafting your notification letter.

Dear Property Owner:

Notice is hereby given that on **[September 20, 2018]** at 7:30 PM in the Council Chambers in Highland Park City Hall at 1707 St. Johns Avenue, Public Hearing # 18-XX-SUP-XXX will be conducted by the Plan and Design

Project Title	[INSERT TITLE HERE]
Property Address	[SUBJECT ADDRESS] Highland Park, IL 60035
Legal Description of Property	See attached Legal Notification
Petitioner	[NAME, ADDRESS]
Legal Representative	[NAME, FIRM]
Property Owner	[NAME, ADDRESS]



Commission to consider the following request:

Summary of Application:

[DETAILED PROJECT DESCRIPTION HERE]

Zoning Relief Requested (if any):

[PROVIDE RELIEF HERE AS APPLICABLE]

The Plan and Design Commission will also discuss all applicable design review features associated with this application. These may include building design and architecture, lighting and landscaping plans, and sign plans. You are being notified per the direction of City Council that the owners of all properties within four-hundred feet (400') of the legal boundaries of the zoning hearing subject site be notified in person or by Certified Mail, Return Receipt Requested.

At said hearing or any continuation thereof, all interested persons will be afforded an opportunity to be heard in relation to said matter.

Signed,

[Petitioner or Legal Representative]
[Title]

Attachments: **[if any]**

ARTICLE XIV. SPECIAL USES

Sec. 150.1401. Purpose and Authorization.

(A) The development and execution of the Zoning Ordinance is based upon the division of the City into zoning districts, within which the use of land and buildings, and the bulk and location of buildings and structures in relation to land, and the regulation thereof, are substantially uniform.

- (1) Because of their unique characteristics, it is recognized that there are special uses which cannot be properly classified in any particular district or districts without consideration in each individual case of the impact of those special uses on neighboring land and of the public need for a particular special use at a particular location.
- (2) While specific regulations for specific zoning districts in this Chapter may recognize particular uses that may be allowable in such zoning district as a special use, all such special uses fall, nevertheless, into two broad categories:
 - (a) Uses publicly operated or traditionally affiliated with the public interest; and
 - (b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities; such uses include but are not limited to Planned Unit Developments meeting the standards and requirements of this Chapter.

(B) Pursuant to the provisions of this Chapter, the location, construction, extension, or structural alteration of any use for which a special use permit is required may be authorized by a permit issued pursuant to a specific ordinance therefore adopted by the City Council, subject to the standards set forth in this Chapter and subject to such other conditions as may be imposed pursuant thereto. Prior to such authorization, a public hearing shall be held and notice given in the manner prescribed in this Article.

(C) Special uses shall be permitted only upon the issuance of one (1) of the following types of permits, each of which is elaborated upon in a subsequent Article of this Chapter:

- (1) Conditional Use; and
- (2) Planned Unit Development.

Sec. 150.1402. Application for Special Use.

(A) The petitioner shall file an application for a special use with the Zoning Administrator on forms provided by the Zoning Administrator, who shall forward a copy of such application without delay to the City Clerk for processing of payment, and preparation and publication of legal notice.

(B) The application for a special use shall contain the following information, as well as such additional information as may be prescribed by rule of the Plan and Design Commission:

- (1) The particular zoning district within this Chapter which will allow the proposed special use;
- (2) The present zoning of the subject property;
- (3) The present use of the subject property;
- (4) Whether the proposed special use will be a conditional use or a planned unit development;

- (5) The legal description of the subject property;
- (6) The commonly known location (address) of the subject property; and
- (7) Plans and other data.

(C) All applications shall be verified by the Applicant.

(D) At the time of filing, the application for a special use shall be accompanied by:

- (1) Except for applications filed by the City of Highland Park, proof of ownership or current contract to purchase or lease the subject property, accompanied by proof of authority to file the application on behalf of the owner since only persons owning or having interest in the subject property may file an application to use such land for one or more of the special uses allowable in this Chapter in the zoning district in which the subject property is situated (except in other instances as set forth in this Chapter: and
 - (a) Each application shall be signed by the owner of record of the subject property; and
 - (b) If the application is made by the trustee or beneficiary of a land trust, the application shall identify each beneficiary of such land trust by name and address and identify such beneficiary's interest therein.
- (2) Payment of an application fee equal to the amount established from time to time by resolution adopted by the City Council and maintained in the office of the Zoning Administrator.

(E) Applications shall be governed by additional administrative procedures prescribed by the Plan Commission.

(F) Applications for special use permits may be proposed by the City Council, the City Manager, the Plan and Design Commission, or any person having an ownership interest in any property proposed for the special use.

(Ord. 14-98, passed 2/9/98; Ord. 59-15, passed 6/8/15)

Sec. 150.1403. Processing, Notice, and Hearing.

(A) Upon receipt by the Zoning Administrator of a complete application for special use that has been duly filed, the Zoning Administrator shall assign a case and/or docket number to the application, shall schedule the matter for hearing before the Plan and Design Commission, and shall maintain a file for such application, which file shall be open to the public for inspection during regular business hours. All documents that are pertinent to the case, including but not limited to the application, legal notice, evidence, and transcript of proceedings, if any, shall be placed in the file.

(B) Not more than ninety (90) days after the filing of an application, a hearing shall be held on the application.

(C) Not more than thirty (30) days nor less than fifteen (15) days before the hearing date on which the application for a special use is to be considered, the City Clerk shall cause notice thereof to be published in one or more newspapers published in the City, or, if no newspaper is published within the City, then in one or more newspapers with a general circulation within the City. In addition to such published notice, not more than thirty (30) days nor less than fifteen (15) days before the hearing, the applicant, his agent,

or his attorney must notify either in person or by certified mail (return receipt requested) the owners of all property within two hundred fifty (250) feet (exclusive of dedicated rights-of-way) of the legal boundaries of the subject property. Proof of such notification must be presented at the hearing. The notices in required in this Section shall contain:

- (1) The legal description of the subject property;
- (2) The address of the subject property;
- (3) A brief statement of the nature of the requested special use;
- (4) The name(s) and address(es) of the legal and/or beneficial owner(s) of the subject property;
- (5) The name(s) and address(es) of the petitioner(s);
- (6) The name of the legal representative of the petitioner, if any; and
- (7) A statement of the date, time, and place of the hearing for which the notice is being given.

(D) Prior to the hearing, the Zoning Administrator shall also cause one or more signs to be posted on the subject property.

- (1) The number and location of signs shall be determined by the Zoning Administrator.
- (2) Each sign must be a minimum of 24 inches × 24 inches in size, have letters a minimum of $\frac{3}{8}$ inches wide stroke by $2\frac{1}{2}$ inches high, and contain the following information:
 - (a) The fact that a public hearing will be held regarding the subject property, with direction to interested members of the general public to call the office of the Zoning Administrator for further information concerning date, time, and place and subject matter of the public hearing; and
 - (b) The telephone number of the Zoning Administrator.

(E) Within ten (10) days after the commencement of the public hearing regarding the special use, the City shall cause the removal of the sign or signs from the subject property and return same to the office of the Zoning Administrator.

(F) Any party may appear in person, by agent, or by attorney and be heard at the hearing held pursuant to any such application for special use.

(Ord. 59-15, passed 6/8/15)

Sec. 150.1404. Standards.

(A) The Plan and Design Commission or the City Council, as the case may be, shall not recommend or grant a special use permit be issued unless it shall make findings of fact based upon evidence presented at the hearing in any given case that:

- (1) The special use will serve the public convenience at the location of the subject property; or the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with the special use, the size of the subject property in relation to such

special use, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate, orderly development of the zoning district in which it is located;

- (3) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted in such zoning district, nor substantially diminish and impair the value of other property in the neighborhood;
- (4) The nature, location, and size of the buildings or structures involved with the establishment of the special use will not impede, substantially hinder, or discourage the development and use of adjacent land and buildings in accord with the regulations of the zoning district within which they are located;
- (5) Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- (6) Parking areas of adequate size for the special use shall be properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways to and from these parking areas shall be designed to prevent traffic hazards, eliminate nuisance, and minimize traffic congestion in the public streets;
- (7) The special use shall in all other respects conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified as provided in this Chapter;
- (8) There is reasonable assurance that the special use will be completed and maintained as and if authorized; and
- (9) The special use shall comply with all applicable requirements set forth in this Chapter.

(B) In order to comply with the foregoing standards and to protect adjacent property and property values, the Plan and Design Commission or the City Council, as the case may be, may impose conditions and restrictions upon the subject property; and the location, construction, and design of buildings.

(C) The terms of the special use so granted shall be specifically set forth in a statement which is supported by the findings of fact of the Plan and Design Commission. The subject property shall not be used in violation of the ordinance, unless such usage is allowed by additional ordinance, pursuant to additional hearings on appeals therefor.

(Ord. 59-15, passed 6/8/15)

Sec. 150.1405. Plan and Design Commission Recommendation.

(A) Within 45 days after the close of the public hearing on any matter requiring a special use permit by ordinance, the Plan and Design Commission shall forward its recommendation to the City Council, as well as to the City Clerk and the Zoning Administrator.

- (1) The Plan and Design Commission may recommend, and the City Council may require, such additional conditions or restrictions upon the construction, location, and operation of a special use as shall be deemed necessary to satisfy the applicable standards found in this Chapter.

- (2) Such conditions or restrictions may include, but not be limited to: the stipulated expiration date of the special use permit; bonds or other cash guarantees of satisfactory completion; controls on signs more restrictive than the Sign Code; insurance of adequate firefighting and emergency access; controls on environmental factors such as noise, light, litter, and other similar aspects of the proposed special use; and routing of construction vehicles.

(B) The failure of the Plan and Design Commission to provide a recommendation within such 45 day period, or such further time to which the applicant may, in writing, agree, shall be deemed a recommendation against the issuance of the special use.

(Ord. 18-04, J. 30, p. 49-54, passed 3/8/04; Ord. 59-15, passed 6/8/15))

Sec. 150.1406. Action by City Council.

(A) After receiving the report of the Plan and Design Commission, the City Council shall review the report and may accept the findings and recommendation in whole or in part, or may reject them in whole or in part, or may refer the matter back to the Plan and Design Commission for further consideration.

(B) After reviewing the report of the Plan and Design Commission, by ordinance the City Council may authorize the issuance of a special use permit.

(C) No application for a special use permit which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Plan and Design Commission.

(D) No modification, alteration, or expansion of a special use authorized by a special use permit shall be permitted without reapplication in the same manner as required for an original special use permit.

- (1) In the case of a proposed amendment providing for the modification, alteration or expansion of an existing special use, if requested, the City Council may (but need not) waive the requirement for a formal public hearing and act upon the proposed modification, alteration, or expansion provided that:

- (a) Notice of a proposed public hearing has been duly published and served in the manner required by this Chapter, provided such notice contains the following statement:

IF NO WRITTEN REQUEST FOR A PUBLIC HEARING OR NO OBJECTION TO THE PROPOSED AMENDMENT IS FILED WITH THE CITY CLERK AT LEAST SEVEN DAYS PRIOR TO THE AFORESAID DATE SET FOR SUCH PUBLIC HEARING, NO PUBLIC HEARING WILL BE HELD AND THE PLAN AND DESIGN COMMISSION WILL CONSIDER THE PROPOSED AMENDMENT AT A MEETING IN THE CITY HALL ON THE DATE SET FOR THE PUBLIC HEARING;

- (b) No objection to the proposed amendment, or request for a public hearing on the proposed amendment is filed;
- (c) The Plan and Design Commission has considered the proposed amendment and submitted its report and recommendations thereon to the City Council, including in such report and recommendations the finding whether or not the proposed modification, alteration,

or expansion constitutes a change in the essential character of the use and will not materially change the impact of the special use on adjacent properties or the community as a whole; and

(d) The City Council determines that the proposed amendment does not constitute a change in the essential character of the use and will not materially change the impact of the use on adjacent properties or the community as a whole.

(2) The waiver of public hearing does not relieve the applicant of the obligation to serve formal notice on adjoining property owners, nor does it relieve the Plan Commission of the obligation to review the application, take judicial notice of the earlier public hearing, and report its findings and make its recommendation to the City Council.

(E) A special use permit may be revoked by the City Council after a finding of the existence of any one of the following conditions or of the occurrence of any of the following events:

(1) Authorized construction is not initiated within twelve (12) months of the granting of the special use permit, or construction is not completed within twenty-four (24) months of the granting of such a permit, except that the twenty-four (24) month completion requirement shall not apply to Planned Unit Developments.

(2) The operation of the use for which a special use permit was granted is not begun within three (3) months of the completion of construction permitted under the permit, or within three (3) months of the issuance thereof where no construction has been permitted.

(3) The operation of the use for which a special use permit has been issued ceases for a continuous period of six (6) months.

(4) The landscaping or buffer facilities (fences, walls, earth berms, etc.) required by a special use permit are not being maintained in a healthy, attractive, and effective manner.

(5) The special use and related property are not kept in good repair, free of refuse, or are not operated and maintained in a manner so that they will not become a public nuisance and will not be detrimental to the public health, safety and welfare.

(6) Any of the provisions of this Chapter or any conditions specifically designated for the special use are violated.

(F) Upon request by the applicant to whom a special use permit has been granted, the City Council may extend the time for the commencement of construction as follows:

(1) If a delay, or anticipated delay, is caused by governmental action without fault on the part of the applicant, an extension may be granted for a period not longer than the period of the governmental delay; and

(2) For good cause shown, an extension may be granted for such period of time as the Council deems appropriate but not to exceed twelve (12) months exclusive of extensions authorized under subparagraph (1) hereinabove.

(G) If revoked, a special use permit may be reinstated by the City Council upon petition of the applicant made to the City Council within ninety (90) days of the revocation, provided that the condition(s) which were the cause of the revocation have been eliminated and the special use is in total compliance with this Chapter and the ordinance granting the special use permit.

(H) Unless otherwise provided in the special use permit, or unless the permit is revoked by the City Council for one of the conditions listed above, special use permits shall remain valid for a specific special use on a specific piece of property, even though that use or the property may change ownership, manager, occupancy, or operator, provided that the special use continues to comply with the requirements and regulations of the special use permit.

- (1) The owner of a parcel of property which is the subject of a special use permit shall supply all successive owners, managers, occupants, and operators of the special use on the property or of the property itself with a copy of the ordinance authorizing the special use permit and all related requirements and regulations; and
- (2) Such successive owners, managers, occupants, and operators shall forward to the Zoning Administrator an acknowledgement that they have read the ordinance and related requirements and regulations and agree to comply therewith.

(Ord. 18-04, J. 30, p. 49-54, passed 3/8/04; Ord. 59-15, passed 6/8/15))

Affordable Housing Requirement

Affordable Housing 20% Requirement						Updated July 2016	
Total Proposed Units	Breakdown of Proposed Units		Effective Rate	Affordable Bonus	PUD Bonus	Max Total Units with Bonuses	Effective % Aff WITH Aff Bonus Units
	Market Rate Units	Affordable Units					
1	1	0	0.0%	0	0	1	0.0%
2	2	0	0.0%	0	0	2	0.0%
3	3	0	0.0%	0	0	3	0.0%
4	4	0	0.0%	0	0	4	0.0%
5	4	1	20.0%	1	1	7	14.3%
6	5	1	16.7%	1	1	8	12.5%
7	6	1	14.3%	1	1	9	11.1%
8	6	2	25.0%	2	1	11	18.2%
9	7	2	22.2%	2	1	12	16.7%
10	8	2	20.0%	2	1	13	15.4%
11	9	2	18.2%	2	1	14	14.3%
12	10	2	16.7%	2	1	15	13.3%
13	10	3	23.1%	3	2	18	16.7%
14	11	3	21.4%	3	2	19	15.8%
15	12	3	20.0%	3	2	20	15.0%
16	13	3	18.8%	3	2	21	14.3%
17	14	3	17.6%	3	2	22	13.6%
18	14	4	22.2%	4	2	24	16.7%
19	15	4	21.1%	4	2	25	16.0%
20	16	4	20.0%	4	2	26	15.4%
21	17	4	19.0%	4	2	27	14.8%
22	18	4	18.2%	4	2	28	14.3%
23	18	5	21.7%	5	3	31	16.1%
24	19	5	20.8%	5	3	32	15.6%
25	20	5	20.0%	5	3	33	15.2%
26	21	5	19.2%	5	3	34	14.7%
27	22	5	18.5%	5	3	35	14.3%
28	22	6	21.4%	6	3	37	16.2%
29	23	6	20.7%	6	3	38	15.8%
30	24	6	20.0%	6	3	39	15.4%
31	25	6	19.4%	6	3	40	15.0%
32	26	6	18.8%	6	3	41	14.6%
33	26	7	21.2%	7	4	44	15.9%
34	27	7	20.6%	7	4	45	15.6%
35	28	7	20.0%	7	4	46	15.2%
36	29	7	19.4%	7	4	47	14.9%
37	30	7	18.9%	7	4	48	14.6%
38	30	8	21.1%	8	4	50	16.0%
39	31	8	20.5%	8	4	51	15.7%
40	32	8	20.0%	8	4	52	15.4%
41	33	8	19.5%	8	4	53	15.1%
42	34	8	19.0%	8	4	54	14.8%
43	34	9	20.9%	9	5	57	15.8%
44	35	9	20.5%	9	5	58	15.5%
45	36	9	20.0%	9	5	59	15.3%
46	37	9	19.6%	9	5	60	15.0%
47	38	9	19.1%	9	5	61	14.8%
48	38	10	20.8%	10	5	63	15.9%
49	39	10	20.4%	10	5	64	15.6%
50	40	10	20.0%	10	5	65	15.4%
51	41	10	19.6%	10	5	66	15.2%
52	42	10	19.2%	10	5	67	14.9%
53	42	11	20.8%	11	6	70	15.7%
54	43	11	20.4%	11	6	71	15.5%
55	44	11	20.0%	11	6	72	15.3%
56	45	11	19.6%	11	6	73	15.1%
57	46	11	19.3%	11	6	74	14.9%
58	46	12	20.7%	12	6	76	15.8%
59	47	12	20.3%	12	6	77	15.6%
60	48	12	20.0%	12	6	78	15.4%
61	49	12	19.7%	12	6	79	15.2%
62	50	12	19.4%	12	6	80	15.0%
63	50	13	20.6%	13	7	83	15.7%
64	51	13	20.3%	13	7	84	15.5%
65	52	13	20.0%	13	7	85	15.3%
66	53	13	19.7%	13	7	86	15.1%
67	54	13	19.4%	13	7	87	14.9%
68	54	14	20.6%	14	7	89	15.7%
69	55	14	20.3%	14	7	90	15.6%

Plan & Design Commission Dates & Deadlines

2020 Plan & Design Commission Meeting Dates & Deadlines		
Plan and Design Commission Meeting Date	31-day Application Submission Deadline (With 3rd Party Review)	21-day Application Submission Deadline
January 7, 2020	December 6, 2019	December 17, 2019
January 21, 2020	December 20, 2019	December 31, 2019
February 4, 2020	January 2, 2020	January 14, 2020
February 18, 2020	January 17, 2020	January 28, 2020
March 3, 2020	January 31, 2020	February 11, 2020
March 17, 2020	February 14, 2020	February 25, 2020
April 7, 2020	March 6, 2020	March 17, 2020
April 21, 2020	March 20, 2020	March 31, 2020
May 5, 2020	April 3, 2020	April 14, 2020
May 19, 2020	April 17, 2020	April 28, 2020
June 2, 2020	May 1, 2020	May 12, 2020
June 16, 2020	May 15, 2020	May 26, 2020
July 7, 2020	June 5, 2020	June 16, 2020
July 21, 2020	June 19, 2020	June 30, 2020
August 4, 2020	July 3, 2020	July 14, 2020
August 18, 2020	July 17, 2020	July 28, 2020
September 1, 2020	July 31, 2020	August 11, 2020
September 15, 2020	August 14, 2020	August 25, 2020
October 6, 2020	September 4, 2020	September 15, 2020
October 20, 2020	September 18, 2020	September 29, 2020
November 3, 2020	October 2, 2020	October 13, 2020
November 17, 2020	October 16, 2020	October 27, 2020
December 1, 2020	October 30, 2020	November 10, 2020
December 15, 2020	November 13, 2020	November 24, 2020

Please confirm with City Planning Staff which deadline date is applicable to your project.