

**City of Danville
PROCEDURES FOR
SPECIAL USE PERMITS**

A. FILING PROCEDURES:

- 1. Applicant and/or his agent shall meet with the Zoning Administrator to discuss a request for a Special Use Permit, obtain an application form and present preliminary information.**
- 2. The applicant or his agent shall complete the application and shall prepare a site plan and other supporting materials that contain the information requested in section 150.185 of the Zoning Ordinance (see attached) as well as the following:**
 - (a) Description of business operations, including hours, products, market area, traffic volumes, and timetable for development (if applicable);**
 - (b) A written joinder agreement signed by the title holder of the property and notarized, concurring with the special use request (if the applicant is not the owner of the property).**
- 3. The applicant or his agent shall file the completed application form, and the required site plan and exhibits, with the Zoning Administrator and pay to the City Clerk the filing fee of \$200.00 at least 20 days prior to the Planning & Zoning Commission meeting. The Zoning Administrator will schedule the application for a public hearing before the Planning & Zoning Commission.**
- 4. The applicant shall have notice of the public hearing published one time in a local newspaper of general circulation at least 15 days but no more than 30 days prior to the hearing (form attached). "Proof of Publication", which is obtained from the newspaper by the applicant upon request, shall be furnished to the Zoning Administrator prior to the hearing.**
- 5. Notices of the public hearing will be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing. The failure of any property owner to receive such notification shall not invalidate the proceedings.**
- 6. The Planning and Zoning Commission will conduct a public hearing and make a recommendation to the City Council for approval, conditional approval, or denial of the proposed Special Use Permit. The applicant(s) or a representative must be present at the public hearing.**

In reviewing the special use permit application and the other evidence presented, the Commission shall consider the following criteria. Any request for a special use permit shall be reviewed for consistency with the following criteria:

- (1) The use is in substantial harmony with the purpose and intent of the Zoning District in which it is to be located.**
 - (2) The use conforms to all applicable regulations of the Zoning District in which it is to be located.**
 - (3) The use is necessary for the public convenience at the location.**
 - (4) The use is consistent with applicable provisions of the Comprehensive Plan.**
 - (5) The use is compatible with the existing or allowable uses of adjacent properties.**
 - (6) The use will preserve the essential character of the neighborhood in which it is located.**
 - (7) The use will not adversely affect the public health, safety or welfare.**
 - (8) The use will not adversely influence living conditions in the immediate vicinity.**
 - (9) The use will not adversely affect adjacent properties.**
 - (10) The use will not create undue traffic congestion.**
 - (11) The request conforms to all applicable provisions of this Ordinance.**
- 7. The City Council will then take final action on the Special Use Permit within 45 days of the public hearing and in most instances this will occur at the next regularly scheduled council meeting. If the Commission voted to deny an application for a special use permit, a two thirds (2/3rds) affirmative vote of the City Council then holding office is required to override the Commission's action and approve the request.**

B. HEARING PROCEDURES:

- 1. The regular meeting of the Danville Zoning and Planning Commission is held on the first Thursday of every month at 5:15 p.m. in the Community Room of the Municipal Building at 17 W. Main St., Danville, Illinois, or in a place designated by a notice posted upon the door of said building.**
- 2. Every hearing on every application to amend the Danville Zoning Ordinance is conducted in an open public meeting.**
- 3. The Chairperson will call the meeting to order. Applicants will be sworn in and may make an opening statement. Such statement may also be made by an agent. Witnesses may testify on behalf of the applicant. Objectors may also testify. The Urban Services Department will present additional information as well as offer either a written or verbal opinion. The Commission members may ask questions, and then discuss and vote upon the application.**

C. WITHDRAWAL:

An application may be withdrawn any time prior to the beginning of the public hearing without penalty. If the application is withdrawn between the time the hearing begins and the City Council takes final action, said application can not be reheard for 12 months.

D. DENIAL:

If an application is considered and ultimately denied by the City Council, that request shall not be reconsidered by the Commission or the City Council at any time in a substantially similar form unless the Zoning Administrator determines that conditions affecting the requested special use have changed significantly enough to justify reconsideration of said request.

E. CHANGES SUBSEQUENT TO APPROVAL:

An applicant desiring to amend the plans that were approved as part of the special use permit approval process shall contact the Zoning Administrator.

1. **Minor Amendments.** If the Zoning Administrator deems the amendments minor and not significant, the Zoning Administrator shall review the revised plans and make a determination as to whether the changes will be allowed.
2. **Major Amendments.** If the Zoning Administrator deems the amendments significant, an application for a new special use permit will need to be submitted and approval of that special use permit application granted.

F. EXPIRATION AND REVOCATION:

Once a special use permit is approved by the City Council for a specific location, the permit and each condition thereof shall be deemed continuing until the permit is revoked or otherwise terminated.

1. **Expiration.** In any case where a special use permit has been approved, the special use permit shall terminate and the use of the property authorized by the special use permit shall be ended immediately if:
 - (a) Once a special use is established, a change in use occurs from the established special use to another use.
 - (b) An established special use is abandoned or discontinued for a period of 12 consecutive months.
 - (c) The special use is not established within 18 months of the date of final approval by the City Council. Within that period, if an applicant can show the Zoning Administrator that progress is being made towards establishing an approved special use, then the Zoning Administrator has the discretion to grant in writing one time extension for a reasonable period under the circumstances.
2. **Revocation.** Violation of the conditions of a special use permit shall be deemed a violation of this Ordinance and shall be grounds for revocation of a special use permit.