

### What is a Special Use Permit?

Special uses are not permitted by right in the various zoning districts. A special use is one which is potentially appropriate in and compatible with other uses in its zoning district, but which, because of the potential major impact of its scale and nature on its district and the ~~community~~ ~~as a whole~~, necessitates stricter examination, site plan review, and individual regulation.

### Who Can Grant a Special Use Permit?

The ~~City Council~~ ~~grants~~ Special Use Permits after determining whether the reasons set forth in an application and the evidence provided at the public hearing justify the granting of the special use based upon the criteria specified in Zoning Ordinance.

### What is the Plan Commission?

The Plan Commission has the power and duty to recommend to the ~~City Council~~ ~~the following~~: a comprehensive plan of public improvements looking to the future development of the ~~city~~; all amendments of the Zoning Ordinance; proposed special use permits; subdivision plats; zoning amendments and annexation agreements which prescribe any zoning classification for the property to be annexed. The Plan Commission consists of ~~seven~~ members, all of whom reside within the ~~city~~ or within the territory contiguous to the city and within one and one-half miles beyond the corporate limits of the ~~city~~. All members are appointed by the Mayor, subject to confirmation by the ~~City Council~~

# SPECIAL USE PERMITS



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## SPECIAL USE PERMIT APPLICATION PROCESS

A written application must be submitted to the Plan Commission by the owners of more than 50% of the ownership of the subject property. Each application for a special use must be accompanied by a fee to be paid by the applicant.

Village staff organizes a hearing and notification requirements specified in the Zoning Code.

The Plan Commission holds a public hearing in accordance with established procedures and the requirements.

The Plan Commission determines whether the reasons set forth in the application and the evidence provided at the public hearing justify the granting of the special use permit based upon the criteria specified and finding of fact. The Plan Commission shall make a recommendation to the Village Board for or against the special use, and may also recommend additional conditions as are deemed appropriate or necessary for the public health, safety and welfare and to carry out the purposes of the Zoning Ordinance.

## How Do I Know If I Need a Special Use Permit?

You can refer to the Table of Uses in the Zoning Ordinance. To obtain a copy of the Zoning Ordinance, please contact Village staff in the Village Hall. The cost of a Zoning Ordinance is \$10.00. The Zoning Ordinance is also posted on the Village's website at [www.villageofmaltail.com](http://www.villageofmaltail.com)

## Where Can I Obtain a Special Use Application?

Applications for special use permits are available in the Village Hall office. Downloadable and pdf copies of the application are also available on the Village's website, [www.villageofmaltail.com](http://www.villageofmaltail.com) Click on the Building and Zoning tab on the home page.

## How Long is the Application Process?

Generally speaking, the special use process takes 4-6 weeks, depending on when the application is received and that the application is complete. Village staff must receive an application, prepare an agenda, publish a hearing notice in the newspaper, mail a copy to all persons within 250 feet of the property.

## What is the Fee?

The fee for a special use application is \$500.00 This fee covers \$200.00 application fee, publication in the newspaper & mailing fees.

## TERMS & CONDITIONS

- A. Council, a special use authorized by the Village Board is subject to all the development regulations applicable to permitted uses in the district in which it is located, unless other more restrictive regulations are specifically approved. Special uses are also subject to the regulations pertaining to parking and access which are applicable for the use and district, and to the following additional requirements, unless otherwise specifically stated in the terms of the special use:
  - B. Unless otherwise specifically stated by the Village Board the special use approval shall be valid until the special use is discontinued. Valid special use approval in the form of an ordinance is required before issuance of a building permit or Certificate of Occupancy (if no building permit is required). If a building permit or Certificate of Occupancy is not issued within one year of approval the special use permit shall no longer be valid.
  - C. Violation of the terms and conditions of the special use shall be deemed a violation of this Ordinance, subject to the revocation or cancellation of the permit and the provisions. Extensions of any time period, or changes in the development schedule or other time sequence which were approved as part of the special use may be approved only by the Village Board. Any such extension or change which is not so authorized shall be deemed a violation of this Ordinance as provided above.