

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 Village of Malta as a whole, necessitates stricter examination, site plan review, and individual regulation.

Who Can Grant a Special Use Permit?

The Village Board 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 Village Board the following: a comprehensive plan of public improvements looking to the future development of the Village; 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 Village or within the territory contiguous to the city and within one and one-half miles beyond the corporate limits of the village. All members are appointed by the Mayor, subject to confirmation by the Village Board.

Village of Malta
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Special Use Permits

Sec. 70-101. - Generally.

This chapter divides this municipality into various districts and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such special uses require careful case-by-case review and may be allowed only by permission of the village board of trustees.

Sec. 70-102. - Application.

Every applicant for a special use permit shall submit to the administrator, in narrative and/or graphic form, the items of information enumerated in this section. All applicable fees must be submitted to the village before the application will be processed. The administrator shall prepare an advisory report on every request for a special use permit. He shall promptly transmit the completed application and his advisory report to the planning commission.

Sec. 70-103. - Public hearing notice.

The planning commission shall hold a public hearing on every special permit application within a reasonable time after such application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. A notice indicating the time, date, and place of the hearing and the nature of the proposed special use shall be given not more than 30 days nor less than 15 days before the hearing: Mail to properties within 250' of subject property.

Sec. 70-104. - Advisory report: factors to be considered. Within a reasonable time after the public hearing, the planning commission shall submit their advisory report to the village board of trustees. In deciding what their advice should be, the planning commission shall consider the following factors:

(1)Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare and the physical environment;(2)Whether the proposed special use is consistent with this village's comprehensive plan;(3)The effect the proposed special use would have on the value of neighboring property and on this village's overall tax base;(4)The effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and(5)Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection. **Sec. 70-105. - Action by village board of trustees.** The village board of trustees shall act on every request for a special use permit at their next regularly scheduled meeting following the submission of the planning commission's advisory report. Without further public hearing, the village board of trustees may grant a special use permit by an ordinance passed by a simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the village board of trustees

shall state their findings of fact and indicate their reasons for approving (with or without conditions) or denying the request for the special use permit.

(Ord. No. 95-4, § 10-3.4, 4-12-1995; Ord. No. 2009-02, § 3(Exh. A), 4-8-2009)

SPECIAL USE PERMITS

Village of Malta Building and Zoning



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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 meeting 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. The Zoning Ordinance is also posted on the Village's website at: 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. Click on the Building and Zoning tab on the home page.

How Long is the Application Process?

Generally speaking, the special use process takes 4-12 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, contact legal team and in some instances a court recorder must be present.

What is the Fee?

The fee for a special use application is \$600.00 or \$1000.00 for liquor license. This fee covers \$200.00 application fee that includes processing, publication and other professional fees of \$400.00.

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.