

Village of Fall Creek
CONDITIONAL USE PERMIT APPLICATION

§ 268-96. CONDITIONAL USES. Purpose. The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire village into districts, in each of which there are permitted specified uses that are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which, because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this chapter as conditional uses and fall into two categories:

1. Uses which are either municipally operated or operated by publicly regulated utilities.
2. Uses entirely private in character which, because of their particular locational need, the nature of the service they offer to the public or their possible damaging influence on the neighborhood, may have to be established in a district or districts in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations.

The application for a Conditional Use Permit shall be filed with the **ZONING ADMINISTRATOR**.

Today's Date _____

Address, or description of property involved: _____

Property Tax ID Number: 127- _____

Describe the petition you are requesting: _____

Name/Address/Phone Number of
Person or Corporation filing for petition:

Name/Address/Phone Number of Property Owner
(if different from petitioner):

As Owner, I do hereby certify that the above information is true and correct to the best of my knowledge.

Owner's Signature

As Authorized Agent, I do hereby certify that the above information is true and correct to the best of my knowledge.

Authorized Agent's Signature

As Owner, I hereby give my authorization to _____ to serve as my authorized agent in this transaction.

Signed _____

FILING FEE: \$75.00

Date Paid _____

Payment Received By _____

(Requirements/Conditions Continued on Next Page)

ADDITIONAL INFORMATION REQUIRED:

(Clerk's office and/or Zoning Administrator can assist in obtaining)

- Legal description of property involved (attach map showing exact property included in the zoning request)
- Accurate drawing of site and surrounding area for a distance of at least 300 feet from each boundary.
- List of names and addresses of adjacent property owners.

§ 268-96.C. REFERRAL TO PLAN COMMISSION. The Zoning Administrator shall refer the application for a conditional use permit to the Plan Commission. The Plan Commission shall hold at least one **PUBLIC HEARING** on the proposed conditional use. **NOTICE OF THE HEARING SHALL BE PUBLISHED NOT MORE THAN 30 DAYS AND NOT LESS THAN 15 DAYS BEFORE THE PUBLIC HEARING** in a newspaper of general circulation in the village. Owners of adjacent properties shall also be notified, in writing. Their failure to get the notice or attend the public hearing shall not invalidate the proceedings.

- Dates of Public Notice published in newspaper (attachments): _____
- Date Adjacent Property Owner's were notified (attachments): _____
- Date of Public Hearing/Plan Commission meeting: _____
- [] Copies of Agenda/Map/List of Adjacent Property Owners sent to Plan Commission

§ 268-96.D. ACTION BY THE PLAN COMMISSION. Within 30 days of the public hearing, the Plan Commission shall act on the application for a conditional use permit. The Plan Commission shall transmit, in writing, to the Village Board its recommendation for the disposition of the application. The Commission shall make one of the following recommendations:

- Approve amendment as presented by the applicant
- Approve amendment with modifications
- Deny amendment

§ 268-96.E. DISPOSITION BY THE VILLAGE BOARD. Within 30 days of the receipt of the Plan Commission recommendation, the Village Board shall place the petition for amendment on its agenda.

- Date of Village Board meeting: _____
- [] Copies of Agenda/Map/List of Adjacent Property Owners sent to Village Board

§ 268-96.E.(1) THE VILLAGE BOARD SHALL ACT ON THE AMENDMENT BY:

- Approving amendment, provided that the standards of Subsection F of this section are met;
- Approving amendment with modifications, provided the standards of Subsection F of this section are met;
- Denying amendment.

§ 268-96.E.(3)(a) Any proposed conditional use permit which fails to receive the approval of the Plan Commission or has received a filed objection duly signed and acknowledged by the owners of 20% or more of the area of land immediately adjacent to the property extending 100 feet therefrom or by the owners of 20% or more of the land directly across the street and extending 100 feet in either direction shall not be approved by the Village Board except by a three-fourths vote of the Board members voting.

§ 268-96.F. STANDARDS. Prior to the Plan Commission recommending approval or the Village Board approving the issuance of a conditional use permit, each body shall determine that the proposed conditional use will meet the following standards:

- (1) It will in no way endanger public health, safety, morals, comfort and general welfare.
- (2) It will not be injurious to the enjoyment of other property in the immediate vicinity.
- (3) It will not impede the orderly development and improvement of other nearby property in the village.
- (4) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards on public streets.
- (6) It will conform to the applicable regulations of the district in which it is to be located.

§ 267-96.G. CONDITIONS. The Plan Commission may recommend and the Village Board may attach certain conditions to the conditional use. The applicant must then agree to the conditions prior to the issuance of a conditional use permit. These conditions may include, but are not limited to, lot sizes in excess of district minimums, screening and fencing, lighting, hours of operation and increased parking requirements.

§ 267-96.H. LAPSE OF CONDITIONAL USE PERMIT. A conditional use permit shall lapse and become void one year after passage by the Village Board unless the conditional use is fully established or a building permit has been issued and construction has commenced and is being pursued diligently according to the requirements of the permit. A conditional use permit may be renewed for an additional period of up to two years by application to and approval of the Village Board.

- [] Copy of this completed form mailed to petitioner after action taken