



VILLAGE OF
Midlothian

14801 South Pulaski Road
Midlothian, Illinois 60445

Fax: (708) 389-0255

www.villageofmidlothian.net

SPECIAL USE PERMIT PROCESS

Purpose: The Village is divided into districts, within which the use of land and buildings and the bulk and location of buildings or structures are essentially uniform. However, there are special uses, which, because of their unique character, cannot be properly classified in a particular district(s) without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use at the particular location. The Special Use process addresses these unique circumstances and regulates such uses to protect public health, safety, comfort, convenience, and general welfare. Such Special Uses fall into two (2) categories:

1. Uses operated by a public agency or publicly related utilities or uses traditionally maintained for the public interest.
2. Uses entirely private in character, but of such nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

Any person having a right of ownership or right of possession in any property in the Village may request a Special Use. All applications for Special Uses shall be filed with the Village Clerk in accordance with the requirements in Section 11-2-7 of the Village Code.

This document provides a synopsis of the process for application and review of requests for Special Use Permits. Additional information may be found in Section 11-2-16 of the Village Code.

1. **Pre-application Meeting:** The petitioner must meet with the Superintendent of Buildings for a pre-application meeting to informally discuss the proposed Special Use prior to filling out a formal application. At the pre-application meeting, the petitioner should provide general information that describes or outlines the existing conditions of the site and the proposed Special Use. The Building Department staff will review the types of required submittals (see item #3), the number of copies required, and the approximate length of review time required by the Village.

The petitioner is encouraged to become familiar with the appropriate provisions of the Zoning Code prior to submittal of an Application for Special Use Permit.

2. **Pre-application Public Notice:** An applicant for Special Use Permit, not more than thirty (30) days before filing an application for Special Use with the Zoning Board of Appeals, shall serve written notice of their intent to file an Application for Special Use Permit, either in person or by registered mail, return receipt requested, on the owners, as recorded with the Cook County Recorder of Deeds, and as appears from the authentic tax records of such county, of all property within two hundred fifty (250) feet in each direction of the location for which the Special Use is requested; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the two hundred fifty (250) foot requirement.

The Zoning Notification Search must be prepared by RealInfo, LLC, 1112 W. Boughton Road #302, Bolingbrook, IL 60440, (P) 630-789-4900, (F) 630-789-4901. The petitioner must contact RealInfo, LLC directly to have the search performed, and ask for the following information to be provided. A copy of said information shall be submitted to the Village.

1. Mailing Labels - Avery 5160 format or compatible - taxpayer of record
2. List Report - shows owners and taxpayers of record
3. Overview Map - highlighted pin numbers researched - 250 ft radius (excluding Streets and ROW)
4. Paid Receipt

The notice shall contain the address of the location for which the Special Use is requested, a brief statement of the nature of the requested Special Use, the name and address of the real and beneficial owner of the property for which the Special Use is requested, a statement that the applicant intends to file an application for Special Use and the approximate date on which the application will be filed (see attached sample letter).

3. **Pre-application Meeting:** The petitioner must meet with the Superintendent of Buildings for a pre-application meeting to informally discuss the proposed Special Use prior to filling out a formal application. At the pre-application meeting, the petitioner should provide general information that describes or outlines the existing conditions of the site and the proposed Special Use. The Building Department staff will review the types of required submittals (see item #3), the number of copies required, and the approximate length of review time required by the Village.

The petitioner is encouraged to become familiar with the appropriate provisions of the Zoning Code prior to submittal of an Application for Special Use Permit.

4. **Required Submittals:** The petitioner shall prepare and submit copies of the following documents to the Village Clerk, 14801 South Pulaski Road, Midlothian, IL 60445.
 - a. **Application:** Completed Application for Special Use Permit.
 - b. **Application Fee:** \$400.00, non-refundable.
 - c. **Deposit:** \$1,000.00. The deposit is used to offset the direct costs incurred by the Village for required mailings of public notices, publication of legal notices, and consultants for engineering, legal and Zoning Board of Appeal secretarial services. The Superintendent of Buildings may set a higher minimum based on an evaluation of the size of the project and likely expenses associated with the review process. Once the project is complete, any remaining funds from the deposit are returned to the petitioner. Any costs related to the application that are not covered by the deposit must be paid by the applicant prior to the request being heard by the Village Board.
 - d. **Reimbursement of Fees Agreement:** Signed agreement consenting to reimburse the Village for out-of-pocket expenses incurred in processing the application (form attached to application).
 - e. **Plat of Survey:** A current Plat of Survey of the property, prepared, signed and sealed by a land surveyor licensed in the State of Illinois, including a statement that the property is or is not in the floodplain or floodway.
 - f. **Architectural Drawings:** Types of drawings (site plan, floor plans, building elevations, renderings, etc.) required for submittal will be determined at the time of the Pre-application meeting described under item 2. All drawings must be drawn and printed to scale, with accompanying electronic (.pdf) files.
 - g. **Photographs:** Imagery of property and existing structures from each compass direction, indicating area subject to the Special Use.
 - h. **Proof of Ownership:**
 - 1) A copy of a Guarantee Title Policy or other proof of ownership as approved by the Building Department staff, or
 - 2) If a tenant is the petitioner, include copy of the Lease Agreement or Letter of Intent to lease from the property owner, or
 - 3) If a tenant is the petitioner, include a written statement from the property owner that they are aware of and approve the tenant's application for a Special Use Permit.
 - i. **Disclosure of Interest:** If the subject property is held in a trust, a complete disclosure of interest of the ownership, including the names of trustees and beneficial owners,

shall be provided. If the subject property is owned by a corporation, a disclosure of the shareholders, including the names of the officers and directors, shall be provided (form attached to application).

- j. **Affidavit of Authorization:** A document signed by the owner of the subject property which authorizes the petitioner to represent them for the Special Use request shall be provided (form attached to application).
- k. **Narrative Statement:** A description of the existing and proposed use(s) of all structures and land. The statement should evaluate the economic effects of the proposed Special Use and the impacts of such elements as noise, glare, odor, fumes, and vibration on adjoining property. The statement should discuss the general compatibility with existing and proposed uses in the general vicinity and with the recommendations of the Village's Comprehensive Plan.
- l. **Mailing List:** A complete list containing the names, last known addresses, and tax numbers (PIN numbers) of the owners of the property required to be served with the pre-application public notice, along with proof of service.
- m. **Certification of Compliance:** A written statement certifying that he or she has complied with the requirements for issuing the required pre-application public notice.

NOTE: The Zoning Board of Appeals shall hear no application for Special Use unless the applicant for Special Use furnishes the list and certificate herein required.

NOTE: Waiver of the required documentary evidence can be granted by the Superintendent of Buildings provided staff determines that the information is insignificant or unnecessary.

NOTE: If the plans accompanying the Special Use application are required to be recorded with the Cook County Recorder of Deeds, the petitioner should have the surveyor sign a Letter of Authorization (form attached to application) which designates a representative from the Village of Midlothian as the agent to record the plan.

NOTE: The petitioner should be aware that the requirements outlined herein are the minimum requirements for processing an application for Special Use and that, from time to time, the Zoning Board of Appeals may require such other information that it deems necessary to determine if the proposed Special Use meets the intent and requirements of the Zoning Code.

- 5. **Preliminary Staff Review:** When the petitioner has plans in substantially completed form, seven (7) copies of all application documents shall be submitted for preliminary review by the Village's Site Plan Review Committee. The Committee will review the project for compliance with applicable Village ordinances and will raise any concerns or issues with the proposal. Following review by the Committee, the petitioner shall modify the proposal to respond to Committee comments.

The Superintendent of Buildings, if he/she considers it necessary, may call upon any Village department or official for their review of the proposed Special Use prior to any public hearing. Such a review shall be in writing and take no more than ten days.

6. Formal Application:

- a. Special Use requests require an application fee. This fee is applied toward project review costs. The fee is payable at the time formal application is made for a Special Use Permit.
- b. The applicant shall submit ten (10) hard, and one (1) electronic, copies of final documents, which shall include responses to the Site Plan Review Committee comments, for submittal for review by the Zoning Board of Appeals. Upon receipt of the required number of copies of all the items enumerated above and the application fee and deposit, the Building Department staff shall set a date for a public hearing before the Zoning Board of Appeals on the application for Special Use Permit. The application must be received a minimum of 30 days in advance of the proposed public hearing date.

7. Public Notice:

- a. The Zoning Board of Appeals shall, not more than thirty (30) days nor less than fifteen (15) days before the hearing at which the application for Special Use is to be considered, send written notice to the persons appearing on the list furnished by the applicant, which notice shall contain the time and place of the hearing, the address of the location for which the special use is requested and the name and address of the applicant for special use and a brief statement of the nature of the special use requested.
- b. The Zoning Board of Appeals shall cause a notice of time, place, and purpose of such hearing to be published in a newspaper of general circulation within the Village not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing.
- c. The applicant shall be required to post a sign on the subject property for all applications for special uses in accordance with the following provisions:
 - 1). Location And Time Period for Posting Signs: The required posting period shall be seven (7) consecutive days, immediately prior to the hearing date (excluding the day of the hearing from the 7-day period). The sign shall be posted at a prominent location on the property, near the sidewalk or public right of way so that it is visible to passing pedestrians and motorists. Properties with more than one street frontage shall be required to post one sign visible from each street frontage.
 - 2). Applicant's Responsibility for Posting Signs: Any applicant required to post a sign under this provision shall acknowledge receipt of a copy of these requirements at the time the application is accepted by the Village. It is the applicant's responsibility to obtain a sign from the Village and to verify the correct hearing date, time, and place with the Village. Further, it is the applicant's responsibility to erect the sign on the property and maintain it during the required seven (7) day period. The applicant shall

verify to the Zoning Board of Appeals at the time of the hearing that the sign posting requirement has been complied with and the Zoning Board of Appeals may, by motion, waive defects in said compliance.

8. Public Hearing:

- a. The Building Department staff will submit the application, staff report and any other supporting documents to the Zoning Board of Appeals to conduct the public hearing thereon. The Zoning Board of Appeals meets in the Village of Midlothian Council Chambers, at 14801 S. Pulaski Road, on the first Tuesday of each month, at 6:00 p.m.
- b. The petitioner or his/her representative must attend the public hearing. It is the responsibility of the petitioner to present an argument supporting the request for a Special Use Permit in a complete and logical manner and to have available all evidence necessary to support the request. It is advisable, but not required, for the petitioner to prepare color versions of the plans (site plan, landscaping, building drawings), mounted for presentation purposes.
- c. The Zoning Board of Appeals may make a decision at one meeting or choose to continue the public hearing to another date for a variety of reasons, including but not limited to: additional information is deemed necessary; Zoning Board of Appeals' desire for an opportunity to visit the site or request staff to conduct further research; or insufficient time remains on the night of the public hearing to conclude the hearing. If the hearing is continued, no additional public notice is required to be published, however the sign remains on the subject property.
- d. At the close of the public hearing, the Zoning Board of Appeals will take a roll call vote on the requested Special Use. The Zoning Board of Appeals may recommend approval, approval with conditions, or denial. In making its recommendation, the Zoning Board of Appeals must find that the requested Special Use:
 - 1) Is, in fact, a Special Use authorized in the zoning district in which the property is located;
 - 2) Is deemed necessary for the public convenience at that location;
 - 3) Does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community;
 - 4) Is in conformance with the goals and policies of the comprehensive plan, and all Village codes and regulations;
 - 5) Will be designed, located, operated, and maintained to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity;
 - 6) Is a suitable use of the property to generate income from an appropriate business and, without the Special Use, the property will be substantially diminished in value;
 - 7) Will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located;
 - 8) Is compatible with development on adjacent property;
 - 9) Minimizes potentially dangerous traffic movements, and provides adequate and safe ingress and egress to the site;

- 10) Provides the required number of parking spaces and maintains parking areas in accordance with the requirements of the Village Code;
- 11) Is served by adequate utilities, drainage, road access, public safety, and other necessary facilities;
- 12) Conforms with the requirements of the Village Code and other applicable regulations; and
- 13) The applicant's experience, expertise, and previous ownership and/or management of similar businesses may be beneficial to the Special Use; and
- 14) Otherwise complies with all state statutes and Village ordinances.

9. Final Action:

- a. Within thirty (30) days of the close of the public hearing, the Zoning Board of Appeals shall forward its findings of fact and recommendation of either approval, approval with conditions, or denial on applications for Special Uses to the Village Board.

NOTE: Before the Village Board takes final action and votes on the request, the petitioner must pay any outstanding charges for services indicated under item #3c.

- b. The Village board shall consider the application within thirty (30) days of receiving the findings of fact and recommendation from the Zoning Board of Appeals but may postpone final decision for an additional thirty (30) days for any reason. The Village Board may act in the form of approval, approval with conditions, or denial of applications for special uses. The Village Board may also refer the matter back to the Zoning Board of Appeals for further consideration.
- c. If the decision of the Village Board is to approve the Special Use Permit, the petitioner may seek building permits after the ordinance has been approved and signed. A building permit must be applied for within 18 months of the date of the ordinance, or the Special Use Permit will become null and void. The Building Department will review plans submitted for permits for general conformance with the plans that were approved by the Village Board and include any conditions applied to the Special Use Permit.

Questions regarding the Special Use Permit process may be directed to the Superintendent of Buildings at phone number 708-752-8948.



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APPLICATION FOR SPECIAL USE PERMIT

For the property located at _____ Midlothian, IL 60445.

Note to the Applicant: Ten (10) copies of this application and attachments thereto (drawings, data or other information as deemed necessary by the Superintendent of Buildings) must be filed with the Village Clerk along with the required \$400.00 application fee and \$1000.00 deposit. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a village official, commission or board; however, there will be no refund of fees. Such withdrawal shall be made in writing.

You may attach separate sheets if additional space is needed to provide the required information.

The undersigned petitions the President and Village Board of Trustees of the Village of Midlothian, Illinois, to consider the proposed Special Use described in this application.

OFFICE USE ONLY:

Date Received: _____

Application Fee Paid: \$ _____

Application Number: _____

Deposit Paid: \$ _____

Scheduled Hearing Date: _____

I. **APPLICANT INFORMATION:**

Applicant:

Name: _____

Company: _____

Address: _____

Business Phone: _____ Fax: _____

Home Phone: _____ Mobile Phone: _____

Email: _____

Property Interest of Applicant: Property Owner Contract Purchaser

Contractor Architect

Attorney Other: _____

Person or Entity Applicant is representing if not self:

Name: _____

Address: _____

Business Phone: _____ Fax: _____

Home Phone: _____ Mobile Phone: _____

Email: _____

Property Owner:

Name: _____

Address: _____

Business Phone: _____ Fax: _____

Home Phone: _____ Mobile Phone: _____

Email: _____

II. PROPERTY INFORMATION:

Common address: _____

Permanent tax index number: _____

Legal description:

1. **What is the primary purpose of the proposed legislation?**

Current Zoning classification:

- R-1 - Single-Family Residential
- R-2 - Single-Family Residential
- R-3 - Single-Family Attached Residential
- R-4 - General Residential
- R-5 - Village Center Multi-Family Residential
- B1: Neighborhood Business Residential
- B2: Village Center
- B-3: Community Commercial
- O/I: Office/Limited Industrial
- OS: Open Space and Recreation

Lot size: _____ ft. x _____ ft. Area: _____ sq. ft.

Present use:

1. **What is the primary purpose of the study?** (e.g., to evaluate the effectiveness of a new treatment, to explore a new research question, to describe a population, etc.)

III. **STANDARDS FOR SPECIAL USES:**

Description of the Special Use requested: including identification of the Zoning Code provisions from which variation is sought and proposed use(s):

Describe how the Special Use:

1. Is, in fact, a special use authorized in the zoning district in which the property is located:

2. Is deemed necessary for the public convenience at that subject property:

3. Does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community:

4. Is in conformance with the goals and policies of the comprehensive plan, and all Village codes and regulations:

5. Will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity:

6. Is a suitable use of the property to generate income from an appropriate business and, without the special use, the property will be substantially diminished in value:

7. Will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located:

8. Is compatible with development on adjacent property:

9. Minimizes potentially dangerous traffic movements, and provides adequate and safe ingress and egress to the site:

10. Provides the required number of parking spaces and maintains parking areas in accordance with the requirements of the Zoning Code:

11. Is served by adequate utilities, drainage, road access, public safety, and other necessary facilities:

12. Conforms with the requirements of the Zoning Code and other applicable regulations:

13. Otherwise complies with all state statutes and village ordinances:

14. Additionally, please explain how the applicant's experience, expertise, and previous ownership and/or management of similar businesses may be beneficial to the special use:

IV. **CERTIFICATIONS, CONSENT AND SIGNATURE(S):**

I (We) certify that all the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to entry in or upon the premises described in the application by any authorized official of the Village for the purpose of inspection related to the requested Special Use and information contained within this application.

I (We) understand that the deposit paid will be applied toward expenses incurred by the Village, including but not limited to all notices of publication(s), mailings and postage, professional fees (legal, engineering, etc.), signs, Zoning Board of Appeals public hearing, plus a 5% administrative fee. Each member of the Zoning Board of Appeals shall receive a stipend of \$50.00 per application presented at each public hearing (regardless of if such application is approved or denied). The total stipend amount shall be deducted from the deposit, which shall not be subject to the 5% administrative fee. The unused deposit amount shall be refunded to the applicant upon approval, denial, or withdrawal of the application.

I (we) understand that our request will not be scheduled for a Village Board agenda until and unless an invoice for Village expenses that exceed the deposit amount has been paid.

Printed Name of Applicant

Printed Name of Applicant

Signature of Applicant

Signature of Applicant

Date

Date

AFFIDAVIT OF AUTHORIZATION

I, _____ owner of the property described as

verify that _____

is duly authorized to apply and represent my interests before the Village Zoning Board of Appeals and/or Village Board. Owner acknowledges that any notice given applicant is actual notice to owner.

Owner Signature

Owner Printed Name

Subscribed and sworn to before me this

_____ day of _____, 20_____

Notary Public

OWNERSHIP BY A CORPORATION

Date: _____

Address: _____

Legal Description:

LIST ALL SHAREHOLDERS AND OFFICERS/DIRECTORS (AND % OF INTEREST OWNED IN EXCESS OF 5% OF STOCK)

Name: _____ Address: _____ % _____

OWNERSHIP BY A LAND TRUST

Date: _____

Address: _____

Legal Description:

TRUSTEE: _____ TRUST NO. _____

Address: _____

LIST ALL BENEFICIARIES:

Name: _____ Address: _____

AFFIDAVIT AFFIRMING NO CONFLICT OF INTEREST

The undersigned, being duly sworn and under oath, states as follows:

1. My name is _____,

and I hold the position of _____

for _____ (“*Applicant*”).

2. I have personal knowledge of all facts stated in this Affidavit, and if called to testify, I could and would testify competently thereto.
3. I am authorized by the *Applicant* to make the representations and statements in this Affidavit on the *Applicant*’s behalf in support of the application for development approval (“*Application*”) the *Applicant* filed with the Village of Midlothian (“*Village*”).
4. To the best of my knowledge, and as of the *Application*’s date, no individual that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the *Applicant*, the *Application*, or the project proposed by the *Applicant*.
5. To the best of my knowledge, and as of the *Application*’s date, no individual that is related to any person that is employed by the Village or sits on an elected or appointed Village board or commission has a financial interest in the *Applicant*, the *Application*, or the project proposed by the *Applicant*.
6. I will immediately notify the Village if the *Applicant* learns of the material inaccuracy of any statement within this Affidavit.

Further affiant sayeth naught.

Name: _____

Title: _____

Applicant’s Name: _____

Subscribed and sworn to me this

_____ day of _____, 20_____.

Notary Public

Sample Pre-application Notice to Surrounding Property Owners

An applicant for Special Use Permit, not more than thirty (30) days before filing an application for Special Use with the Zoning Board of Appeals, shall serve written notice of their intent to file an Application for Special Use Permit, either in person or by registered mail, return receipt requested, on the owners, as recorded with the Cook County Recorder of Deeds, and as appears from the authentic tax records of such county, of all property within two hundred fifty (250) feet in each direction of the location for which the Special Use is requested; provided the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the two hundred fifty (250) foot requirement.

The notice shall contain the address of the location for which the Special Use is requested, a brief statement of the nature of the requested Special Use, the name and address of the real and beneficial owner of the property for which the Special Use is requested, a statement that the applicant intends to file an application for Special Use and the approximate date on which the application will be filed. Sample format and text for the notice is provided below for applicant use. Please provide the information noted in italics in each parenthesis.

(Business Name)
(Business Address)

Date: (Month Day, Year)

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Subject Property: (*Property Address for which Special Use Permit is applied for*)

Dear Property Owner:

In accordance with the Village of Midlothian's requirements for a Special Use Petition Application, the applicant is required to send notice, to all owners of property located within two hundred and fifty (250) feet in each direction of the subject property noted above, of the applicant's intent to file an Application for Special Use with the Village.

A Special Use Permit is sought to allow (*Provide statement of request here*) at (*Business Name*), (*Business Address*). The estimated date the application will be made will be (*Month Day, Year*).

The real and beneficial owner of the subject property is (*Property Owner's Name*), (*Property Owner's Address*).

Sincerely,

(Name)
(Address)