



City of Freeport, Illinois

Community & Economic Development Department
314 W. Stephenson St. Suite 110
Freeport, Illinois 61032
815-235-8202 fax 815-599-5819

Special Use Permit Information & Application Packet

Introduction

This information packet was created to assist anyone who is considering applying for a special use. The packet presents an overview of the procedures and requirements for special use requests. It also includes all forms and information necessary to compile a complete special use application. However, this packet does not have any statutory standing and should not be considered a substitute for the actual law, ordinances, codes, or policies of the City of Freeport. At a minimum, those considering a special use request should consult section Part Twelve, Chapter 1242 of the Codified Ordinances of the City of Freeport (available on line at cityoffreeport.org). Also, applicants should consider a meeting with Community Development Director prior to submitting a special use application.

What is a Special Use?

The City of Freeport's ordinances contain zoning and land development regulations for all properties within the city. Chapter 1246 of the City's Codified Ordinances divides the municipality into zoning districts, and Chapters 1246-1261 list permitted and special uses in each zoning district. A permitted use is allowed "by right"; establishment of a permitted use does not require discretionary review by the City Council. Special uses are uses that, because of their potential impacts to neighboring properties or public infrastructure, require additional review.

Section 1242.07 establishes the standards for special use requests; these criteria are listed on the *Special Use Criteria Worksheet* attachment in this information packet. The person applying for a special use (the applicant) is responsible for demonstrating that the special use request meets all of the criteria.

Application, Review, and Approval Process

To apply for a special use, an applicant must submit all of the items listed on the attached *Special Use Application Checklist of Required Materials* to the Community Development Department. The Department staff will review the application for completeness. If the application is incomplete, the applicant will be notified and no further action will be taken by the Community Development Department staff until the application has been completed. If the application is not completed within 90 days, the application may be considered withdrawn.

If the application is complete, the **Community** Development staff will schedule a public hearing before the Planning Commission. The Planning Commission is an advisory board appointed by the Mayor. It meets on Thursday after the first Monday of every month.

Prior to the public hearing, the applicant must fulfill the public notice requirements detailed in the attached *Special Use Public Notice Requirements*. Failure to complete the required public notice could result in cancellation or postponement of the public hearing. At the conclusion of the public hearing, the Planning Commission will recommend approval or denial of the special use. The recommendation will be forwarded to the City Council. Additionally, an ordinance approving the special use permit is drafted by staff and forwarded to the City Council. Normally, the City Council reviews the application, recommendation and draft ordinance at its first scheduled meeting following the Planning Commission meeting.

The City Council, upon review of the application, recommendation, and record of the public hearing, will either approve or deny the special use request. If the request is approved, it will be approved by the adoption of the draft ordinance. Conditions for the approval may be adopted by the City Council. Once the ordinance is approved and any conditions fulfilled, the applicant may use the property as indicated by the special use permit. Please note that additional permits or licenses, such as permits for buildings or development in the floodplain, may be required too.

Attachments:

1. Special Use Application Form
2. Special Use Application Checklist of Required Materials
3. Special Use Criteria Worksheet
4. Special Use Public Notice Requirements
5. Affidavit of Public Notice

Special Use Application Form

APPLICANT INFORMATION

Applicant Name

Company/Organization

Applicant Address

Telephone & Fax

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Address of Subject Property/Properties

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

DESCRIPTION OF REQUEST

Brief description of the proposed special use

REQUIRED DOCUMENTS

See Form 501-A, *Special Use Application Checklist of Required Materials*, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____

By: _____

Application deemed complete on: _____

By: _____

Fee Amount Enclosed: _____

Special Use Application Form

City of Freeport, IL

APPLICATION FEE & ESCROW

Application Fee = \$500 for properties less than 10 acres, \$750 for properties 10 acres or larger

Fee is non-refundable.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit City representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the city to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by city ordinances and state law.

Signature of Applicant

Date

State

County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Notary Signature

Given under my hand and notary seal this _____ day of _____ A.D. 20 _____.

My commission expires this _____ day of _____ A.D. 20 _____.

Special Use Application Checklist of Required Materials

Materials Required at Submittal of Application

A complete application for a special use must include **all** of the following items. Any application that does not include all of the following items will not be considered complete. The **Community Development Department will not** schedule a public hearing for any special use request until a complete application has been submitted.

_____ **Application Form.** One original copy of the attached *Special Use Application Form*, signed by the applicant and notarized.

_____ **Application Fee.** A non-refundable fee of \$500 for properties less than 10 acres or \$750 for properties 10 acres or greater.

_____ **Proof of Ownership & Applicant Authorization.** One copy of a deed that documents the current ownership of the subject property. If the applicant is the owner, this is the only documentation necessary. If the applicant is not the owner, the following are required in addition to a copy of the deed:

- If the applicant is the contract purchaser of the property, a copy of said contract must be attached.
- If the applicant is acting on behalf of the beneficiary of a trust, a notarized letter from an authorized trust officer identifying the applicant as an authorized individual acting in behalf of the beneficiaries must be attached. The letter must also provide the name, address and percentage of interest of each beneficiary.
- If the applicant is acting on behalf of the owner, a notarized letter of consent from the owner must be attached.

If the property owner is a company, a disclosure of the principals of the company must be included in the application materials. For example, an LLC may submit a copy of the LLC Management Agreement.

_____ **Submittal Packet.** Nine collated copies of a submittal packet for distribution at public meetings and one electronic copy for Village files. Additional copies of the submittal packet may be required after initial submission of the special use application. Community Development Department staff will advise if additional copies are needed.

Any plans and maps included in the submittal packet should contain the following: a north arrow or other indication of true north or map north; the date of map/plan preparation; the name of the person preparing the map/plan; and a scale, the scale may be expressed verbally (e.g. 1 inch equals 60 ft.) but other forms of scale are preferable (e.g. scale bar or ratio such as 1:24,000). All plats should be printed on at least 11"x17" sized paper.

The submittal packet shall include the following:

- **Project Summary.** A written overview of the proposed special use. This overview should include a quantitative summary that includes the following, as applicable:
 - Acreage and/or square footage of subject site
 - Square footage of commercial space
 - Proposed residential density (# dwelling units/gross site area)
 - Total square footage covered by structures
 - Total square footage covered by roads and other impervious surfaces
 - Total square footage of commonly owned and maintained open space
 - Number of off-street parking spaces
- **Legal Description.** A legal description of the subject property.
- **Plat of Survey.** (Only required for new construction.)
- **Special Use Criteria Worksheet.** The applicant must address the standards listed on the attached *Special Use Criteria Worksheet*.
- **Additional Plans or Documents as Required by the Community Development Director.** Department staff will advise if any additional materials are necessary.

Materials Required when Public Notice is Served

The following items **are not** required at the time of application submittal. However, these items must be submitted to the Community Development Department prior to the public hearing before the Planning Commission. Once the applicant has fulfilled the public notice requirements, the following items must be submitted:

- _____ **Affidavit of Public Notice.** The attached *Affidavit of Public Notice* must be submitted by the applicant once he/she has completed the necessary public notice requirements. A signed and notarized original form should be submitted to the **Community** Development Department no later than 15 days prior to the scheduled public hearing for the special use request. More explanation regarding public notice requirements is contained in the attached *Special Use Public Notice Requirements* document.

- _____ **Copy of Written Notice.** Once the applicant has sent the required written notice of public hearing, a copy shall be submitted to the Community Development Department. The copy of the written notice should be submitted at the time that the notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Special Use Public Notice Requirements* document.

- _____ **Address List.** A list of all addresses to which the applicant sent the written notice of public hearing shall be submitted to the Community Development Department at the time the written notice is sent to the surrounding property owners. More explanation regarding public notice requirements is contained in the attached *Special Use Public Notice Requirements* document.

Special Use Criteria Worksheet

Section 1242.07 of the Planning and Zoning Code establishes the criteria for approval of special use permits. No special use will be recommended by the Planning Commission unless it meets the following criteria.

Please describe below how your variation request meets the criteria of Section 1242.07(b) of the Planning and Zoning Code. Attach additional sheets if necessary.

- (1) The establishment, maintenance or operation of the special use will not be detrimental to, or endanger the public health, safety and general welfares. The special use is deemed necessary for the public convenience at that location.

- (2) The special use will not be injurious to the use and enjoyment of other property in the immediate area for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

- (3) The establishment of the special use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

Special Use Public Notice Requirements

The applicant for a special use permit is responsible for meeting the public notice requirements of Section **1242.11 of the Planning and Zoning Code**. Public Notice must include written notice and notice by sign, as detailed below. A sample written notice and a sample sign are provided on the following pages. The applicant must submit the following to the Community Development Department once the notice requirements have been met:

- a signed and notarized Affidavit of Public Notice;
- a copy of the written notice; and
- a list of all addresses to which the applicant sent the written notice.

Written Notice. The applicant shall serve written notice in person or by 1st class mail to the owners of the subject property and to owners of all property adjacent to, contiguous to, or across any street, river, creek or public way from, any part of the land or property described in the petition. The applicant should obtain this list from:

Stephenson County Chief County Assessment Office
50 West Douglas Street, 5th Floor
Freeport, IL 61032
815-235-8260

This office charges a \$25.00 fee for this service. Please allow five days for the County office to compile the information.

The written notice must be served within five days of filing a complete application with the City of Freeport. The written notice must contain:

- The common street address of the subject property;
- The scheduled time, date and venue of the public hearing;
- A description of the nature, scope, and purpose of the application;
- The name and address of the applicant;
- A statement that additional information concerning the hearing or application can be obtained from the Community Development Department and the address and contact information for the Community Development Department.

If, after a bona fide effort to provide written notice, the property owner of the property on which the notice is served cannot be found at their last known address, or the mailed notice is returned because the property owner cannot be found at their last known address, the written notice requirements will be deemed satisfied.

Notice by Sign. The applicant shall ensure that a readable sign is posted on the subject property not less than 15 days and not more than 30 days prior to the scheduled public hearing. The applicant shall ensure that the sign remains posted until the scheduled public hearing. The applicant must remove the sign no later than 10 days after the completion of the public hearing. If the applicant fails to remove the sign within 10 days of completion of the public hearing, the city may remove the sign and charge the applicant for such removal or deduct the cost of the removal from the applicant's escrow account. The applicant shall be responsible for all costs associated with the sign.

The sign shall be placed near the public right of way and shall be visible from the public right of way. If no public right of way exists, the sign shall be placed on the subject property where it will receive the maximum exposure to neighboring residents and passersby.

The size and appearance of the sign must be consistent with the sample sign provided on the following pages. The sign must include the following information:

- The scheduled time, date, and venue of the public hearing;
- A description of the nature, scope, and purpose of the application;
- A statement that additional information concerning the hearing or application can be obtained from the Planning & Economic Development Department; and
- The address and contact information for the Planning & Economic Development Department.

SAMPLE PUBLIC NOTICE

Insert Date

Dear Property Owner:

You are listed within the (insert applicable County or Township name) official tax records as the owner of a parcel of land within 250 feet of property that is subject to a petition for a special use. The petition for a special use concerns the property that is generally located at (insert street address). The requested special use will (insert general description of the special use request). In accordance with the provisions of the City of Freeport Unified Development Ordinance, the petitioner hereby notifies you of the scheduled public hearing on this petition.

The Freeport Planning Commission will hold a public hearing on this petition on (insert date) at (insert time) p.m. The public hearing will be held in the Council Chambers of Freeport, IL, 524 W. Stephenson St, 3rd Floor, Freeport, IL 61032.

All interested parties will be given the opportunity to speak at the public hearing. Interested persons may present either written or verbal comments at the public hearing. If the public hearing is not concluded on (insert meeting date), it may be continued to another Planning Commission meeting date. If the hearing is continued, another written notice will not be sent.

If you have any questions regarding this petition you may contact the Freeport Planning & Economic Development Department by phone at (815) ___-___, or in person at City Hall, 524 W. Stephenson St, 3rd Floor, Freeport, IL 61032.

Insert Applicant Name & Address

SAMPLE PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN FOR A PUBLIC HEARING CONCERNING A LAND USE APPLICATION FOR THIS PROPERTY.

HEARING FOR: [INSERT WHAT APPLICATION IS FOR]

VENUE OF HEARING: CITY HALL, 524 W. STEPHENSON ST, 3RD FLOOR, FREEPORT, IL

HEARING BODY: PLANNING COMMISSION

DATE AND TIME OF HEARING: [INSERT DATE AND TIME]

PUBLIC ATTENDANCE AND COMMENTS INVITED:

FOR ADDITIONAL INFORMATION CONTACT:
CITY OF FREEPORT
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
524 W.STEPHENSON
STREET, 3RD FLOOR
(815)___-___

Sign Size/Appearance Requirements:

- **At least 36 inches in height and 48 inches in width.**
- **Must have a white background.**
- **Must have 1.5-inch high black block letters, except the words “NOTICE OF PUBLIC HEARING” must appear in 3-inch high capital red block letters.**

Affidavit of Public Notice

The undersigned _____, being duly sworn on oath states as follows:

1. That he/she is the _____ that is subject of the
(owner of record, contract purchaser, authorized agent, etc.)

petition to _____

by _____
(Designate petitioner(s); and, if applicable, designate Trust numbers and all beneficiaries thereunder)

_____ for

property located at and commonly known as _____

2. That the attached Public Notice, marked as Exhibit A, was served on all of the parties whose names and addresses are identified on the attached Exhibit B, by one of two means listed below.

Indicate by checkmark the applicable box and enter any requested information:

1. **By mailing a copy of said notice by certified mail, return receipt requested, via United States Mail at the following location:** _____

City and State

OR:

2. By delivering said notice in person to the individual homes or offices and obtaining the signature of each recipient with name and address on a separate sheet of paper to be submitted as Exhibit C.

3. That the designated delivery took place on the _____ day of _____ 20__.

Signature

(indicate whether owner, contract purchaser, agent, etc.)

Subscribed and sworn before me this _____
day of _____, 20__

Notary Public

My commission expires on _____