

Section 28-8 Special Uses

8.1 Purpose. The principal objective of the Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the Village. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Chapter. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "Special Uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such "Special Uses" are established by the following provisions of this Section 8.

8.2 Authority. The Board of Trustees of the Village of Arlington Heights shall have authority to permit the "special uses" of land or structures or both, subject to the applicable provisions of Section 8, if it finds that the proposed location and establishment of any such use will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites. For such uses, the Plan Commission may recommend and the Village Board of Trustees may authorize exceptions to the applicable bulk regulations of this Chapter and such other variations from the zoning regulations as may be required within the boundaries of such development without referring the matter to the Zoning Board of Appeals.

8.3 Conditions and Approval. The Plan Commission may recommend and the Board of Trustees may impose such restrictions upon the height and bulk and area of occupancy of any structure so approved for a "Special Use" as may be reasonable under the particular circumstances provided that such restrictions and stipulations shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located, or as may be required elsewhere in the Village Code. Off-street parking facilities as well as off-street loading and unloading spaces may also be stipulated in the ordinance permitting the "Special Use."

8.4 Procedure. The procedure to be followed in considering applications for a Special Use permit shall be those outlined in applicable sections of this Chapter.

8.5 Determination. The Plan Commission then shall make its findings and recommendations to the Village Board of Trustees within 30 days following the date of public hearing on each application. No Special Use shall be recommended by the Plan Commission unless the Commission finds:

8.5-1 That the special use is deemed necessary for the public convenience at this location; and

8.5-2 That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity; and

8.5-3 That the proposed use will comply with the regulations and conditions specified in this Chapter for such use and with the stipulations and conditions made a part of the authorization

granted by the Village Board of Trustees.

8.6 Ordinance Required. Those uses indicated in Section 5.5 as a Special Use shall not be established until the Village Board has adopted an ordinance to grant the special use.

Section 8.7 Special Use Waiver for Restaurants. The special use requirement for a restaurant may be waived if the restaurant use is

1. A sit-down/carry out restaurant that is no larger than 4,000 square feet (for purposes of this provision, any outdoor eating area in the B-5 District is not to be counted for determining the square footage);
2. A carry-out only restaurant, regardless of size;
3. An outdoor café in conjunction with a restaurant that has been legally established either through the special use permit or special use waiver process;

The Petitioner must submit detailed plans and an application to the Planning and Community Development Department for an administrative review to determine if the special use public hearing can be waived. After review by the Planning and Community Development Department, the Village reserves the right to add other restrictions if there are impacts to surrounding property owners and/or require the Applicant pursue a Special Use through the Plan Commission process set forth in this Chapter.