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## CH14 8 .3 - Special Uses

- A. There shall be no classes of cases or application therefor, nor any particular situation in which this Ordinance authorizes either special exceptions, contingent uses or conditional uses.
- B. The Advisory Board may approve a special use in a district if, after a hearing under section 8.2 (d), it makes findings of fact in writing, that:
- i. section 4.1 authorizes that special use in that district; and
  - ii. the requirements and development standards for the requested special use as prescribed by this Ordinance will be met; and
  - iii. granting the special use will not subvert the general purposes served by this Ordinance and will not, because of traffic generation, placement of outdoor lighting, noise production or hours of operation, materially and permanently injure other property or uses in the same zoning district and vicinity.
- C. The Advisory Board may impose such reasonable conditions upon its approval as it deems necessary to find that (b) (3) above will be served.
- D. The Advisory Board may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under Indiana Code [36-7-5-921](#).
- E. The approval of a special use under subsection (B) is unnecessary for a use authorized by section 4.1 if that use existed on the date this Ordinance, or pertinent amendments to it, were passed. However, this subsection shall not authorize the expansion of such a use if it involves the enlargement of a building, structure, or land area.
- F. A special use approved by the Advisory Board may not be expanded, extended, or enlarged unless reaproved by the Advisory Board under the procedures set forth in this Ordinance for approving a special use.
- G. A special use, approved under subsection (B) or authorized by subsection (E) ceases to be authorized and is void if that use is not established within a twelvemonth period of the date the special use was approved, or if that special use is discontinued at that site for a twelve-month period during which time it is not succeeded by the same specifically approved special use.
- H. A special use may be terminated by the Advisory Board of Zoning Appeals, upon filing of an application therefore by an interested person or the Administrator, and upon a finding at a public hearing, with notice

to the property owner, that the terms of this Ordinance, or conditions of approval or commitments have not been complied with.

For a special use to be eligible for a public hearing by the Advisory Board under this section, an applicant must first receive a determination from the Administrator that a special use is required for the intended use or for the expansion, extension, or enlargement of a use under (F) above. The Administrator shall file a report of determination (in a form prescribed by the Advisory Board) with the Plan Commission which body shall determine how the granting of the special use would affect the purposes served by this Ordinance in furtherance of the Comprehensive Plan. Within thirty (30) days of the date on which it received the application, the Commission shall report its determination to the Advisory Board, for action by it as authorized by subsection (B). If the Advisory Board grants the special use, it shall direct the applicant to apply for an improvement location permit under section 9.1. If such application complies with this ordinance and all other applicable codes and ordinances, the Administrator shall issue the improvement location permit for the approved special use.