

SPECIAL EXCEPTION PROCEDURES

1. A resolution must be filed with the City Clerks Office prior to the filing of the paper work with the secretary to the Area Board of Zoning Appeals.
2. Proper paper work for a Special Exception filed with the secretary to the Area Board of Zoning Appeals.
3. Public Hearing for Special Exception before the Area Board of Zoning Appeals.
4. Common Council committee meeting.
5. Common Council public hearing.

CONTACT PERSONS:

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AREA BOARD OF ZONING APPEALS

STANDARDS FOR SPECIAL EXCEPTIONS

ALL PAPERWORK IS TO BE FILED BY NOON OF THE FILING DEADLINE

When applying for a Special Exception the Standards below **must be addressed and incorporated** in the written statement or petition.

STANDARDS FOR SPECIAL EXCEPTIONS I.C. 36-7-4-918.4 as listed below:

- i. The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- ii. The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein;
- iii. The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and
- iv. The proposed use is compatible with the recommendations of the City of South Bend *Comprehensive Plan*.

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

in order to permit

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council