

**CITY OF IONIA
IONIA COUNTY, MICHIGAN**

ORDINANCE NO. 560

At a regular meeting of the Ionia City Council held on _____(date)_____ at the Ionia City Hall, Councilmember _____, supported by Councilmember _____, moved the adoption of the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 1244, “BOARD OF ZONING APPEALS” OF TITLE SIX, “ZONING” OF PART TWELVE, “PLANNING AND ZONING” OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA, MICHIGAN

THE CITY OF IONIA ORDAINS:

Section 1. Amendment of Section 1244.05(b). Section 1244.05(b) of Chapter 1244, “Board of Zoning Appeals” of Title Six, “Zoning” of Part Twelve, “Planning and Zoning” of the Codified Ordinances of the City of Ionia, Michigan, is amended to read in its entirety as follows:

- (b) Variances. To authorize, upon an appeal, a variance from the strict application of the provisions of this Zoning Code, in accordance with the standards, requirements, and procedures of this Chapter.

The Board of Zoning Appeals, after a public hearing, shall have the power to grant requests for variances from the provisions of this Zoning Code where it is demonstrated by the applicant that there are practical difficulties in the way of carrying out the strict letter of the Zoning Code relating to the construction, placement, or alteration of buildings or structures so that the spirit of the Code shall be observed, public safety secured, and substantial justice done.

The Board of appeals may also authorize, upon appeal, variances from the strict application of Chapter 1234, “Signs” of Title 4, Subdivision Regulations” of Part Twelve, “Planning and Zoning” of the Codified Ordinances of the City of Ionia. In considering requests for variances from Chapter 1234, the Board of Zoning Appeals shall apply the standards for non-use (dimensional) variances, per subsection 1 below.

- (1) Non-Use (Dimensional) Variance. A use variance may be allowed by the Board Zoning of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 - A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district.
 - B. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness, or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.
 - C. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - E. The variance will not impair the intent and purpose of this ordinance.
 - F. That the immediate practical difficulty causing the need for the variance request was not created by action of the applicant.
- (2) Use Variance. Subject to other provisions of this Zoning Code, the Board of Zoning Appeals shall have the jurisdiction to decide applications for use variances. The Board of Zoning Appeals shall not grant a use variance unless it finds that unnecessary hardship will occur unless the variance is granted. Additionally, the Board of Zoning Appeals shall not grant a use variance unless two-thirds (2/3) of the total membership of the Board of Zoning Appeals finds that all of the following standards below are met.
 - A. That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located.
 - B. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include:

exceptional narrowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship.

- C. That the proposed use would not alter the essential character of the neighborhood.

Section 2. Publication. After its adoption, the City Clerk shall publish this ordinance or a summary thereof, as permitted by law, along with its date of adoption in the Sentinel Standard a newspaper of general circulation in the City.

Section 3. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect seven (7) days following publication, or a summary thereof, as permitted by law, along with the date of its adoption, is published in the Sentinel Standard, a newspaper of general circulation in the City.

YES: Councilmembers _____

NO: Councilmembers _____

ABSTAIN: Councilmembers _____

ABSENT: Councilmembers _____

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2021

Mary Patrick
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Ionia, Michigan (the “City”), certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Ionia City Council held on ____ 2021, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents and its effective date, was published in the *Sentinel Standard*, on _____, 2021. I further certify that the above ordinance was entered into the Ordinance Book of the City on _____, 2021, and was effective seven (7) days after publication.