

CITY OF IONIA

SPECIAL LAND USE APPLICATION AND PROCEDURE

Application for Planning Commission Public Hearing and Project Review

1. Applicant Name:

Address:

Telephone:

(HOME) _____ (BUS.) _____

Applicant's interest in property:

2. Owner Name (if different from above):

3. Request:

Rezoning

Special Land Use

Plat

Site Plan Review

PUD

Site Condominium

Other

Project Description:

4. Address of Property:

5. Legal Description:

6. Current Zoning: _____ Proposed Zoning: _____

7. Size of Parcel: _____

8. Applicant's Signature: _____ (DATE) _____

9. Property Owner's Signature: _____ (DATE) _____

OFFICE USE ONLY

Application #: _____

Date(s) Advertised:

Fees Paid: _____

Date of Meeting:

(COMM.) _____ (COUNCL) _____

Action Taken by Commission:

Action Taken by Council:

SPECIAL LAND USE STANDARDS FOR APPROVAL

The following general standards shall serve as the basis for decisions by the Planning Commission involving special land use permits. Indicate below how this request meets each standard.

Standard 1

The use is designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the area in which it is proposed.

Standard 2

The use will be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

Standard 3

The use does not create excessive additional requirements at public cost for public facilities and services.

Standard 4

The use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

Standard 5

The use is consistent with the intent and purpose of the zoning district in which such use will be located.

REVIEW PROCEDURES AND APPROVAL

- Upon receipt of an application for a Special Land Use permit, the Zoning Administrator shall cause notice to be given of a Special Land Use Public Hearing, by publishing in the newspaper which circulates in the City and delivered to all persons to whom real property is assessed within 300 feet of the boundary of the property in question in accordance with the requirements of the City Zoning Ordinance.
- Following notice, the Planning Commission shall hold a Public Hearing on the Special Land Use Permit Application.
- Based upon review and consideration of the materials submitted with the application, comments received at the Public Hearing, and the above standards, the Planning Commission may approve, deny, or approve with conditions, a Special Land Use Permit.
- A Special Land Use permit, including conditions imposed, is attached to and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

SPECIAL LAND USE CODE SECTION

- 1274.01 Purpose.
- 1274.02 Authority of Planning Commission.
- 1274.03 Special land use procedure.
- 1274.04 Standards for approval.
- 1274.05 Imposition of conditions.
- 1274.06 Expiration of permit.
- 1274.07 Revocation of permit.
- 1274.08 Special land use standards.
- 1274.09 Two-family dwellings
- 1274.10 Bed and breakfast establishments.

CROSS REFERENCES

- Zoning and planning in home rule cities - see M.C.L.A. § 117.4i
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. § 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. § 125.582
- Uses of land or structures not conforming to ordinances; powers of legislative bodies;
 - acquisition of property - see M.C.L.A. § 125.583a
 - Variances - see P. & Z. 1244.04(b), 1268.10, 1272.11
 - Nonconforming uses - see P. & Z. 1278.03, 1278.05
 - General exceptions - see P. & Z. 1286.08

1274.01 PURPOSE.

The purpose of this chapter is to provide regulations for uses which are not essentially incompatible with uses permitted by right in a given district, but which should not be permitted without restrictions or conditions being imposed by reason of special problems presented by the use itself or its particular location to neighboring properties. The special use permit procedure established herein is designed to provide the Planning Commission with an opportunity to review and act upon any application for a special use permit.

(Ord. 390. Passed 3-6-01.)

1274.02 AUTHORITY OF PLANNING COMMISSION.

The Planning Commission shall have the power to hear and decide such questions as are involved in determining whether special use permit applications should be granted; to approve special use permit applications with such conditions and safeguards as are appropriate under this chapter; or to deny special use permit applications where not in harmony with the purpose and intent of this chapter.

(Ord. 390. Passed 3-6-01.)

1274.03 SPECIAL LAND USE PROCEDURE.

Application for a special land use shall be submitted and processed under the following procedures:

- (a) An application shall be submitted to the Planning Commission on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the City Council.

(b) Applications for a special land use permit shall also be accompanied by a site plan which shall contain the information for final site plans required by Chapter 1276.

(c) The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include, but shall not be limited to, traffic analysis, environmental impact statement, an economic analysis justifying the need for a proposed commercial use or uses, impact on public utilities and services and effect on the public school system.

(d) Upon receipt of an application for a special land use, one notice that a public hearing will be held on the application shall be published in a newspaper which circulates in the City, and sent by mail or personal delivery to the owners of property for which approval is sought, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupancy of all structures within 300 feet. The notice shall be given not less than five nor more than fifteen days before the date of the public hearing.

If the name of the occupant is known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.

In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice shall:

- (1) Describe the nature of the special land use request.
- (2) Indicate the property which is the subject of the special exception request.
- (3) State when and where the public hearing will be held.
- (4) Indicate when and where written comments will be received concerning the request.

(e) At the public hearing or within a reasonable time thereafter, the Planning Commission shall deny, approve, or approve with conditions, the request for a special land use. The decision shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.

The decision of the Planning Commission rendered pursuant to the request shall be final unless such decision is reversed or modified by a court of competent jurisdiction. The Board of Zoning Appeals is without jurisdiction to accept appeals or grant variances from the decision of the Planning Commission.

(Ord. 390. Passed 3-6-01.)

1274.04 STANDARDS FOR APPROVAL.

The following general standards shall serve as the basis for decisions by the Planning Commission involving special land use permits. The Commission shall find that, in addition to specific standards for a particular use, the proposed use shall:

(a) Be designed, constructed, operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not significantly change the essential character of the area in which it is proposed.

(b) Be adequately served by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

(c) Not create excessive additional requirements at public cost for public facilities and services.

(d) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

(e) Be consistent with the intent and purpose of the zoning district in which such use will be located.

(Ord. 390. Passed 3-6-01.)

1274.05 IMPOSITION OF CONDITIONS.

Reasonable conditions may be imposed with approval of a special land use. The conditions may include conditions necessary to insure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(a) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will exercise the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

(c) Be necessary to meet the intent and purpose of this Zoning Code, be related to any standards established in this Zoning Code for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(d) The conditions imposed shall be recorded in the record of the approval action, and shall remain unchanged except as provided by law.

(Ord. 390. Passed 3-6-01.)

1274.06 EXPIRATION OF PERMIT.

A special land use permit shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.

(Ord. 390. Passed 3-6-01.)

1274.07 REVOCATION OF PERMIT.

If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Community Development Director shall notify

the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within fifteen days of such notification. If said violation is not corrected within fifteen days, the Planning Commission shall revoke the permit. Furthermore, such a violation is hereby declared to be a violation of this Zoning Code, subject to all of the remedies and penalties provided for in this Zoning Code.

(Ord. 390. Passed 3-6-01.)

1274.08 SPECIAL LAND USE STANDARDS.

The following provisions are standards and requirements for specific land uses which must be satisfied to qualify for a special land use, in addition to the general standards set forth in this chapter.

(Ord. 08-2002-07. Passed 9-3-02.)