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161 W. MICHIGAN AVENUE, JACKSON, MI 49201

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# **ZONING ORDINANCE PROCEDURES MANUAL**

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# INTRODUCTION

The City of Jackson Zoning Ordinance Procedure Manual provides a comprehensive, systematic guide through the procedures of each type of Planning/Zoning Application outlined in the zoning ordinance.

A description of each type of Planning/Zoning Application, as well as, submittal requirements (checklist), fee schedule, and procedural flow charts are included as a guide for applicants wishing to submit a Planning/Zoning Application for review.

Applicants should review this manual thoroughly (along with relevant documents) to assist in plan preparation, reduce the amount of time spent on plan revisions, and to understand the submittal requirements and appeal processes.

This Zoning Ordinance Procedure Manual does not supersede or preempt any part of the zoning ordinance. The table below demonstrates the role of the review entities regarding the approval of the Planning/Zoning Applications outlined in this manual.

	Planning Commission Recommendation	Planning Commission Approval	City Council Approval	Zoning Board of Appeals Approval
Rezoning (Map Amendment)	●		●	
Text Amendment (Zoning Ordinance)	●		●	
Planned Unit Development	●		●	
Conditional Use		●		
Site Plan	●			
Variance (All Types)				●



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# SECTION A

## FEE SCHEDULE

# FEE SCHEDULE

Adopted by Resolution by Jackson City Council on August 22, 2017

Rezoning (Map Amendment)	\$500.00
Text Amendment (Non City Initiated)	\$550.00
Conditional Use Permit	\$500.00
Conditional Use Amendment	Hourly (Combined rate of staff involved)
Site Plan Review	Hourly (Combined rate of staff involved)
Site Plan Amendment	Hourly (Combined rate of staff involved)
Planned Unit Development (PUD)	\$500.00
Planned Building Group Development	\$500.00
Variance (Use, Dimensional, Supplemental)	\$500.00
Interpretation (zoning text or zoning map)	\$250.00
Special Meeting (Planning Commission or Zoning Board)	\$250.00



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# SECTION B

## PUBLIC HEARING

# PUBLIC HEARING

## **What is a public hearing?**

A public hearing is formal meeting for receiving testimony from the public at large on a local issue, or proposed government action. It is an opportunity for interested individuals to present their views to the Commission/Board and to participate in an exchange of views with Commission/Board members. Testimony from both sides of an issue is recorded for public record.

## **What applications require a public hearing?**

The following applications require a public hearing:

- Rezoning (Mapp Amendments)
- Planned Unit Developments
- Conditional Use Permits
- Variances

## **How does a public hearing work?**

Upon receipt of a complete application, a public hearing will be scheduled. City staff will make proper notification of the meeting, as required by the Michigan Zoning Enabling Act – P.A. 110 of 2006, as amended, which includes:

1. A notice shall be published in a newspaper of general circulation within the City not less than fifteen (15) calendar days before the meeting date the application will be considered for approval and;
2. The notice shall also be sent by mail or personal delivery to the owners of property within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or the occupant are located within the jurisdiction.

Interested parties may attend the scheduled meeting to present their views regarding the subject matter.



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## **SECTION C**

# REZONING (MAP AMENDMENT) & TEXT AMENDMENT PROCESS

## REZONING & TEXT AMENDMENT PROCESS

Zoning divides land into categories according to their use and set regulations for these categories. When a property owner wants to use land in a way or build to a different set of regulations that is not permitted by the current zoning of the property, the owner must request to rezone the property to a classification, which permits the desired use or regulation. A rezoning is a legislative process that will amend the zoning of a parcel(s) to another zoning classification. The city council, upon a recommendation from the planning commission, has the authority to approve or deny rezoning requests. To rezone a parcel of property, the following tests must be evaluated:

- What does the Master Plan and Future Land Use Map indicate?
- Would this create spot zoning?
- What affect would this have on the neighboring parcels?
- Would this rezoning be more in compliance with the character of the area?
- Can public services, facilities, and streets accommodate the uses permitted in this district?

### APPLICATION SUBMITTAL

First, an application form, with applicable fees, must be presented to the Community Development Department with the name, address and phone number of the petitioner (applicant). It must state the present zoning and the proposed zoning. All the questions must be answered on the application.

If you are not the owner, you must state your interest in the property and have written authorization from the owner to apply for the rezoning. You must have the legal description and state the location of the property involved for the rezoning. You must have a sketch plan of the parcel showing the adjoining properties and streets. Any other information that the petitioner has that would be helpful should also be submitted at this time.

### NOTICE OF PUBLIC HEARING

Upon receipt of a complete application, Community Development staff schedule a date for the public hearing and follow the publishing/ mailing process outlined in Section A.

### PLANNER/STAFF REVIEW

The City Planner and other city staff, as requested, will provide a review and recommendation regarding the rezoning request. This review and recommendation will be presented prior at the public hearing being conducted at the planning commission meeting. The applicant will be provided an opportunity to present their request to the planning commission.

## PUBLIC HEARING PLANNING COMMISSION RECOMMENDATION

Upon hearing the Planner’s review, applicant’s response, and conducting a public hearing the planning commission can either postpone action on the rezoning request or make a recommendation to the city council to approve, approve with conditions, or deny the rezoning request.

## CITY COUNCIL ACTION

Upon receiving a recommendation from the planning commission, the city council will hold a first reading of the rezoning request. At a following meeting, the city council will conduct a second reading and consider the planning commission’s recommendation. Prior to taking action, the city council may remand the proposed rezoning to the planning commission for further consideration. The city council will take action to approve, deny, or postpone the rezoning request (after the second Ordinance reading).

## CITY COUNCIL APPROVAL

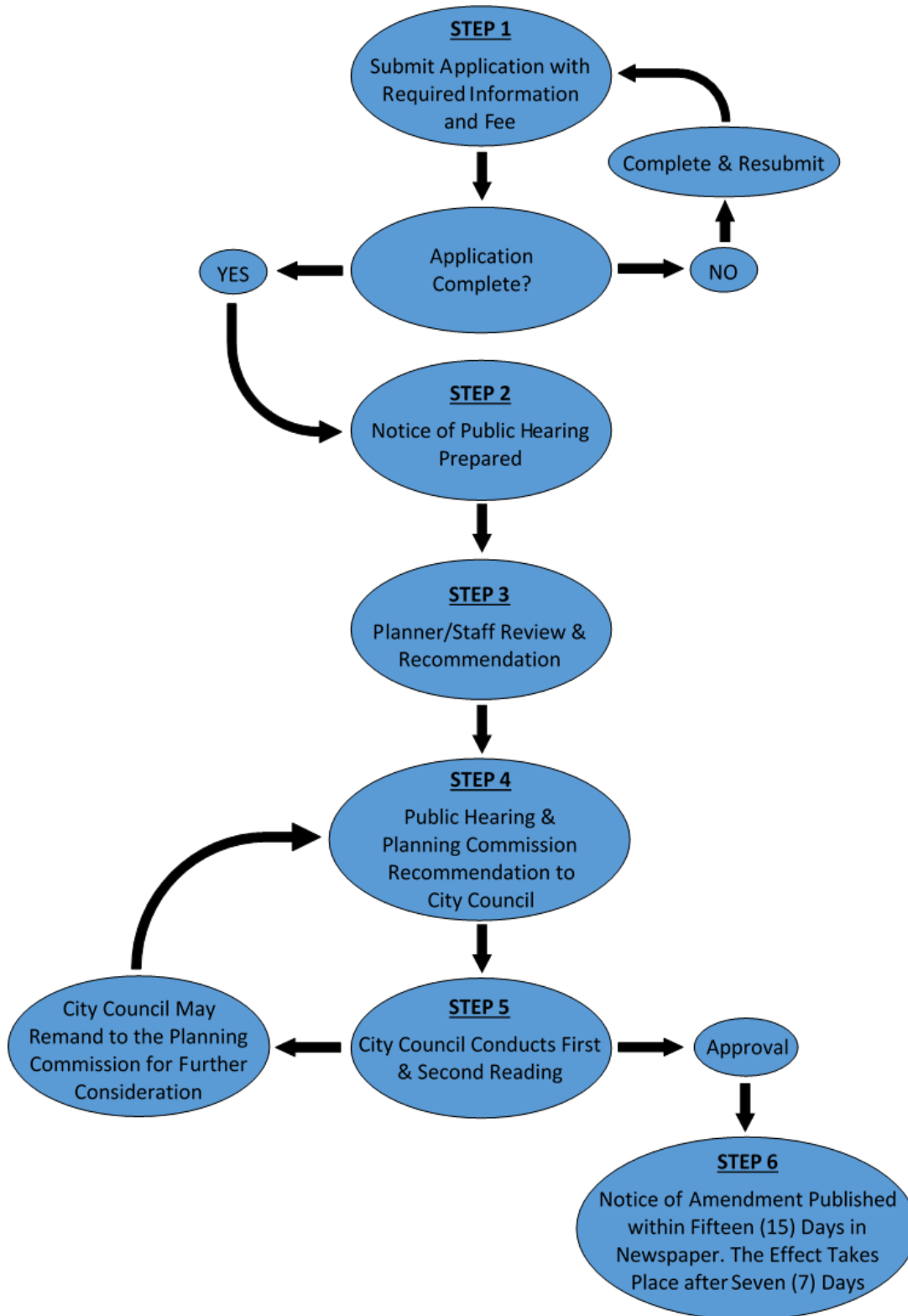
Once city council approves the amendment to the zoning ordinance, a notice of amendment must be published within fifteen (15) days in a newspaper of general circulation within the City and the approval shall take effect after seven (7) days.

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Upon presentation of a protest petition meeting the requirements for this section, such amendment, supplement or change which is the object of the petition shall be passed only by a two-thirds ( $\frac{2}{3}$ ) vote of the city council. The protest petition shall be presented to the city council before final legislative action on the amendment, and shall be signed by one (1) of the following:

- 1) The owners of at least twenty (20) percent of the areas of land included in the proposed change, excluding publicly owned land.
- 2) The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, excluding publicly owned land.

# REZONING & TEXT AMENDMENT - FLOWCHART





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## **SECTION D**

# PLANNED UNIT DEVELOPMENT PROCESS

## PLANNED UNIT DEVELOPMENT PROCESS

The Planned Unit Development (PUD) is designed to offer an alternative to the fixed provisions typical to traditional zoning districts by creating a separate district through flexibility in development design by using performance criteria to regulate development. Where these criteria are deemed appropriate as the basis for land use control, a PUD approval process can replace the dimensional and use specifications of traditional districts by:

- Promoting maximum choice in the types of environment, lot sizes, and community facilities available;
- Offering creativity through mixed-use developments;
- Preserving historically and culturally significant structures and areas of the city;
- Encouraging creative use of land and reuse of existing structures, and;
- Encouraging open space, recreational purpose, and common use.

Planned Unit Developments are a form of rezoning.

### PRE-APPLICATION CONFERENCE

Before the application is submitted for approval, the applicant must meet with the appropriate city staff, and others, as deem appropriate. At the conference, the applicant must present at least a sketch plan as well as the following information:

- 1) A legal description of the property in question.
- 2) The total number of acres in the project.
- 3) Approximate number of residential units, approximate number and type of nonresidential units, approximate number of acres to be occupied by each type of use.
- 4) The number of acres to be preserved as open or recreational space.
- 5) All known natural resources and natural features.

PRELIMINARY

### PRELIMINARY SITE PLAN SUBMITTAL

Within ninety (90) days following the pre-application conference the applicant shall submit a formal application and required information to the zoning administrator. Review fees shall be enclosed as part of a complete PUD preliminary site plan application.

### STAFF REVIEW

Following the receipt of a complete application, PUD preliminary site plan, and fee, city Staff from all necessary departments will review and provide comments to the applicant.

PRELIMINARY

## PUBLIC HEARING

Notice of the hearing shall be provided as required in zoning ordinance Section 28-8. At the hearing, the planning commission may make reasonable inquiries of and receive answers from the applicant. Following review, the planning commission must provide the applicant with written comments, which will become part of the official minutes of the planning commission.

## PLANNING COMMISSION RECOMMENDATION

The action of the planning commission must take place within sixty (60) days of receipt of all materials required in the preliminary site plan, unless mutually agreed upon between the planning commission and the applicant. The planning commission shall review the PUD preliminary site plan in consideration of public hearing comments, city staff review, applicable agencies reviews, and other applicable standards of this ordinance. The planning commission shall make a recommendation to the city council to approve, approve with conditions, or deny the request.

## CITY COUNCIL CONSIDERATION

Notice of the hearing shall be provided as required in zoning ordinance Section 28-8. Within a reasonable time following the public hearing, the city council must approve, approve with conditions, deny or remand the proposed preliminary plan/rezoning back to the planning commission for further consideration. In reviewing the preliminary plan, the city council will review and determine whether the basic concept of the proposal is consistent with the intent and spirit of Chapter 28.

## PRELIMINARY APPROVAL EFFECT

Approval, or approval with conditions, of the preliminary site plan by city council will be an authorization of the concept embodied in the preliminary site plan, subject to submission, review, and approval of the final site plan described below.

FINAL

## FINAL SITE PLAN SUBMITTAL

The final plan constitutes an application to amend this chapter and, upon receipt, will be noticed for public hearing before the planning commission and the city council for rezoning, as consistent with zoning ordinance Section 28-8 or as provided by law.

Within six (6) months following receipt of the preliminary site plan approval, the applicant must submit a final site plan. If the final site plan is not submitted within six (6) months, the site preliminary plan approval lapses and the applicant must recommence the review

process. However, the city council may extend the time for submission of the final site plan if the applicant shows that no material change of circumstances has occurred including that the law and ordinance impacting upon the PUD have not changed.

## STAFF REVIEW

Following the receipt of a complete application and PUD final site plan, city Staff from all necessary departments will review and provide comments to the applicant.

## PUBLIC HEARING

The planning commission shall review the PUD final site plan in consideration of public hearing comments, city staff review, applicable agencies reviews, and other applicable standards of this ordinance. The planning commission shall make a recommendation to the city council to approve, approve with conditions, or deny the request.

## PLANNING COMMISSION RECOMMENDATION

Upon hearing the Planner's review, and reviews of other bodies/agencies, the planning commission will make a recommendation of the PUD final site plan. The final site plan shall be in substantial conformance with the approved preliminary site plan and shall reflect and adhere to those use patterns as approved in the preliminary plan.

## CITY COUNCIL CONSIDERATION

Upon receiving a recommendation from the planning commission, the city council may remand the proposed final site plan back to the planning commission for further consideration or may approve, approve with conditions, deny, or postpone the final site plan approval.

The city council may depart from compliance with a generally applicable regulation when such is consistent with the PUD and the city council finds that the plan provides adequate mechanisms to achieve the regulation's original objective.

Approval of the PUD rezoning, together with all conditions imposed, will constitute the land use authorization for the property.

Upon approval, the applicant must record an affidavit with the register of deeds containing the legal description of the entire development, specifying the date of approval of the PUD, and declaring that all future development of the PUD property has been authorized and required to be carried out in accordance with the approved PUD unless the city council adopts an amendment at the request or approval of the applicant, or applicant's transferees or assigns.

FINAL

## FINAL APPROVAL EFFECT

Construction must be commenced within one (1) year following final approval of a PUD rezoning, or within one (1) year of any other necessary governmental approval for commencement of the development, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the PUD must commence within one (1) year of the schedule established for it in the application submitted for the PUD. If construction is not commenced within such time, any approval of the final plan for the PUD lapses and is null and void. However, the city council may grant an extension for a specified time period if the applicant makes a request for extension before the expiration of the initial period and demonstrates good cause. If the final plan expires, the city council may rezone the property in any reasonable manner. If the property remains classified as a PUD, a new application for a PUD must be filed and reviewed in light of the then existing and applicable law and ordinance provisions.

## REQUIRED FOR PRELIMINARY SITE PLAN

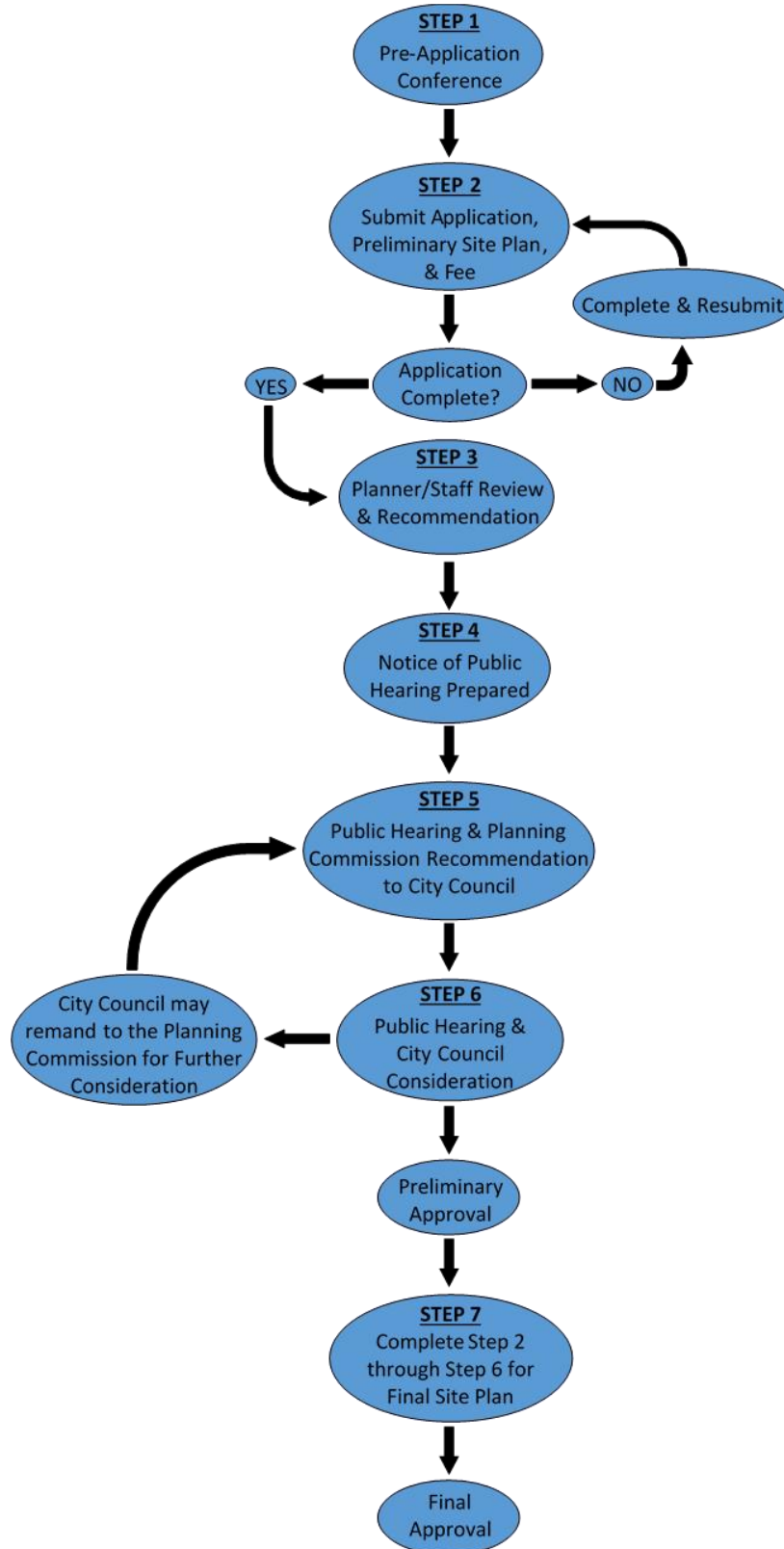
The preliminary site plan must include, but not limited to, the following information:

- a. Applicant's name and address.
- b. The name of the proposed PUD.
- c. Common description of property and complete legal description.
- d. Dimensions of land, width, length, acreage and frontage.
- e. Existing zoning and zoning of all adjacent properties.
- f. Statement of intent of proposed use of land and any phasing of the project.
- g. Name, address, city and phone number of firm or individual who prepared the plan, the owner of the property, and the applicant, if other than owner.
- h. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
- i. Proposed acceleration, deceleration, and passing lanes.
- j. Location of existing drainage courses, floodplains, lakes, streams, and wetlands.
- k. Intentions with respect to water and sewer.
- l. All parking areas and number of spaces by size.

## REQUIRED FOR FINAL SITE PLAN

The final site plan shall include a complete site plan meeting the requirements of zoning ordinance Section 28-135.

# PLANNED UNIT DEVELOPMENT – FLOWCHART





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# SECTION E

## SITE PLAN REVIEW PROCESS

## SITE PLAN REVIEW PROCESS

A site plan and site plan review is to ensure full compliance with the standards and regulations of the zoning ordinance, building and engineering practices, and other applicable requirements.

Depending on the project size, scope, and/or intensity, all new developments, improvements, and/or expansions the applicant shall be submitted in one of the follow site plans:

- *Full site plan (FSP)*. The level of information is intended to be proportionate to the extent of the change and insure adequate review for compliance with applicable requirements.
- *Plot site plan (PSP)*. For select projects, such as, one-family and two-family dwellings and/or accessory structures.

Furthermore, depending on the project size, scope, and/or intensity, all new developments, improvements, and/or expansions are subject to one of the following site plan reviews:

- *Planning commission review (PCR)*. Most new developments and major expansions will require a full site plan (FSP).
- *Administrative review (AR)*. Select projects and expansions or changes in use to existing sites will undergo a less formal review and approval process by the zoning administrator (or designee), and any others deemed necessary.

### PRE-APPLICATION CONFERENCE

The Pre-Application Conference, or Pre-Application Site Plan Conference, is the first step in the site plan review. It is the responsibility of the applicant to ensure the questionnaire, answers, and additional documents that may be useful to your site plan review are complete. There is no fee required to schedule a Pre-Application Site Plan Conference.

### SITE PLAN SUBMITTAL

Applicant shall submit a site plan with the specific items found in Section 28-135. Review fees shall be enclosed as part of a complete site plan review application.

### STAFF REVIEW

Following receipt of a complete application, site plan, and fee, city staff from all necessary departments will review and provide comments to the applicant.

### FINAL APPROVAL EFFECT

Unless noted otherwise, administratively approved site plan projects must be under construction within six (6) months from the date of final approval.

## SITE PLAN REVIEW - TYPE

	PCR		AR	
	FSP	FSP	FSP	PSP
<b>NEW DEVELOPMENT</b>				
Construction of any nonresidential use or building.		X		
Construction of essential public service buildings and storage areas.		X		
Construction of a multiple family dwelling.		X		
Construction of a one or two-family dwelling unit on one (1) lot in a residential zoning district.				X
Establishment of a condominium project.	X			
Minor changes during construction required by city, state, or federal departments or agencies.		X		
Planned Unit Developments (PUDs) (Sections 28-48, and 28-160).	X			
<b>EXPANSIONS</b>				
Increase parking/loading area up to 50% or 10,000 ft <sup>3</sup> of impervious area w/o building changes.		X		
Increase parking/loading area more than 50% or 10,000 ft <sup>3</sup> of impervious area w/o building changes.		X		
Changes to building height that do not add floor area nor exceed the maximum height requirements.		X		
Expansion of a one-family or two-family dwelling unit on one (1) lot in a residential zoning district.				X
Non-residential - increase floor area up to 50% with no impact to other site improvements.		X		
Non-residential - an increase in the floor area greater than specified above.		X		
<b>CHANGES IN USE</b>				
To a similar use or less intense use provided the site will not require any significant changes in the existing site facilities (parking, landscaping, lighting, signs, non-motorized pathways or sidewalks).				X
Nonconforming use to a conforming use, if required by the zoning administrator (or designee).				X
Change in land use or building use to more intensive use.		X		
<b>OTHER TYPES OF PROJECTS</b>				
Accessory buildings constructed accessory to a permitted one-family or two-family dwelling unit.				X
Accessory buildings associated with multiple-family and non-residential uses.		X		
Accessory open air businesses.		X		
Aesthetic or architectural changes other than one-family and two-family residential structures.		X		
Non-motorized pathways or sidewalk construction or relocation.		X		
Construction of an entrance feature associated with a residential development.		X		
Home occupations.				X
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site which meets all site design standards.				X
Landscape changes.		X		
Modifications to upgrade a non-single family residential building to improve barrier-free design, or to comply with the Americans with Disabilities Act or other federal, state or county regulations.				X
Parking lot improvements provided the total number of spaces will remain constant.		X		
Sign relocation or replacement meeting the dimensional and location standards of this chapter.		X		
Site improvements/installation of walls, fences, lighting or curbing.		X		
Temporary uses, sales and seasonal events.				X
Utility system improvements.				X
Waste receptacle relocation or installation of screening around the waste receptacle.		X		
All conditional uses (CUP) not covered by one of the above situations/uses (see section 28-71).	X			
Murals meeting the requirements of section 28-253(g).	X			

## SITE PLAN REVIEW - REQUIREMENTS

SITE PLAN DESCRIPTION AND IDENTIFICATION DATA	FSP	PSP
Site plans (max. 24 inch × 36 inch) for the entire development, scale not less than 1" = 20 ft. for property less than 3 acres, 1" = 50 ft. for property 3 acres to 49 acres; or 1" = 100 ft. for 50 acres or more;	X	X(1)
Title block with sheet number/title; name, address and telephone number of the applicant, firm, or individual who prepared the plans; and date(s) of submission and any revisions;	X	
Scale and north-point;	X	X(1)
Scaled location map with north-point, surrounding land, water features, zoning and streets within 0.25 miles;	X	
Legal and common description of property;	X	
Signed seal of architect, landscape architect, engineer, or land surveyor who prepared the drawings;	X	
Zoning classification of petitioner's parcel and all abutting parcels;	X	X
Proximity to section corner and major thoroughfares; and	X	
Total area in acres and square feet.	X	X
SITE DATA	FSP	PSP
Existing/proposed lot lines, building lines, structures, parking areas and other improvements on site and within 100ft. of site;	X	X
Topography of site and within 100ft. of site, six (6) inch contour intervals, referenced USGS benchmark;	X	
Location of existing drainage courses, streams and wetlands;	X	
All existing and proposed easements;	X	X
Location of exterior lighting (site and building lighting);	X	X
Location of trash receptacle(s) and transformer pad(s) and method of screening;	X	X
Recent aerial of the site and surrounding area; and	X	
Extent of any outdoor sales or display area.	X	
ACCESS AND CIRCULATION	FSP	PSP
Dimensions, curve radii and centerlines of existing/proposed access points, roads/road ROW's or access agreements/easements;	X	
Opposing driveways and intersections within 250 feet of site;	X	
Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness;	X	
Dimensions of acceleration, deceleration, and passing lanes (Section 28-100);	X	
Dimensions of parking spaces, islands, circulation aisles and loading zones (Sections 28-100, 28-145(d)(12), and 28-105);	X	
Calculations for required number of parking and loading spaces (Section 28-100 and 28-145(d)(12));	X(2)	X(2)
Designation of fire lanes;	X	
Traffic regulatory signs and pavement markings;	X	
Location of existing and proposed sidewalks/pathways within the site or right-of-way; and	X	X(3)
Location, height, and outside dimensions of all storage areas and facilities.	X	X
LANDSCAPE PLANS	FSP	PSP
An existing vegetation survey per the subsection 28-105(c)(3)(e) and subsection 28-110(c);	X	X

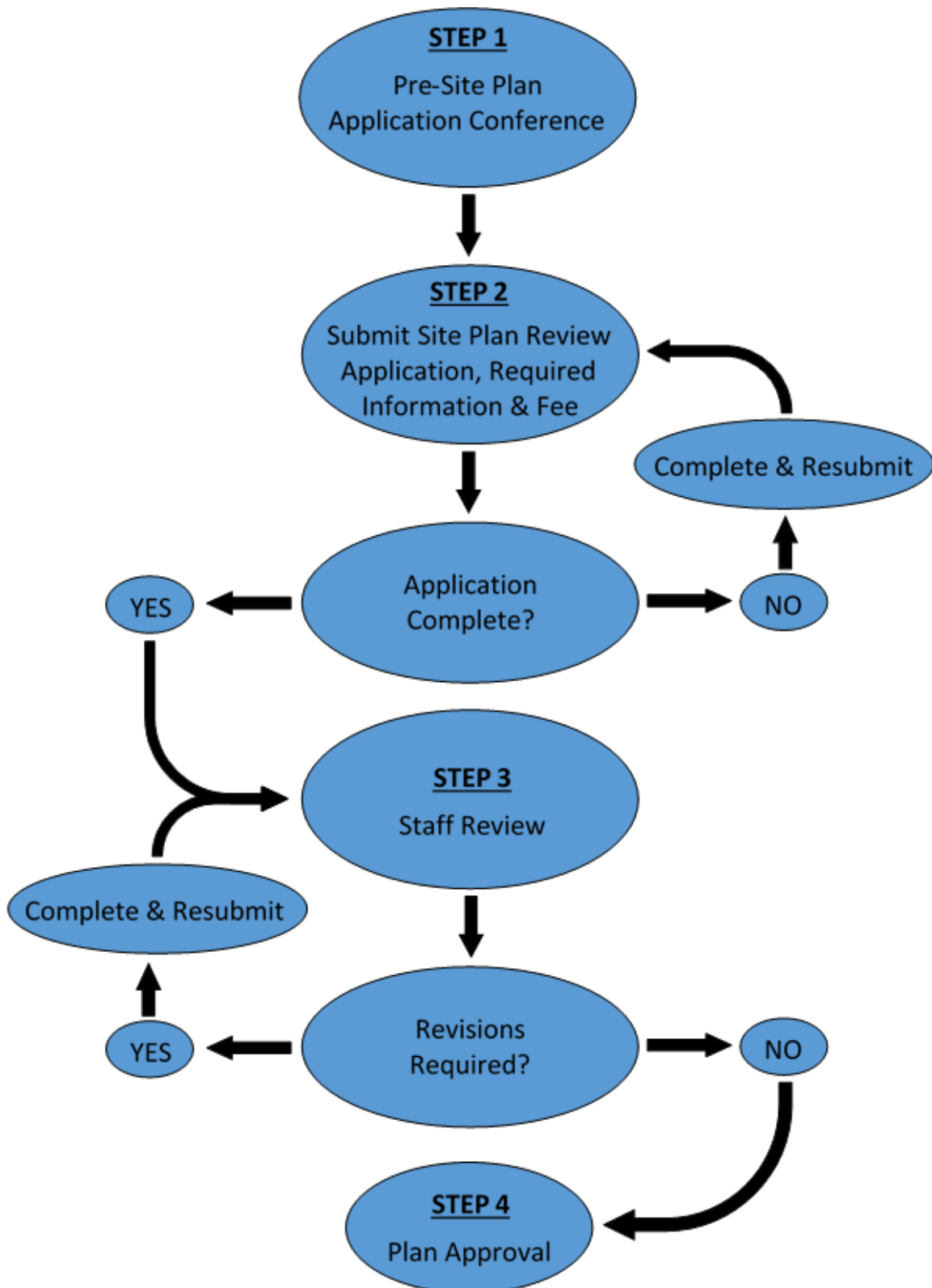
**SECTION E – SITE PLAN REVIEW**

The location of existing and proposed lawns and landscaped areas;	<b>X</b>	
Landscape plan, including location and type of proposed shrubs, trees, and other plant material;	<b>X</b>	
Landscape irrigation plan, per the standards contained in subsection 28-105(f)(3); and	<b>X</b>	<b>X</b>
Plant schedule, per subsection 28-105(e)(3)a.	<b>X</b>	
<b>CONCEPTUAL DETAILS OF BUILDING AND STRUCTURE DETAILS</b>	<b>FSP</b>	<b>PSP</b>
Location, height, and outside dimensions of all proposed buildings or structures;	<b>X</b>	<b>X(3)</b>
Building floor plans and total floor area;	<b>X(2)</b>	<b>X(2)</b>
Details on accessory structures;	<b>X</b>	<b>X(3)</b>
Location, size, height, and material of construction for all hedges, fences, wall, and berms utilized to meet the screening requirements of Section 28-125;	<b>X(3)</b>	
Location, size, height, and material of construction for general fencing (Section 28-125);	<b>X(3)</b>	<b>X(3)</b>
Location and material of construction for swimming pools (Section 28-120);	<b>X(3)</b>	<b>X(3)</b>
Building facade elevations for all sides, drawn at an appropriate scale (Section 28-115);	<b>X(4)</b>	<b>X(4)</b>
Description/colors of exterior building materials; and	<b>X(4)</b>	<b>X(4)</b>
Info regarding hazardous materials (containment, storage, use, location, any level of involvement).	<b>X</b>	
<b>CONCEPTUAL DETAILS CONCERNING UTILITIES, DRAINAGE AND RELATED ISSUES</b>	<b>FSP</b>	<b>PSP</b>
Location of existing sanitary sewers and preliminary location of proposed systems;	<b>X</b>	
Location and size of existing water mains, water service, storm sewers loads, fire hydrants and conceptual information for proposed water service;	<b>X</b>	
Preliminary site grading, finished building grades, drainage patterns;	<b>X</b>	
General location and size of stormwater retention and detention ponds;	<b>X</b>	
General location of underground storm sewers and drains;	<b>X</b>	
General location of above and below ground gas, electric and telephone lines;	<b>X</b>	
General location of transformers and utility boxes;	<b>X</b>	
Size, height and method of shielding for all site and building lighting; and	<b>X(5)</b>	
Location, size, height, and lighting of all proposed signs.	<b>X(5)</b>	
<b>ADDITIONAL INFORMATION FOR MULTIPLE-FAMILY RESIDENTIAL</b>	<b>FSP</b>	<b>PSP</b>
The number and location of each type of residential unit (one bedroom units, two bedroom units);	<b>X</b>	
Density calculations by type of residential unit (dwelling units per acre);	<b>X</b>	
Garage and/or carport locations and details, if proposed;	<b>X</b>	
Mailbox clusters;	<b>X</b>	
Location, dimensions, floor plans and elevations of common building(s), if applicable;	<b>X</b>	
Swimming pool fencing detail, including height and type of fence, if applicable;	<b>X</b>	
Location and size of recreation and open space areas; and	<b>X</b>	
Indication of type of recreation facilities proposed for recreation areas.	<b>X</b>	

**FOOTNOTES:**

- (1) A plot plan may be drawn on the grid sheet contained in the application.
- (2) If needed to determine park and loading requirements (see sections 28-100 and 28-145(d)(12)).
- (3) If applicable.
- (4) If building design standards apply.
- (5) Requires a photometric study, to the satisfaction of the zoning administrator (or designee)

# SITE PLAN REVIEW – FLOWCHART





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## **SECTION F**

# CONDITIONAL USE PERMIT PROCESS

## CONDITIONAL USE PERMIT PROCESS

Conditional uses listed in Section 28-17 are uses which, because of their characteristics, require specific consideration in relation to the welfare on adjacent properties and the community as a whole. Conditional uses require a site plan and a public hearing with the planning commission; both processes are run concurrently.

The planning commission reviews all conditional uses with the following standards:

- Consistency with the intent and purposes of the zoning ordinance and with the objectives of the city's master plan.
- Compatibility with the existing and future land use patterns.
- Effect on the health, safety, convenience, or general welfare of persons residing or working in the vicinity as it relates to the following:
  - The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.
  - The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading.
  - The safeguards used to prevent noxious or offensive emissions such as noise, glare, dust and odor.
  - The treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.
  - Any other pertinent factors.
- Ability of the use to be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- Availability of essential public facilities and services, such as: streets, police and fire protection, drainage, refuse disposal.

### PRE-APPLICATION CONFERENCE

The Pre-Application Conference, or Pre-Application Site Plan Conference, is the first step in the site plan review. It is the responsibility of the applicant to ensure the questionnaire, answers, and additional documents that may be useful to your site plan review are complete. There is no fee required to schedule a Pre-Application Site Plan Conference.

### SITE PLAN SUBMITTAL

Applicant shall submit a site plan with the specific items found in Section 28-135. Review fees shall be enclosed as part of a complete site plan review application.

## STAFF REVIEW

Following receipt of a complete application, site plan, and fee, city staff from all necessary departments will review and provide comments to the applicant.

## PUBLIC HEARING PLANNING COMMISSION

Upon hearing staffs review, the applicant’s response, and conducting a public hearing the planning commission can may postpone action to a date certain, approve as presented, approve with conditions, or deny the conditional use permit request.

## PLANNING COMMISSION ACTION

A conditional use permit runs with the land, not with the applicant, when granted for a particular site and may not be transferred to a different location.

Any conditional use permit granted shall become null and void and fees forfeited unless:

- Construction or alteration of new or modified facilities, as the case may be, is completed within three hundred sixty-five (365) days of the date of transmittal (by mail or otherwise) of the planning commission's decision to the applicant; or
- The use is commenced within three hundred sixty-five (365) days of the date of transmittal (by mail or otherwise) of the planning commission's decision to the applicant, if new or modified facilities are not required.

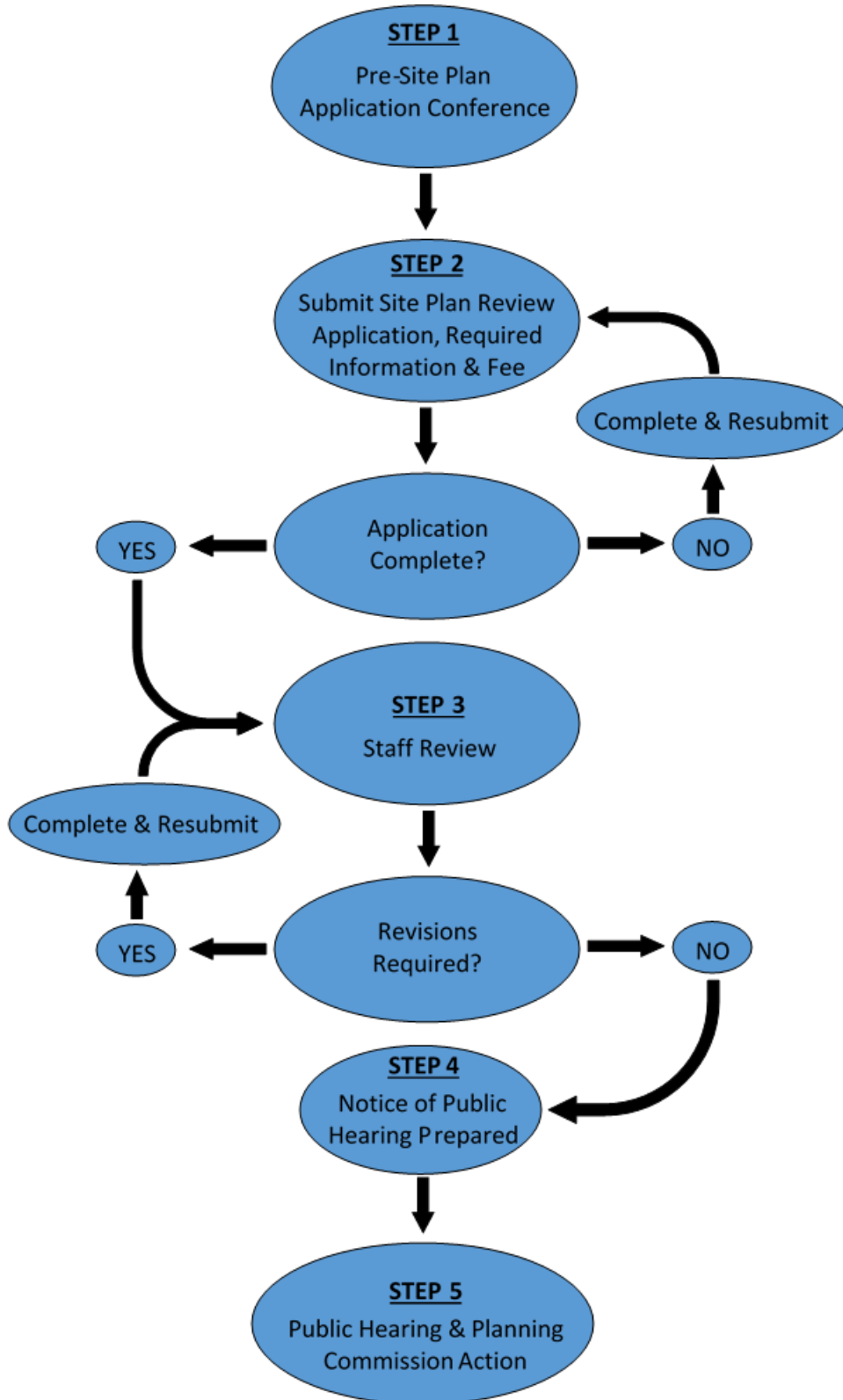
After the passage of three hundred sixty-five (365) days during which construction has not been commenced, or during which construction has ceased, or, during which the use has not been commenced, the applicant must apply for a new conditional use permit.

If the owner or occupant changes the use designated in the “approval” and/or if the use ceases or is discontinued for a period of one (1) uninterrupted calendar year or greater, then the land reverts to only the uses permitted in that specific zoning district.

Whenever an application for a conditional use is denied, such application shall not be resubmitted for at least one (1) year from the date of the denial, unless it is established to the satisfaction of the city planning commission that there has been a material change in circumstances.

The decision of the planning commission, with respect to a conditional use permit, cannot be appealed to the zoning board of appeals.

# CONDITIONAL USE PERMIT – FLOWCHART



## **SECTION G**

# ZONING VARIANCE ADMINISTRATIVE APPEAL TEXT AND MAP INTERPRETATION PROCESS

## VARIANCE, APPEALS, & INTERPRETATION PROCESS

A variance is the process by which an applicant can request deviation from the set of regulations established in the zoning ordinance. The zoning board of appeals may grant a dimensional, supplemental, and/or use variance.

An administrative appeal occurs when it is alleged that there is an error in any order, requirement, decision, grant or refusal made by the zoning inspector or other administrative official in the interpretation of the zoning ordinance.

An interpretation of zoning text or map occurs when there is a question as to the location of any boundary line between zoning districts or in the interpretation of the text.

### APPLICANT SUBMITTAL

The applicant shall submit a complete application for a variance to the Zoning Administrator, including all required information and application fee. The application must be submitted approximately four (4) weeks before date of zoning board of appeals meeting.

### NOTICE OF PUBLIC HEARING

Upon receipt of a complete application, city staff will make proper notification of the meeting, as required by the Michigan Zoning Enabling Act – P.A. 110 of 2006, as amended.

### STAFF REVIEW

City staff will provide a review and recommendation regarding the request. This review and recommendation will be presented at the meeting prior to the public hearing.

### PUBLIC HEARING ZONING BOARD OF APPEALS

Upon hearing staffs review, the applicant’s response, and conducting a public hearing, members of the zoning board of appeals may postpone action to a date certain, approve as presented, approve with conditions, or deny the variance request.

### ZONING BOARD OF APPEALS ACTION

A decision of the board shall not become final until the expiration of five (5) days from the date such decision is made.

### RECOURSE

Any decision of the Zoning Board of Appeals may be appealed through the courts as provided in the Michigan Zoning Enabling Act – P.A. 110 of 2006, as amended.

## VARIANCE, APPEALS, & INTERPRETATION – FLOWCHART

