

Application for Conditional Use Permit (CUP)

Requires a public hearing before the Planning Commission

\$500.00 fee required with application submittal.

Instructions and additional information on Page 2 and Page 3

Nature of Conditional Use

- | | | |
|---|---|--|
| <input type="checkbox"/> Automobile Service Station | <input type="checkbox"/> Religious Institution | <input type="checkbox"/> Recycling Center |
| <input type="checkbox"/> Auto Wash | <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Resource Center |
| <input type="checkbox"/> Billboard | <input type="checkbox"/> Off-Street Parking (R-3 & R-4 Only) | <input type="checkbox"/> School |
| <input type="checkbox"/> Child Care Center | <input type="checkbox"/> Radio and Television Broadcasting Studio | <input type="checkbox"/> Self-Service Storage Facility |

APPLICANT

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: (_____) _____
Email: _____

PROPERTY OWNER

Same as applicant

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: (_____) _____
Email: _____

ADDRESS SUBJECT TO CONDITIONAL USE REQUEST

Property Identification #: _____
Address: _____
City: **Jackson** State: **MI** Zip: _____
Nearest Intersection: _____

Current Zoning Designation: _____
Current Use: Residential Commercial
 Industrial Mixed

CONDITIONAL USE INFORMATION

Briefly explain function of the conditional use request (attach additional pages if necessary): _____

All applications must be accompanied by a site plan meeting the requirements of Section 28-135 and the specific use requirements in Section 28-145 (d). Applications submitted without a site plan will be deemed incomplete.

I hereby attest that I/we have read and understand the application form, that the information submitted is true and accurate, and agree to all the terms, conditions, and other City of Jackson Code requirements. Furthermore, I/we understand all conditional use permit applications are subject to review, standards, regulations, and procedures of Section 28-145 of the City of Jackson zoning ordinance.

Signature of Applicant

Date

Signature of Owner

(If different than applicant)

Date

If the owner cannot sign this form, the applicant shall submit a letter of consent from the property owner with this application.

OFFICE USE ONLY

CASE: _____ Application Accepted By: _____

Materials Submitted with Application: Plans Other _____

Total Pages Submitted: _____ Amount of Fee Paid: \$ _____ Cash Check Check #: _____

Sec. 28-145. Conditional uses.

In addition to the "permitted" uses in each of the zoning districts, there are certain other compatible uses, as listed in this chapter that are "conditional" uses. Because of their actual or potential impact on natural resources, public utilities, traffic patterns and/or adjacent land use, there is a need to carefully regulate these uses. In these cases, a zoning compliance permit will not be issued until a conditional use permit is approved by the city planning commission. All conditional use permits are granted for a particular site and may not be transferred to a different location. A conditional use permit runs with the land, not with the applicant.

- (a) *Conditional uses authorized by the planning commission.* The city planning commission shall hear and make determinations regarding applications for conditional uses listed in the district regulations and supplemental provisions of this chapter.
- (1) *Procedures.* An application for a conditional use shall be submitted to the planning commission for consideration and public hearing. The application must include a site plan which meets the requirements of section 28-135. Notice of such public hearing shall be given as provided for in section 28-8.
 - (2) *Content of notices.* In addition, notice shall be published in a newspaper of general circulation in the city within the time period required in this subsection. The notices required herein shall:
 - a. Describe the nature of the conditional use request.
 - b. Indicate the property which is the subject of the conditional use request.
 - c. State when and where the public hearing on the conditional use request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - (3) *Adjournment of hearings.* Upon the day for the hearing of any application, the city planning commission may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of such hearing, unless the city planning commission so decides.
 - (4) *Conditions upon approval.* If the planning commission determines that the proposed conditional use is appropriate, the conditional use permit shall be approved. The conditions should ensure that the proposed use meets the standards of this chapter. The conditions shall:
 - a. Be designed to protect natural resources, as well as the health, safety, welfare, and social and economic well-being of those 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 in relation to the purposes of the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of this chapter; be related to the standards established in the ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
 - d. To the extent applicable, ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased facility loads caused by the land use or activity.
 - (5) *Status of conditions.* Conditions imposed with respect to the approval of a land use or activity shall be made of record at the time of approval and shall remain unchanged except upon the mutual consent of the city planning commission and the owner of the land for which approval of a conditional use has been granted. The city planning commission shall maintain a record of any changes granted in conditions imposed.
 - (6) *Decisions of the city planning commission.* The city planning commission shall decide on all applications within thirty (30) days after the final hearing thereon. The decision shall be incorporated in a statement of findings and conclusions relative to the conditional use which specifies the basis for the decision and shall list any conditions imposed. A copy of the city planning commission's decision shall be transmitted to the applicant, the zoning official, and planning staff. The city planning commission shall have the final decision on all conditional uses.
 - (7) *Rehearing on applications for conditional uses.* 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.

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- (8) *Violation.* A violation of any requirement, condition, or safeguard established in the conditional use permit shall be considered a violation of this chapter and shall be punished as prescribed in section 1-18 of this Code. In addition, any such violation shall constitute a prima facie basis for the planning commission to revoke the conditional use permit.
- (b) *Standards on which decisions will be based.* The city planning commission shall review the particular circumstances and facts of each proposed use in terms of the following standards:
- (1) Consistency with the intent and purposes of this chapter and with the objectives of the city's land use and/or comprehensive plan.
 - (2) Compatibility with the existing and future land use patterns.
 - (3) Effect on the health, safety, convenience, or general welfare of persons residing or working in the vicinity. To evaluate the use, the planning commission shall consider the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.
 - b. 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.
 - c. The safeguards used to prevent noxious or offensive emissions such as noise, glare, dust and odor.
 - d. The treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.
 - e. Any other pertinent factors.
 - (4) 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.
 - (5) Availability of essential public facilities and services, such as: streets, police and fire protection, drainage, refuse disposal. The persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
 - (6) *For legal nonconformities only.* When reviewing a conditional use permit application for a nonconforming building, structure, or use, the planning commission must also consider the following standards together with such relevant facts and circumstances identified during the public hearing:
 - a. Whether restoration, reconstruction, substitution, and/or expansion would serve a useful purpose, or whether a useful purpose would be served by pursuing strict enforcement and application of the provisions and requirements of this article.
 - b. Whether the development and/or use of property in the surrounding area has materially changed in relation to the condition which existed when the use or structure was established, with the result that a continuation of the use or structure would be offensive to the area.
 - c. In considering the establishment of a condition for the approval of the substitution of a nonconforming use of lots, structures, or any combination of lots, structures, or uses of lots and structures, the planning commission must ensure that the nonconforming use of lots and structures is not expanded, and that the substituted use of lots and structures is not of greater nonconformity in terms of its impact upon the area and surrounding properties.
- (c) *Voiding of conditional use permit.*
- (1) Any conditional use permit granted under this chapter shall become null and void and fees forfeited unless:
 - a. 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
 - b. 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.
 - (2) 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, as the case may be, the applicant must apply for a new conditional use permit following all of the procedures outlined in this chapter.