

APPLICATION FOR SPECIAL USE PERMIT

CITY OF BENTON HARBOR

\$350

200 E. Wall St., Benton Harbor, MI 49022

Phone: 269-927-8418 Fax: 269-927-8419



An incomplete application will not be accepted. All required materials must be submitted, reviewed, and accepted as administratively complete at least 25 days prior to the next Planning Commission meeting.

PROPERTY INFORMATION

Property address(es) _____ Property Zoning District(s) _____

Tax Identification Number(s) _____

Short description of Special Use request _____

APPLICATION INFORMATION:

Applicant name _____ Company _____

Mailing address _____

Phone _____ Cell _____ Fax _____

E-mail _____

Is the applicant the owner of all properties? YES NO **Application Fee \$350.00**

An application for a Special Use Permit shall be accompanied by the following documents and information:

1. A Special Use Permit application form supplied by the Zoning Administrator, which has been completed in full by the Applicant.
2. First a Minor, then a Major Site Plan, satisfying the requirements of Article 4 if applicable.

SEE REVERSE FOR MORE INFORMATION ON SPECIAL USE PERMIT REQUIREMENTS.

The information on this application form is, to the best of my knowledge, true, accurate and complete.

OWNER/APPLICANT SIGNATURE _____ **DATE** _____

I grant permission for members of the City Benton Harbor Planning Commission and City Commission to visit this property for the purpose of gathering information. **This is a voluntary permission.**

OWNER/APPLICANT SIGNATURE _____ **DATE** _____

§6.5 SPECIAL USE PERMIT REQUIREMENTS

§6.5.1 Applicability

Special use permit review shall occur in accordance with the provisions of this section.

- A. Special uses within each zoning district are uses that may be appropriate in a particular district, but because of the increased potential for incompatibility with adjacent uses requires individual review by the city commission.
- B. A special use permit review shall be required for all special uses as set forth in the permitted land use table (see§2.4). A development comprised of uses regulated by separate rows on the tables shall be reviewed using the most restrictive process from among the proposed uses.

Commentary: If a proposed development includes a gas station, library and a restaurant, including outparcels, and any one of those uses is only permitted as a special use in the district, then the entire development requires special use permit review.

- C. Where a use requiring an approval or a special use permit lies on a separate legal parcel, only the building containing the uses and its separate parcel shall be subject to special use permit review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

Commentary: For example, where a use in the C-L district (requiring a special use permit) is an outparcel within a larger retail development, the special use permit review shall apply to the outparcel only – not the entire development. However, where a special use is proposed in a building that contains a variety of other uses, the entire building and its associated parcel of land shall require special use permit review.

§6.5.2 Pre Application Conference

All applicants seeking special use permit approval shall hold a pre application conference with the zoning administrator in accordance with the requirements of §6.1.2.

§6.5.3 Application Requirements

All applications for special use permit review shall be submitted in accordance with the minimum submission requirements of §6.1.3. Concurrent with a request for a special use permit review, the applicant shall submit a site plan for review and approval.

§6.5.4 Notice and hearing

All required hearings and notice shall be in accordance with the requirements of §6.1.4.

§6.5.5 Action by zoning administrator

Upon submission of a complete application, the zoning administrator shall review the application for compliance with §6.5.8 and other applicable requirements, and prepare a written report.

§6.5.6 Action by planning commission

The planning commission shall consider the application in a public hearing and shall prepare a report within 45 days of the closing of the hearing and the conclusion of related plan commission meetings and deliberations regarding the effect of such proposed buildings or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matter pertaining to the public health, public safety, and other matters pertaining to the public health, public safety, and general welfare. Where a contemplated use would require large amounts of water to be disposed of in sanitary sewers, the report shall include a certification by the city engineer.

§6.5.7 Action by city commission

No action shall be taken by the city commission upon any application for a special use prior to the report of the planning commission; provided, however, that if no report is received within 45 days, it shall be assumed that the commission has approved the application as presented. The city commission shall approve, conditionally approve, deny, or table the application.

§6.5.8 Approval criteria

No special use shall be approved unless the city commission determines that the Proposed building or use:

- A. will not materially endanger the public health or safety if located where proposed and Developed according to the plans as submitted and approved;
- B. is in compliance with all applicable requirements of this ordinance and other applicable Requirements;
- C. will not substantially injure the value of adjoining or abutting property, and will not be Detrimental to the use or development of other property in the neighborhood; and
- D. will not be inconsistent with the master plan.

APPLICANT IS REQUIRED TO PROVIDE A DETAILED EXPLANATION OF THE PROPOSED USE'S CONFORMANCE TO THESE CRITERIA ON A SEPARATE SHEET OF PAPER

§6.5.9 Conditions of approval

In approving a special use, the city commission may impose reasonable conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation, open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions. Any conditions approved by the city commission shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.

§6.5.10 Effect of decision

- A. If the city commission denies an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial.
- B. Special use permits, including any conditions of approval, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs

§6.5.11 Notice of decision

Notice of decision shall be provided as required by §6.1.6.

The City of Benton Harbor Zoning Ordinance is available on the City Website, www.bentonharborcity.com.

Date Received _____ **\$1,200 Escrow Fee Paid** _____

\$350 Application Fee (Non-Refundable) _____

Submitted Materials: ___ Application ___ Minor Site Plan ___ Major Site Plan ___ Legal Description

Application reviewed by: _____ **Date found complete/incomplete (circle one)** _____