



CITY OF NILES SPECIAL LAND USE APPLICATION

333 N 2nd Street, Niles, MI 49120

(269) 683-4700 ext. 3020

APPLICATION FEE (PAYABLE TO CITY OF NILES): \$250.00

FOR OFFICIAL USE ONLY: PAYMENT RECEIVED

TYPE				DATE	AMOUNT
Cash	Check	Money Order	Credit Card		

CITY OF NILES, ZONING REGULATIONS FOR SPECIAL LAND USE: <http://ci.niles.mi.us/Business/Photos%20&%20Documents/ZoningOrdinance.pdf>

ARTICLE 8 SECTION 801 SPECIAL USE PROCEDURES: A Special Use application shall be submitted and processed according to the following procedures:

- Applications shall be submitted through the Zoning Administrator to the Planning Commission.
- Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. No part of any fee shall be refundable.
- An application shall be submitted to the Zoning Administrator on a Special Use permit application form.
- A special application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty days of the submission of a complete application prepared in accordance with this Zoning Ordinance.
- An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.
- Ten (10) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information.

PLEASE TAKE NOTICE: The Applicant is responsible for reviewing the City of Niles Zoning Ordinance, Article 8, to process this Special Land Use application. City staff is available for guidance at the number listed above

TO BE COMPLETED BY APPLICANT (PLEASE PRINT)

Applicant's Name: _____ Date: _____

Company (if applicable): _____

Address: _____ City: _____ ST: _____ Zip: _____

Applicant's Email Address: _____

Phone Number: _____ Alternate Phone Number: _____

Applicant is the: Owner Lessee Optionee Contractor/Architect

Owner's Name: _____ Date: _____

Company (if applicable): _____

Address: _____ City: _____ ST: _____ Zip: _____

Owner's Email Address: _____

Phone Number: _____ Alternate Phone Number: _____

1. Address of subject property: _____

2. Present Zoning of subject property: LDR MDR NC OC CB RC IND OS

Requested Zoning of subject property: LDR MDR NC OC CB RC IND OS

3. Parcel Number of property: _____

4. Present Use of Property: _____

5. Requested Use of Property: _____

6. Legal Description of Property: _____

7. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet. _____

8. Explanation of Request: Please prepare a separate signed narrative that includes:

1. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
2. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns, and local traffic volumes.
3. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this Ordinance, by the City Zoning Administrator or the Planning Commission.
4. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Article 8 of the City's Zoning Ordinance and other standards imposed by the Zoning Ordinance affecting the special use under consideration.
5. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns, and local traffic volumes.
7. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this Ordinance, by the City Zoning Administrator or the Planning Commission.
8. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.
9. A complete Site Plan, Site Plan Review Checklist containing all the applicable data required by Article 10 Site Plans, of the City's Zoning Ordinance, unless waived by the Zoning Administrator and applicable fees associated with Site Plan Review. (please request the Site Plan Review Checklist from the Zoning Administrator)
10. Supporting statements, evidence, information and exhibits that address the standards and requirements for evaluating Special Use permit applications as provided in this Article 8.

DECISION BY PLANNING COMMISSION

_____ Granted _____ Denied _____(Granted with Conditions – attached)

Date of Decision: _____

The Zoning Administrator is hereby authorized to issue a Special Land Use Permit to the Applicant pursuant to approval by the Planning Commission received on _____

Zoning Administrator's Signature

Date



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WHAT HAPPENS NEXT?

An application for Special Use Approval shall be processed as follows:

a. *Planning Commission Work Session.* The Zoning Administrator shall forward a copy of the application for the special use request to the Planning Commission within thirty (30) days of receiving the request and completed application. At such meeting, the Planning Commission may review the application and question the applicant about the special use. Prior to the public hearing, the Planning Commission shall not render any judgments on the application. If the Planning Commission concurs with the Zoning Administrator that the application is complete, a public hearing shall be scheduled as set forth in this Section.

b. *Public Hearing Procedures.* Notice of a hearing to consider a Special Use application shall be given by mail or personal delivery to the property owners for which Special Use permit approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and occupants of each dwelling unit owned or leased by different persons within three (300) hundred feet of the boundary of the property in question. Where the name of the occupant is not known, the term “occupant” may be used in making notification. Notice of the public hearing shall also be published in a newspaper of general circulation in the City of Niles. Such notices shall be given not less than fifteen (15) days before the date of the public hearing. Such notice shall include: 1) Description of the Special Use request; 2) General description of the property which is the subject of the Special Use Application; 3) The date, time, and location of the Public Hearing on the Special Use Application; and, 4) The time and location for written comments to be received concerning the Special Use application.

c. *Planning Commission Action.* After the Public Hearing and upon review of the merits of the Special Use permit application, the Planning Commission shall review the application and any reports of City personnel, planning or engineering or other consultants and reach a decision to approve, approve with conditions or deny the application. Such decision shall be reached within forty (40) days following the date of the public hearing on the application, unless the applicant and the Planning Commission mutually agree to extend the time allowed for the Planning Commission to reach a decision. The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed Special Use which motion shall provide the basis for the decision and any conditions imposed.

d. *Basis for Action.* In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Use do not establish by preponderance of the evidence that the standards and requirements set forth in the Article can and will be met by the proposed Special Use, the Planning Commission shall deny the Special Use permit application. e. Attachment of Conditions. Subject to the terms of Section 801, 10, b, the Planning Commission may prescribe conditions of approval deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.

For further information on the following, please review the City’s Zoning Ordinance Article 8 Special Use:

Issuance of a Special Use permit
Appeals
Duration of Approval
Amendments

Expiration
Violations
Special Use Review Standards