



# City of Battle Creek

## Community Services - Planning and Zoning Division

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## **SPECIAL USE PERMIT** **Information and Procedures**

A special land use is one that may be appropriate in certain locations but requires additional review and oversight to ensure that there would be no adverse effects to the property or the surrounding neighborhood. These uses are regulated by Section 1281.05 “Special Land Uses” of the Zoning Ordinance, and only those uses listed in the ordinance are subject to a permit.

### **BASIS FOR DETERMINATION**

Special Use Permits are subject to review and approval by both the Planning Commission and the City Commission. Each body will review the request to determine if it complies with standards for approval outlined in Section 1281.05(c) “Basis for Determination”:

- a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- h) The use will be consistent with the intent and purpose of this Zoning Code.

### **PRE-APPLICATION RECOMMENDATIONS**

Prior to submitting the special use permit application, it is recommended that an applicant consult with the Planning Department staff to discuss the proposed use and application requirements. It is further recommended that the applicant contact the Inspections Department at (269) 966-3382 to discuss any possible requirements of the building, plumbing, mechanical, electrical, and/or fire code. Additionally, it is recommended that you contact your local Neighborhood Planning Council as well as adjacent property owners to discuss your request prior to submitting this application as you may be able to minimize concerns that would otherwise be addressed during the Public Hearing.

## **SUBMITTAL REQUIREMENTS**

In general, the completed application must be submitted to the Planning Department at least four weeks prior to a scheduled Planning Commission meeting. ***Please call in advance for application deadline dates.*** In order for the application to be accepted, the following items must be submitted with this completed application:

1. Payment of a non-refundable \$600.00 filing fee, made payable to the City of Battle Creek.
2. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the property owner.
3. Legal description of subject property and a list of all deed restrictions.
4. Property Site Plan:
  - a) For residential occupied properties, applicants shall submit a drawing of the property indicating existing and proposed property features, including but not limited to any structures, drives, fences, decks/patios, etc. The drawing shall indicate where the proposed special land use is to be located. The dimensions of all existing and proposed features shall be labeled, as well as property dimensions. Distances between existing and/or proposed buildings and property lines shall also be included on the drawing.
  - b) Non-residential properties that propose any revisions from an approved site plan will require a new site plan submittal, per Ch. 1294 of the Zoning Ordinance. If the requested special use will NOT result in changes to the property including buildings, parking, landscaping, etc. the applicant shall submit a drawing as specified in 4a.

***Please be advised that incomplete and/or applications will not be submitted to the Planning Commission for their review or consideration.***

## **REVIEW PROCESS**

At the time the application is submitted, you will be given the dates of the Planning Commission meeting at which your request will be discussed, and once prepared, an applicant will be mailed a meeting agenda and staff report specific to the application. Regular meetings of the Planning Commission are scheduled for the fourth Wednesday of each month at 4:00 pm, and are conducted in the Commission Chamber (Rm301) of City Hall. ***Please call or email to verify the date of the meetings. It is possible that some months may require a different meeting date to accommodate holidays or other events.***

A request for a special use permit is first submitted to the Planning Commission for their review. A public hearing will be scheduled for this meeting, and as required by state law and local ordinances, notices of this public hearing will be published in the local paper and mailed out to property owners and occupants within 300' feet of the subject parcel. At the meeting, the public hearing is opened and the applicant is asked to present their request. Opportunity is given to any members of the public wishing to comment on the request.

After the public hearing is closed, the Planning Commission will discuss the request, possibly asking additional questions of the applicant and/or staff. The Planning Commission may postpone a decision pending additional information that is needed in order to make a decision. They may also make a recommendation to the City Commission to approve, approve with conditions, or deny the request

based on the standards listed above. The request will then be placed on the next available City Commission meeting agenda, and the applicant is notified as to the date/time of that meeting.

Similar to the process at the Planning Commission meeting, the request is placed on the City Commission agenda as a “Resolution”, and opportunity is given for public comment on the request. The City Commission has the ability to postpone a decision or take action on the request by way of approval, approval with conditions, or denial of the request based on the standards listed above in Basis for Determination.

**The applicant or a representative is highly encouraged to attend both meetings to present your request and answer any questions.**

### **ADDITIONAL CONSIDERATIONS**

Please ensure that the application fully details the proposed use that warrants the special use permit. The approval of the special use permit is based upon the contents of the submitted application, including but not limited to the nature of the use as outlined in the application. Any future proposed change must be reviewed with the Planning Department to ensure consistency with the approved special use permit, and may be subject to approval of a revision of the special use permit by the Planning Commission and City Commission.

All necessary approvals and any required permits shall be obtained from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to issuance of a Certificate of Occupancy.

Pursuant to Section 1281.05(A)(5) Certificates of Occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one-year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six-months.

### **QUESTIONS**

Please contact the Planning Department at (269) 966-3320 if you have any questions regarding special land uses, the application, or other requirements.