

CHAPTER 13 APPLICATION AND REVIEW PROCEDURES

SECTION 13.01 PURPOSE AND APPLICATION

- A. The provisions of this Chapter describe the general application submittal procedures and review processes for zoning approvals required by this Ordinance. Additional specific information regarding each of the zoning reviews may be found in the Chapters dealing with those reviews.
- B. Compliance with all applicable City, State, or federal licensing ordinances and laws applicable to any use approved through the provisions of this Chapter and this Ordinance is required.

SECTION 13.02 IMPACT STUDIES

- A. The City may require a Development Impact Assessment, or Traffic Impact Assessment or Study of the potential impact of any development encompassing a total of five (5) acres or more for site plan review, Special Land Use review , or rezoning. The assessments will be in conformance with the requirements of B and C, below and prepared by persons qualified by education and experience.
- B. Development Impact Assessment:
 - 1. A Development Impact Assessment may be required to permit the City to determine the potential impact of the proposed development on:
 - a. municipal services (fire, police, sewer, water, library, roads, solid waste disposal and parks),
 - b. natural environment (soils, wildlife, vegetation, stormwater, air and water quality and natural water courses)
 - c. adjacent land uses (noise, property values and compatibility in bulk, height, design and open space).
 - 2. The Development Impact Assessment will contain information adequate to allow a determination as to the overall effect of the proposed development on the area affected by the proposed development and to the City as a whole. The Zoning Administrator shall, upon consultation with the Staff Review Team, determine the level of detail and the elements required in the Development Impact Assessment. The extent to which the development conforms with the City's Master Plan shall be considered in determining the necessity and elements of the Development Impact Assessment as well as the level of required detail.
 - 3. The Planning Commission or City Commission, upon review of the submitted Development Impact Assessment, may require additional information it deems necessary to adequately assess the overall effect of the development.

C. Traffic Impact Assessment, Traffic Impact Study

1. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, based on generally accepted traffic engineering sources such as the Michigan Handbook "Evaluating Traffic Impact Studies."
2. **Traffic Impact Assessment:** A traffic impact assessment shall be required for projects expected to generate either between 50-99 directional trips during peak hour traffic or 500-750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall support and describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.
3. **Traffic Impact Study:** A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The impact study shall evaluate current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The impact study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The impact study shall evaluate pedestrian access, circulation and safety. The Traffic Impact Study must take into account the Master Plan in analyzing future traffic developments.

SECTION 13.03 ZONING ORDINANCE AMENDMENTS

A. Initiation of Amendments

1. Either the City Commission or the Planning Commission may, at any time, initiate amendments to the map or text of this Zoning Ordinance.
2. Any property owner or holder of a valid option to purchase (with written permission from the property owner) may request an amendment to this Zoning Ordinance. An application for a rezoning shall be submitted through the Zoning Administrator. The application shall consist of the following:
 - a. An application form, completed in full by the applicant.
 - b. Fifteen(15) copies of a land plan portraying the following information: north arrow; scale (not more than 1"=100'); name/address of firm who prepared land plan; name/address of property owner; location sketch to scale; property size in acres; all lot and/or property lines with dimensions; location of existing structures within one hundred (100) feet of property boundaries; existing zoning of all abutting properties; location and size of any established flood plain areas, bodies of water, wetlands areas and other unbuildable areas; and contours, a maximum of five (5) foot intervals.
 - c. One (1) letter sized reduction of the land plan.
 - d. Payment of a fee as established by the City Commission.
 - e. Legal and common/popular property description in writing and in electronic form.

B. Public Hearing

1. All amendments to this Ordinance, both with reference to the text or the zoning of the land as appears on the zoning map, shall be made in the manner provided in the Zoning Act.

2. The Planning Commission and City Commission shall each cause notice of hearing on any proposed amendment changing the zoning classification of any parcel of any land to be served in the manner required by the Zoning Act. (Michigan Zoning Enabling Act, PA 110 of 2006)

C. **Guidelines for Amendment of the Official Zoning Map:** In considering any proposed amendment to the Official Zoning Map, the Planning Commission shall consider the following as a guide in making its findings, recommendations and decision:

1. Consistency with the goals, policies and future land use map of the Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district;
3. The applicant's ability to develop the property with at least one (1) of the uses permitted under the current zoning;
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
5. Whether the City's infrastructure and services are sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City;
6. Where a rezoning is reasonable given the above guidelines, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

D. **Resubmittal:** No petition for rezoning which has been disapproved by the City Commission shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds the existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 13.04 SPECIAL LAND USES

A. **Applications:** An application for a Special Land Use shall be submitted through the Zoning Administrator. The application shall be transmitted to the Planning Commission for review and shall consist of the following:

1. An application form, completed in full by the applicant, including a statement by the applicant describing the application's compliance with the applicable review standards of Chapter 15 and a detailed description of the proposed use.
2. A completed site plan, in sufficient folded copies, as specified in Chapter 14. The site plan review associated with a special land use request shall encompass the entire site on which the proposed use is to be located.
3. One (1) letter sized reduction of the site plan.
4. Payment of a fee as established by the City Commission, unless the Special Land Use is to be located entirely within an existing building, in which case, no fee is required.

B. **Joint Submittal:** If necessary, applications for rezonings and Special Land Uses may be submitted jointly. The procedures, standards, and specifications for each shall be followed as specified in this Chapter and other applicable Chapters of this Ordinance.

- C. **Wireless Communication Towers:** The Zoning Administrator shall conduct Special Land Use review and approval of Wireless Communication Towers if it involves a site designated as a preferred tower site in the Wireless Communication Plan of the Master Plan. The Planning Commission shall review all other Wireless Communication Tower applications.
- D. **Offices in Industrial:** The Planning Commission Shall conduct Special Land Use and Site Plan Review of all office buildings or office uses congregate within a building of 50,000 square feet or more.
- E. **Short Term Open Air Business:** Short Term Open Air Businesses shall be considered a permitted accessory use in all non residential zone districts subject to the review and approval of the Zoning Administrator consistent with Chapter 26, Article 5 of this Code of Ordinances.
- F. **Public Hearing**
1. The Planning Commission shall hold a public hearing to consider Special Land Use applications subject to their review.
 2. A notice of public hearing shall be served in the manner required by the Zoning Act.
 3. Failure to notify a party or an address not listed in city records shall not jeopardize compliance with this section.
- G. **Special Land Use Decisions**
1. Before approval of any Special Land Use application, the General Standards of Section 15.02, in addition to those specific standards established for each use in Section 15.03 shall be satisfied.
 2. Additional conditions and safeguards may be stipulated as deemed necessary for the general welfare, for the protection of individual property rights, and as reasonably necessary to ensure that the intent and objectives of this Ordinance will be observed.
 3. Special Land Use/Site Plan Reviews conducted by the Zoning Administrator must be preceded by a notice published in a newspaper of general circulation and sent or delivered to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all buildings within three hundred (300) feet. Should the applicant or an adjacent property owner or occupant request a public hearing within ten (10) days of the date of the notice, staff shall schedule the public hearing consistent with Section 13.04.F.2-4.
 4. The breach of any condition, safeguard, or requirement shall be considered as a violation of the Special Land Use approval. The Planning Commission, following notice to the property owner, shall have the authority to revoke any Special Land Use if the applicant fails to comply with any of the applicable requirements in this Chapter or any other applicable sections of this Ordinance.
 5. Special Land Uses granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration of approval for the Special Land Use.
 6. Special Land Uses granted and established pursuant to this chapter shall terminate with the approval and establishment of an intervening permitted or special land use on the same site.

7. A single one (1) year extension may be granted by the Planning Commission, if applied for in writing prior to the date of expiration on the Special Land Use approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, including any extensions, the special land use approval will expire. Expired Special Land Uses must be resubmitted for Planning Commission approval.

H. **Resubmittal:** No petition for a Special Land Use which has been disapproved by the Planning Commission shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds the existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 13.05 SITE PLAN REVIEW

A. Applications

1. An application for Site Plan Review shall be submitted through the Zoning Administrator on a special form for that purpose.
2. The application shall consist of the following:
 - a. A special form shall be completed in full by the applicant as well as a general overview of the proposed use.
 - b. Fifteen (15) folded copies of a completed site plan as specified in Chapter 14, including any additional or related information required by the Planning Commission.
 - c. Each application shall be accompanied by the payment of a fee as established by the City Commission.

B. Staff Review

1. Except for those plans exempted in Section 14.02, B, any site plan not reviewed by the Planning Commission or City Commission is subject to review by the Staff Review Team. The Staff Review Team shall consist of the Zoning Administrator, Fire Chief, and City Engineer, or their respective designees. The Staff Review Team may consult with other City staff members if, in the discretion of the Staff Review Team, such input would materially assist in the review of a proposed site plan. The Zoning Administrator shall serve as chair of the Staff Review Team.
2. Site plans reviewed by the Staff Review Team shall contain the information required by Section 14.04. Three (3) copies of all plans shall be submitted.
3. No final decision regarding a site plan shall be made until all members of the Staff Review Team are afforded an opportunity to review and comment on the plan. The members of the Staff Review Team shall submit, in writing, any and all conditions that would warrant approval of the site plan or alternatively reasons for denial of the site plan. The basis for conditions or reasons for denial shall be specified. By majority vote, the Staff Review Team shall either approve, with or without conditions, or deny the site plan. In the case of a tie vote by the Staff Review Team, the site plan shall be sent to the Planning Commission at its next regular meeting for final disposition.
4. Prior to a vote by the Staff Review Team, the Zoning Administrator may elect to submit any site plan to the Planning Commission for its review, in accordance with the procedures of Section 13.05 C., if the Zoning Administrator determines that the proposed site plan may have a significant effect on either the surrounding area or the City as a whole.
5. Any person aggrieved by the approval or denial of a site plan by the Staff Review Team

shall have the right to request the submission of the site plan to the Planning Commission for review. In such circumstances, the Planning Commission's review shall be conducted in accordance with the procedures contained in Section 13.05 C. The Planning Commission shall affirm or reverse the decision of the Staff Review Team, stating its findings and the reasons for its action. A written copy of the Commission's findings, reasons and actions shall be provided to the applicant.

C. Planning Commission Review

1. The Zoning Administrator shall cause the application to be placed on the agenda of the Planning Commission. The Planning Commission shall set a date for consideration of the Site Plan Review at its regular meeting.
2. Following the establishment of the date a work session shall be held on the proposal before consideration at the next regular meeting.
3. When considering site plans pursuant to Section 13.05, C, notice of public hearing shall be served in the manner required by the Zoning Act for other public hearings.

D. Site Plan Review Decisions

1. The Planning Commission, City Commission, Staff Review Team and Zoning Administrator, as applicable, shall have the responsibility and authority to approve, disapprove, or approve subject to conditions a site plan submitted and reviewed in accordance with this Ordinance.
2. The Planning Commission, City Commission, Staff Review Team and Zoning Administrator, as applicable, shall utilize the Review Standards of Section 14.04 in reviewing all site plans. These standards are also intended to provide a frame of reference for the applicant in the preparation of site plans. These standards shall not be regarded as inflexible requirements nor are they intended to discourage creativity, invention or innovation.
3. When approved by the Planning Commission, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Secretary of the Planning Commission. When a variance is also involved, these two (2) copies shall also bear a dated signature of the Chairman of the Board of Appeals. One of these two (2) approved copies shall be kept on file and the other approved copy shall be returned to the petitioner or his designated representative.

E. **Subdivisions:** In those instances in which Act 288, Public Acts of 1967, as amended, the Land Division Act, is involved, the owner shall apply for and obtain Site Plan approval. Thereafter, the proprietor shall submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. The plats shall remain in conformance with the approved Site Plan.

F. **Site Condominium Project Review:** In those instances where a parcel is to be developed under Act No. 59, Public Acts of 1978, as amended, the owner shall apply for and obtain Site Plan approval through the Kentwood Planning Commission, in accordance with all other applicable codes, acts, and ordinances.

G. Appeals of Site Plan Review Decisions

1. Any interested person aggrieved by a site plan review decision of the Planning Commission may appeal that decision in writing to the City Commission. The appeal

- shall be filed with the City Clerk within ten (10) days after the date of the decision appealed.
2. The City Commission shall fix and notify the appellant of a time and place for a public hearing to be published in a newspaper of general circulation in the City not less than fifteen (15) days prior to the hearing. All interested parties shall be afforded the opportunity to be heard. Informal procedural and evidentiary rules shall govern the appeal.
 3. After the hearing, the City Commission shall affirm or reverse the action of Planning Commission, stating its finding and the reasons for its action and a written copy of the findings, reasons and actions shall be given to the appellant. The decision of the City Commission shall be based on the record prepared before the Planning Commission.
 4. An appeal under this section shall stay all administrative and enforcement action relative to the matter that is the subject of the appeal, absent a determination by the City Commission that a stay would otherwise not be in the interest of the public health, safety or welfare.

H. Period of Validity

1. A Site Plan approval granted pursuant to this Ordinance shall be valid for one (1) year from the date of approval.
2. A single one (1) year extension may be granted by the Planning Commission, if applied for in writing prior to the date of expiration of the site plan approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, including any extensions, the site plan approval will expire. Expired Site Plans must be resubmitted for Planning Commission approval.
3. After the permitted approval time has elapsed, including any extensions as provided in this Chapter, the site plan, if not exercised and substantial construction has not commenced and proceeded in a meaningful manner, shall become null and void.

I. Changes in an Approved Site Plan

1. Major changes to the approved final Site Plan shall be applied for by the applicant to the Zoning Administrator and processed in the same manner as the original Site Plan Review. Any major changes approved in the final site plan shall be recorded with the site plan and shall bear the signature of the Planning Commission Secretary and the date of the approval.
2. Any change not considered a minor change, shall be considered a major change. The Zoning Administrator may approve minor changes. The approved changes shall be noted on the site plan and bear the signature of the Zoning Administrator. Minor changes shall include the following:
 - a. Increase in the building size, up to twenty percent (20%) in total floor area.
 - b. Movement of buildings or other structures by no more than twenty (20) feet.
 - c. Replacement of plant material specified in the landscape plan with comparable materials of an equal or comparable size.
 - d. Changes in floor plans that do not alter the character of the use or require an increase in parking requirements.
 - e. Changes required or requested by the City, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.

3. No changes are to be considered as a waiver of conditions or covenants, and all rights to enforce the conditions or covenants against any changes permitted by this Ordinance are expressly reserved.

SECTION 13.06 PLANNED UNIT DEVELOPMENT

A. Pre-Application Conference

Before submitting an application for approval of a PUD rezoning, or approval of a Preliminary or Final Site Plan, the applicant shall confer in a joint meeting with the Zoning Administrator, City Planner and City Engineer to obtain information and guidance regarding land development regulations, the City's Master Plan and the application process. At the pre-application conference, the applicant may submit a Concept Plan and written statement of the benefits of the proposed PUD. No formal action shall be taken at the pre-application conference and any discussion shall not be determined as a final decision on the part of the city or the applicant. The Concept Plan shall contain at a minimum:

1. A sketch plan of the proposed PUD;
2. A legal description of the property;
3. The total number of acres in the project;
4. A statement of the approximate number of any residential units;
5. The approximate number of acres to be occupied by each type of use;
6. The general deviations from the Ordinance regulation to be sought;
7. The numbers of acres and percentage of land to be preserved as open or recreational space; and
8. The natural or other features to be preserved.

B. City Initiated PUD Rezoning

1. For a City initiated PUD rezoning, a PUD Concept Plan as outlined in Section 13.06A showing the entire PUD area must be submitted to the Planning Commission for review. The Concept Plan must include a narrative describing the concept as it relates to the Master Plan and the intent and purpose of the PUD sought.
2. Planning Commission Review:
 - a. The Planning Commission shall conduct a public hearing.
 - b. The Planning Commission shall review the PUD Concept Plan and rezoning application to determine its conformance with the Master Plan and the Intent and Purpose and Qualifying Conditions for a Planned Unit Development, as described in Section 12.01 and Section 12.02 and the requirements of Chapter 12 for the type of PUD under consideration.
 - c. Following the public hearing, the Planning Commission shall recommend to the City Commission approval, denial, or approval with conditions of the PUD Concept Plan and PUD rezoning.
3. After receipt of the recommendation of the Planning Commission, the City Commission shall review the PUD Concept Plan and rezoning application, and the recommendation of the Planning Commission and shall make its finding as to denial, final approval or approval with conditions. Approval by the City Commission will constitute approval of the rezoning to the appropriate PUD District.

C. PUD Rezoning and Preliminary PUD Plan Review:

1. For approval of a PUD rezoning not initiated by the City, or if the property has previously been rezoned to PUD, an application for a PUD Preliminary Plan showing the entire PUD area may be submitted to the Planning Commission for review.
2. The Preliminary PUD Plan shall include all information outlined in Section 12.09.
3. Planning Commission Review
 - a. The Planning Commission shall conduct a public hearing.
 - b. The Planning Commission shall review the Preliminary PUD Plan (which includes associated materials including the PUD Agreement) and rezoning application to determine its conformance with the City's Master Plan and the Intent and Purpose and Qualifying Conditions for a Planned Unit Development, as described in Section 12.01 and Section 12.02, the review standards of Section 12.10, and the requirements of Chapter 12 for the type of PUD under consideration.
 - c. Following the public hearing, the Planning Commission shall recommend to the City Commission approval, denial, or approval with conditions of the Preliminary Plan and PUD rezoning.
4. After receipt of the recommendation of the Planning Commission, the City Commission shall review the Preliminary Plan and rezoning application, and the recommendation of the Planning Commission and shall make its finding as to denial, final approval or approval with conditions. Approval by the City Commission will constitute approval of the rezoning to the appropriate PUD District.

D. Final PUD Plan Review

1. A Final PUD Plan shall be submitted within twelve (12) months of approval of a Preliminary PUD Plan by the Planning Commission. Failure to submit the Final PUD Plan within this period will cause the Preliminary PUD Plan approval to lapse.
2. If the PUD is to be built in phases, a Final PUD Plan shall be required before the approval of each phase.
3. A Final PUD Plan shall consist of the material outlined in Section 12.11 and its period of validity consistent with Section 13.05.H.
4. The Planning Commission shall conduct a public hearing in accordance with the requirements of the Zoning Act. Following the public hearing, the Planning Commission shall approve, deny, or approve with conditions the Final PUD Plan. This determination shall be based on the standards for approval contained in Section 12.12. Final PUD plans that represent a major change to the Preliminary PUD plan must be subsequently approved by the City Commission.

E. City Commission Review of Major Changes

1. After receipt of the recommendation of the Planning Commission, the City Commission shall review Major Changes to the Final PUD Plan and shall make its finding as to denial, final approval or approval with conditions of the Major Change to the Final PUD Plan.
2. The approval of the Major Change to the Final PUD Plan, including any conditions, agreements, or other conditions attached thereto, shall constitute an amendment to the PUD Ordinance, approved as part of the PUD rezoning.

3. Following the approval of the City Commission of the amendment to the PUD rezoning, a completed Final Site Plan incorporating the conditions shall be presented to the Zoning Administrator. No building permit shall be issued until the Zoning Administrator has received the modified Final Site Plan.
- F. **Other Requirements:** After approval of the Final PUD Plan, the following conditions shall apply where applicable.
1. Where the provisions of Act 288, Michigan Public Acts of 1967, as amended, the Land Division Act, shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.
 2. The City Commission shall cause to have legal documents prepared which involve the City and are required as a result of the conditions contained in the Final PUD Plan approval. All documents shall be recorded in the office of the Kent County Register of Deeds.
 3. The Zoning Administrator shall inspect the development at each stage to ensure compliance with the Final PUD Plan and the approved schedule of improvements.
 4. Conditions to the approved Final PUD Plan shall be treated in accordance with the requirements of Section 12.13A.
 - a. Any major changes approved in the Final PUD Plan approved by the City Commission shall be recorded with the site plan and shall bear the signature of the City Clerk and the date of the approval.
 - b. No changes are to be considered as a waiver of conditions or covenants, and all rights to enforce the conditions or covenants against any changes permitted by this Ordinance are expressly reserved.
- G. **Resubmittal:** No petition for a PUD rezoning which has been disapproved by the City Commission shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 13.07 ZONING BOARD OF APPEALS

A. Applications

1. An application for any review by the Zoning Board of Appeals shall be submitted through the Zoning Administrator. The application shall consist of the following:
 - a. An application form completed in full by the applicant, including a statement by the applicant describing the application's compliance with the applicable review standards for the decision required by the Zoning Board of Appeals.
 - b. Ten (10) copies of an accurate, scaled site plan with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of the plans.
 - c. Each application shall be accompanied by the payment of a fee as established by the City Commission.
2. The application together with all required data shall be transmitted to the Zoning Board of Appeals.

B. Public Hearing

1. When an application or appeal has been filed in proper form and with the required data, the Board shall place or cause the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served.
2. These notices shall be served in the manner required by the Zoning Act. Any party so notified may appear at the hearing in person or by agent or by attorney.
3. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause further notice as it deems proper to be served upon other property owners as it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing unless the Board so decides.

C. Zoning Board of Appeals' Decisions

1. **Non-use Variances:** A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that all of the Review Standards of Section 21.04(B) are met.
2. **Use Variances:** A use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of unnecessary hardship in the official record of the hearing and that all of the Review Standards of Section 21.04(C) are met.
3. **Appeals**
 - a. Any person or any governmental department affected or aggrieved by any ruling of the Zoning Administrator, Building Inspector, or other administrative official administering any portion of this Ordinance may appeal the ruling.
 - b. Appeals, accompanied by a fee set by the City Commission, shall be filed with the Zoning Administrator, who shall transmit the same, together with all plans, specifications and other papers pertaining to the appeal to the Zoning Board of Appeals.
 - c. Appeals brought by any City governmental departments or personnel, acting in his official capacity shall not require payment of this fee.
 - d. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the office or body from whom the appeal is taken certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of fact stated in the certificate, a stay would cause imminent peril to life or property.
 - e. Appeals from other City ordinances will be processed according to their specified appeals procedures.
2. In authorizing a variance or deciding an appeal, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach other conditions regarding the location, use, character, landscaping, site improvements or treatment reasonably necessary to insure compliance with the required standards of review, further the intent and spirit of this Ordinance, or protect the public interest.
3. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon, unless the applicant and the Board agree to an extension. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Administrator and Building Inspector. The decision shall be binding upon these officials.

4. The Building Inspector shall incorporate the terms and conditions of the decision in the issuance of any permit required by the City to the applicant or appellant.
5. Period of Validity
 - a. If the Board grants a variance to an appellant, the variance shall be exercised within one (1) year from the date of the approval, unless more time is specifically granted by the Board.
 - b. A single one (1) year extension may be granted by the Board, applied for in writing prior to the date of expiration of approval of the variance.
 - c. After the permitted approval time has elapsed, including any extensions as provided in this Chapter, the variance, if not exercised and substantial construction has not commenced and proceeded in a meaningful manner, shall become null and void.
 - d. Once executed the approval, with any associated conditions, runs with the land.
- D. **Decisions Final:** The decision of the Board of Appeals shall be final, however, any person having an interest affected by any decision shall have the right of appeal to the Circuit Court as provided by law.
- E. **Resubmittal:** No application which has been disapproved by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds the existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

SECTION 13.08 REVIEW STANDARDS

In all cases where the City Commission, Zoning Administrator, Staff Review Team, Planning Commission or Zoning Board of Appeals is required to make a decision under this Ordinance, the following standards shall be relied upon by such body, in addition any standards which may be specifically required for a particular approval type:

- A. Whether or not the request reasonably preserves the health, safety, and welfare of the public, and is in harmony with the general purpose and intent of this Ordinance.
- B. Whether or not the request is generally consistent with the Master Plan and provisions of this Ordinance that are designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers.
- C. Whether or not the request will unduly interfere with the provision of adequate light and air, cause an overcrowding of land, or cause an undue concentration of population.
- D. Whether or not the request will unduly interfere with or adversely affect traffic patterns and streets, water supply, wastewater collection and disposal systems, park and recreational facilities and other public services.
- E. Whether or not the request may have a substantial and permanent adverse effect on neighboring property.
- F. Whether or not the request may have a tendency to create any type of blight within the immediate area.

G. Whether or not the request is generally aesthetically compatible with its surroundings.