

LDC UPDATE
City Council

Special Use Permits

March 4, 2019

This morning's discussion:

- 1. What is a Special Use Permit**
- 2. Addressing the SUP Process**
- 3. Upcoming Policy Briefings**

1. What are Special Use Permits (SUP)?

Special Use Permits are:

- A use allowed with special standards
- Quasi-judicial in nature
- Work intensive
- Valuable, useful, and flexible if properly done



Addressing the Special Use Permit Process

- Issuance of an SUP is a quasi-judicial process; decision must be made based on evidence presented in the hearing before Council only.
- SUP hearing before the Planning Commission is immaterial to Council's decision; it is contrary to the intent of an SUP.
- Opportunity to eliminate the hearing before the Planning Commission.



2. Addressing the SUP Process

Three Identified Components:

- Text Amendment Currently before Council
- Process Overhaul
- LDC Rewrite



Proposed Text Amendment

- Eliminate the Planning Commission hearing
- Increase notification requirements
- Require community meeting
- Increase the expiration date
- Streamline the extension process



Process Overhaul

- City Attorney
- Hearing Rules/Procedures
- Governance Committee
- Training
- Brochure/Handouts



Land Development Code Rewrite

- District by district
- Use by use
- Data and Research

Table 5-2.1: Residential District Use Table
 Key: P = permitted, C = permitted with conditions, S = special use permit required, 2 = above first floor only, A = accessory, X = prohibited in district

Uses	Additional Standards	R-20	R-15	R-10	R-7	R-5	R-3	MF-10	MF-17	MH-P
Family care home, adult ¹⁵	3.2.B	C	C	C	C	C	C	C	C	C
Family care home, child										
Fraternity and sorority house	3.2.B							S	S	
Group home residential	3.2.F	C	C	C	C	C	C	S	S	C
Group home supportive, small	3.2.F	C	C	C	C	C	C	C	C	C
Group home supportive, medium	3.2.F	C	C	C	C	C	C	C	C	C
Group home supportive, large	3.2.F	S	S	S	S	S		C	C	
Senior living, independent								C	C	
Residential Accessory										
Community boating facility ¹⁶	3.2.I	C	A	C	A	A	A			
Home occupation		A	A	A	A	A	A	A	A	A
Kennel, private		A	A	A	A	A	A	A	A	
Real estate office, property-restricted		C	C					C	C	
Swimming pool		A	A	A	A	A	A	A	A	A
Civic and Institutional										
Civic and Cultural Assembly										
Civic assembly	3.2.C									
Community center	3.2.C	C	C	C	C	C	C	C	C	C
Library	3.2.C	P	P	P	P	P	P	P	P	P
Religious assembly ¹⁷	3.2.C	C	C	C	C	C	C	C	C	S
Educational and Social Support Services										
Day care, adult or child	3.2.D	S	S	S	S	S	S	S	S	S
Group day facility								S	S	
School, college or university		S			C ¹⁸					
School, primary and secondary	3.2.D	C	C	C	C	C	C	C	C	C
Government Services										

Information and Data

- 73 situations require SUPs in the current LDC
- Average 4 SUPs/year heard by CC since 2005 (13 years)
- 94.6% approved; 3 denied
- 1.5 SUP modifications/year
- 0.5 SUP extensions/year



What does the Wilmington
Blueprint Report say about
special use permits?

Wilmington Blueprint Report



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3. Upcoming Policy Briefings

Upcoming Policy Briefings (No particular order)

- Street Frontages (1-22-19)
- Accessory Dwellings (2-4-19)
- Special Use Permits (Today)
- Parking
- Form Based Code
- Trees/Landscaping
- UMX District Improvements
- Multi Family Districts
- Redevelopment Incentives
- Change in Use Provisions
- Crime Prevention Through Environmental Design

Further Discussion

Special Use Permit History '05-'18

Year	SUP				SUP Mod				SUP Ext				Total Lines
	Approved	Denied	Withdrawn, Tabled, or Void	Total	Approved	Denied	Withdrawn, Tabled, or Void	Total	Approved	Denied	Withdrawn, Tabled, or Void	Total	
2005	1	0	0	1	0	0	0	0	0	0	0	0	1
2006	5	1	4	10	0	0	0	0	2	0	0	2	12
2007	7	0	6	13	4	0	0	4	1	0	0	1	18
2008	2	0	3	5	2	0	0	2	0	0	1	1	8
2009	2	0	0	2	0	0	0	0	0	0	0	0	2
2010	4	1	3	8	4	0	0	4	1	0	0	1	13
2011	4	0	1	5	1	0	1	2	0	0	0	0	7
2012	4	0	0	4	1	0	0	1	0	0	0	0	5
2013	6	0	0	6	0	0	0	0	1	0	0	1	7
2014	5	0	1	6	1	0	0	1	1	0	0	1	8
2015	0	0	0	0	3	0	0	3	0	0	0	0	3
2016	5	0	1	6	1	0	0	1	0	0	0	0	7
2017	4	0	2	6	0	0	0	0	0	0	0	0	6
2018	4	1	0	5	2	0	0	2	1	0	0	1	8

Special Use Permits

