

CHAPTER 1399

Transition

The purpose of this transition chapter is to apply the revised Zoning Code to applications and approvals which may be in progress as of the effective date of this new code.

- 1399.01 General transition.
- 1399.05 Planned unit developments.
- 1399.02 Zoning permits and building
- 1399.06 Prosecution and litigation permits.
- 1399.07 Variances and Board of Zoning Appeals matters.
- 1399.03 Site plans.
- 1399.04 Special land use permits.

CROSS REFERENCES

Zoning and planning in home rules cities - MCLA 117.4i
Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581
Regulation of buildings; authority to zone - MCLA 125.582
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a

1399.01 GENERAL TRANSITION.

The intent of this chapter is to make the Zoning Code fully effective as soon as possible, but to allow for the continuation of all vested rights and approved special land use permits and planned unit developments.

1399.02 ZONING PERMITS AND BUILDING PERMITS.

All zoning permits and building permits which have been previously issued, but which have not been acted upon by the permit holder by starting substantial construction, are hereby revoked. Other such permits may be continued if construction is diligently pursued and timely completed.

1399.03 SITE PLANS.

All site plans, preliminary and final, which have been authorized, but which have not been acted upon by the owner of the site through initiation of substantial construction, are revoked. If substantial construction has been initiated, construction may continue as authorized by the site plan if work is prosecuted diligently and continuously within one year from the date hereof or within one year from the date of the site plan, unless the site plan approval has authorized a greater time for completion. No further extensions of any previously authorized site plans shall be given.

1399.04 SPECIAL LAND USE PERMITS.

All pending applications for special land use permits which have not been finally approved by the City Commission as of the effective date of this zoning ordinance shall

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be returned to the applicant and the applicant shall proceed under this zoning ordinance. The fee shall be returned to the applicant. All special land use permits which have been finally granted by the City Commission, but which have not been acted upon by the permit-holder through the commencement of substantial construction may timely proceed to completion pursuant to the terms of the permit. All special land use permits which have been finally granted by the City Commission as of the effective date of this ordinance and for which substantial construction has been commenced may proceed to completion pursuant to the terms of the special land use permit. Full construction and use under the terms of the previously issued special land use permit, even if not fully constructed or used at the time of adoption of this ordinance, shall be considered a legal non-conforming use of the appropriate class as outlined in this ordinance.

1399.05 PLANNED UNIT DEVELOPMENTS.

All pending applications for planned unit developments which have not been finally approved by the City Commission as of the effective date of this ordinance shall be returned to the applicant and the applicant shall proceed under this Zoning Code. The fee shall be returned to the applicant. All planned unit development permits and orders which have been finally granted by the City Commission, but which have not been acted upon by the owner through the commencement of substantial construction, may timely proceed to completion pursuant to the terms of the granting order. All planned unit development permits and orders which have been finally granted by the City Commission as of the effective date of this Code, and for which substantial construction has commenced, may proceed to completion pursuant to the terms of the planned unit development granting order. Full construction and use under the terms of the planned unit development granting order, even if not fully constructed or used at the time of the adoption of this Code, shall be considered a legal nonconforming use of the appropriate class as outlined by this Code.

1399.06 PROSECUTION AND LITIGATION.

All lawsuits currently filed for enforcement or violation of the prior Zoning Code may continue under the terms of that Code and all right to the City to enforce the prior Zoning Code are hereby preserved and continued.

1399.07 VARIANCES AND BOARD OF ZONING APPEALS MATTERS.

Except as may be specifically contrary to this zoning code, all previous actions of the Board of Zoning Appeals, including nonconforming use permits, variances and exceptions, are hereby preserved and continued.

(Ord. 476. Passed 7-6-99)