

As adopted 11-19-07

**ANN ARBOR CHARTER TOWNSHIP ZONING AMENDMENT 11-2007
TO CLARIFY STANDARDS FOR EXTENSIONS OF
SITE PLAN AND AREA PLAN APPROVALS**

November 19, 2007

Amendment to Ann Arbor Charter Township Zoning Code adopted at a regular meeting of the Ann Arbor Charter Township Board of Trustees held on November 19, 2007, 3792 Pontiac Trail, Ann Arbor, Michigan 48105.

PRESENT: Rena Basch, Della DiPietro, Michael Moran, John Allison, Richard Dieterle, Randolph Perry

ABSENT: Virginia Forshee

Motion by Trustee: Allison; seconded by Trustee: Perry.

The Ann Arbor Charter Township Board of Trustees ordains that Chapter 74 of the Ann Arbor Charter Township Code is amended as follows:

ARTICLE II, ADMINISTRATION AND ENFORCEMENT, Section 74-173(f), Expiration of Approval, is amended to read as follows: [**CHANGES UNDERLINED**]

“74-173(f) *Expiration of Approval*. Approval of a preliminary site plan shall be valid for a period of 180 days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Township Clerk within that time period. The Planning Commission secretary shall, within ten days of the date of approval of the preliminary site plan, transmit a written certification of such approval to the applicant. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two years from the date of approval of the previously approved final site plan. If any period described in this subsection (f) is exceeded, the approved preliminary site plan will become invalid with respect to any portion of the site for which a final site plan has not been filed, unless the applicant requests and is granted an extension by the Planning Commission in accordance with the conditions set forth at Section 74-174(g), below.”

ARTICLE II, ADMINISTRATION AND ENFORCEMENT, Section 74-174(f), Expiration of approval, is amended to read as follows: [**CHANGES UNDERLINED**]

“74-174(f) *Expiration of Approval*. Approval shall expire and be of no effect unless within 180 days after the date of approval of the final site plan appropriate permits have been applied for and issued by applicable governmental authorities for commencement of development and construction at the property in the manner required by the final site plan, subject to extensions requested and granted in accordance with section 74-174(g), below. Approval of a final site plan shall expire and be of no effect 545 days following the date of approval of the final site plan unless substantial development and construction has commenced at the property in accordance with permits issued by applicable governmental authorities, and is being diligently pursued and performed in a timely manner to completion in conformance with the approved final site plan, as determined by the Building Official, subject to extensions pursuant to section 74-174(g) below.”

ARTICLE II, ADMINISTRATION AND ENFORCEMENT, Section 74-174 *Final Site Plan* is amended to add the following new subsection 74-174(g), Extensions: **[ALL NEW]**

“(g) *Extensions*. The time limits set forth in sections 74-173(f) and 74-174(f), above, may be extended by the Planning Commission, in accordance with the following:

- (1) An extension of site plan approval may be granted for any period of time not to exceed twelve months. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period determined by the Planning Commission, not to exceed twelve months;
- (2) An extension of site plan approval must be requested in writing at least 30 days prior to the expiration of the time limit to be extended, and the request must be granted before the expiration or lapse of the site plan approval, or any approved extension;
- (3) Extension or reinstatement of a site plan approval after the date of expiration will require resubmittal for review and approval by the Planning Commission as a major or minor change under Section 74-176 *Amendment of approved site plans*;
- (4) No more than 2 twelve month extensions will be granted;
- (5) In its request for extension, the applicant must show good cause for the requested extension. The Planning Commission shall consider the following factors in determining of whether good cause exists:

(A) The applicant has demonstrated that needed utility services have been delayed;

(B) The applicant has demonstrated that technical review of the site plan has raised unforeseen development problems;

(C) The applicant has demonstrated that unforeseen economic, development or other events, conditions or circumstances justify the extension.”

ARTICLE II, ADMINISTRATION AND ENFORCEMENT, Section 74-176, Amendment of approved site plan, is amended to read as follows: **[CHANGES UNDERLINED]**

“74-176 *Amendment of Approved Site Plan*. A site plan may be amended upon application and in accordance with procedure and requirements provided in section 74-173 for a preliminary site plan and in section 74-174 for a final site plan. Minor changes to a preliminary site plan may be incorporated into a final site plan without an amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission may require, in case of minor changes in an approved preliminary or final site plan, that revised preliminary drawings be submitted showing such minor changes, for purposes of record. The Planning Commission shall have authority to determine if a proposed change is a minor or major change and if such change requires an amendment to an approved preliminary or final site plan. In the case of a major change, a new site plan must be submitted and processed in accordance with 74-173 or 74-174 as applicable. If a preliminary or final site plan has expired, the Planning Commission has the authority to determine that good cause exists for allowing an extension as a minor change based on the factors set forth in Section 74-174(g), and the length of time since expiration, the reason for delay in requesting an extension, and other similar factors.”

ARTICLE IV, DISTRICT REGULATIONS, Section 74-542(j), Expiration of plan approvals, pertaining to Planned Unit Developments is amended to read as follows: **[CHANGES UNDERLINED]**

“74-542(j) *Expiration of plan approvals*.

(1) An area plan shall expire 18 months after approval by the Township Board unless a final site plan for the first stage of the project, or the entire property in the PUD if development is not to occur in stages, is submitted to the Planning Commission for review and approval. Thereafter the final site plan for each subsequent stage shall be submitted to the Planning Commission

for review and approval within two years of the date of approval of the immediately preceding final site plan.”

(2) A final site plan for the entire area classified as a PUD, or all final site plans for all stages thereof, shall have received approval of the Planning Commission within three years, in the case of a PUD of 80 acres or less in area, or within five years for a PUD of more than 80 acres in area, of the date of Township Board approval of the area plan. All final plats in the PUD shall have been approved and recorded within the preceding time periods.

(3) Expiration of an approved area plan as set forth in subsection (j)(1) of this section, and failure to obtain approval of final site plans and final plats as provided in subsections (j)(1) and (2) of this section or as such time period may be extended pursuant to 74-542(k), shall authorize the Township Board to revoke the right to develop under the approved area plan, after a hearing, and unless good cause can be shown for such expiration as described in Section 74-542(k). In such case, the Township Board may require that a new area plan be filed and reviewed in accordance with the requirements for the original application. Such expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. Expiration of an approved area plan shall be duly noted on the official zoning map, and shall be signed by the Township Supervisor and attested by the Township Clerk. The Zoning Officer shall notify the Township of the expiration of an approved area plan.

(4) Approval of a final site plan in a PUD shall expire and be of no effect 180 days after the date of approval of the Planning Commission unless appropriate permits have been applied for and issued by applicable governmental authorities for commencement of development and construction at the property in the manner required by the final site plan, subject to extensions requested and granted in accordance with section 74-542(k), below. A final site plan in a PUD shall expire and be of no effect 545 days after the date of approval by the Planning Commission unless substantial construction and development has commenced at the property in accordance with permits issued by applicable governmental authorities, and is being diligently pursued and performed in a timely manner to completion in conformance with the approved final site plan, as determined by the Building Inspector, subject to extensions pursuant to section 74-542(k) below.

(5) Development shall be completed within two years of the date of approval of a final site plan unless extended pursuant to Section

74-542(k). If such development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent stages of the PUD unless good cause can be shown for not completing same as described in Section 74-542(k).

(6) If an approved area plan or an approved final site plan has expired as set forth in this section, no permits for any development or use of the property included in the PUD shall be issued until the applicable requirements of this section have been met.”

ARTICLE IV, DISTRICT REGULATIONS, Section 74-542(k), Extension of time limits, is amended to read as follows: [ALL NEW]

“74-542(k) *Extension of Time Limits*. The time limits set forth in this Section 74-542 may be extended at the request of the applicant upon approval of the Township Board, in the case of areas plans, or the Planning Commission, in the case of site plans, in accordance with the following:

(1) An extension may be granted for any period of time not to exceed twelve months. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period of time determined by the Township Board or Planning Commission, as applicable, not to exceed twelve months;

(2) An extension must be requested in writing, at least 30 days prior to the expiration of the period to be extended, and the request must be granted before the original approval, or any extension thereof, expires or lapses;

(3) Extension or reinstatement of an approval after the date of expiration will require resubmittal for review and approval under Section 74-542(i) pertaining to amendments and revision of approved area plans or site plans in planned unit developments. If an area plan has expired, the Township Board has the authority to determine whether good cause exists for allowing an extension of an expired approval as a minor change based on factors set forth in this subsection (k), the length of time since expiration, the reason for the delay in requesting an extension, and other similar factors. If a site plan has expired, the Planning Commission has the authority to determine whether good cause exists for allowing an extension of an expired approval as a minor change based on factors set forth in this subsection (k), the length of time since expiration, the reason for the delay in requesting an extension, and other similar factors.

(4) No more than 2 twelve month extensions will be granted;

(5) In its request for extension, the applicant must show good cause for the granting of the requested extension. The Township Board or the Planning Commission, as applicable, shall consider the following factors in its determination of whether good cause exists:

(A) The applicant has demonstrated that needed utility services have been delayed;

(B) The applicant has demonstrated that technical review of the area plan or the site plan has raised unforeseen development problems;

(C) The applicant has demonstrated that unforeseen economic development or other events or conditions or circumstances justify the extension.”

AYES: Rena Basch, Della DiPietro, Michael Moran, John Allison, Richard Dieterle, Randolph Perry

NAYS: None

ABSTAIN: None

ORDINANCE DECLARED ADOPTED

By: _____
Michael C. Moran, Township Supervisor

Approved: November 19, 2007

Effective: December 13, 2007 (7 days after publication)