

**ANN ARBOR CHARTER TOWNSHIP AMENDMENT TO ZONING
CODE SECTIONS 74-542(j) AND (k) TO CLARIFY STANDARDS FOR EXTENSIONS OF
PUD APPROVALS
ORDINANCE NO. 4 - 2010**

MARCH 15, 2010

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

“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, or failure to obtain approval of final site plans or final plats as provided in subsections (j)(1) and (2) of this section as such time periods may be extended pursuant to 74-542(k), shall authorize the Township Board to revoke the right to develop the property under the approved area plan and any approved site plans, after notice to the applicant and a public hearing before the Township Board on such revocation. At the public hearing, the Board may revoke the right to develop under the area plan and any approved site plans, or may determine that the applicant has demonstrated good cause for an extension as described in 74-542(k). In the event the Board revokes the right to develop under the approved area plan and any approved site plans, no extension or reinstatement may be granted, and no building or development on the property shall occur under the revoked area plan. After revocation of an approved area plan the Township Board shall initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate, which may include the prior zoning district for the property.

(4) Approval of a final site plan in a PUD shall expire and be of no effect six (6) months 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 **of Site Improvements as defined in Section 74-176(e) and in accordance with Section 74-176(f), subject to extensions**

described in 74-176(g). A final site plan in a PUD shall expire and be of no effect eighteen (18) months after the date of approval by the Planning Commission unless substantial construction and development **of Site Improvements** 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 **74-176(g)**.

(5) Development shall be completed within two years of the date of approval of a final site plan unless extended pursuant to Section **74-176(g)**. 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 **74-176(g)**.

(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. 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 Board of the expiration of an approved area plan.

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

“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, **in accordance with this Section 74-542(k)**, or the Planning Commission, in the case of site plans, in accordance with **Section 74-176(g) and 74-179.**

(1) Extension of an approved area plan shall be governed by the following:

(A) 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 not to exceed twelve months.

(B) No more than 5 twelve (12) month extensions may be granted.

(C) Under no circumstances shall an extension be granted if the request is received more than twelve (12) months after (i) expiration of the initial area plan approval in the case of the first extension request, or (ii) expiration of the immediately preceding extension in the case of a subsequent extension request.

(D) The Township Board is under no obligation to grant any extension, and the burden is on the applicant to show that good cause exists for granting the request for an extension as described in subsection (2) below.

(2) The Township Board shall consider the following factors in its determination of whether good cause exists for an extension:

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

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

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

(D) The applicant has demonstrated that the length of time since the initial area plan approval and the number of extensions previously granted do not adversely affect or warrant revision to the terms and conditions of the PUD approval .

(E) The applicant has demonstrated that changes since the initial approval in (i) conditions or use of the site or surrounding area or (ii) ordinances, standards or regulations affecting the site or surrounding area or (iii) other similar factors do not adversely affect or warrant revision to the terms and conditions of the PUD approval.

(F) In the event the prior approval or extension has already expired, the applicant has demonstrated good cause for delay in requesting an extension.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan at a meeting of the Board duly called and held on March 15, 2010.

ANN ARBOR CHARTER TOWNSHIP

By: _____
Michael C. Moran, Township Supervisor

By: _____
Rena Basch, Clerk

Public Hearing: January 4, 2010

Approved: March 15, 2010

Effective: April 1, 2010 (7 days after publication)