

**BOARD OF TRUSTEES
CHARTER TOWNSHIP OF ANN ARBOR
WASHTENAW COUNTY, MICHIGAN
TEMPORARY STRUCTURES ZONING CODE AMENDMENT (ORDINANCE 3-2008)
June 16, 2008**

Resolution and ordinance adopted at a regular meeting of the Board of Trustees of the Charter Township of Ann Arbor, (“Board”) Washtenaw County, Michigan, held at the Township Hall, 3792 Pontiac Trail, Ann Arbor, Michigan, on June 16, 2008.

PRESENT: Randolph Perry, Michael Moran, John Allison, Rena Basch, Claudia Sedmak

ABSENT: Richard Dieterle, Della DiPietro

Motion by Trustee Allison; supported by Trustee Perry.

RECITALS

A. Section 74-4 of the current Township Zoning Code pertaining to Temporary Structures does not contain provisions for temporary sales buildings, and does not contain detailed requirements and procedures concerning temporary dwellings and temporary construction structures.

B. The Zoning Official has recommended enactment of an amendment to the Township Zoning Code providing additional detail on the procedures and requirements for temporary dwellings and temporary construction structures, and providing for permitting of temporary sales buildings.

C. On June 2, 2008, the Ann Arbor Charter Township Planning Commission recommended an amendment to Section 74-4 of the Township Zoning Code in the form set forth in this resolution.

RESOLUTION AND ORDINANCE

Now, therefore, the Township Board resolves and ordains that Section 74-4 of the Ann Arbor Charter Township Zoning Code pertaining to Temporary Structures is amended to read as follows:

“Sec. 74-4. Temporary structures.

“(a) *Temporary dwellings.*

“(1) *Compliance.* No cabin, garage, cellar, basement, or any temporary structure, whether of a fixed or movable nature, may be erected, altered, moved upon or used in whole or in part for any dwelling purpose except as provided in this subsection (a).

“(2) *Permit required.* If a dwelling is destroyed or damaged so that it is uninhabitable, a temporary dwelling may be used or moved onto the same lot or parcel after a permit is obtained from the Zoning Official in accordance with subsection (a)(3) below for purposes of temporary housing of occupants of the damaged or destroyed dwelling during replacement or repair of the permanent dwelling.

“(3) *Requirements and Procedures.*

a. The temporary dwelling shall be placed so as to conform to all yard and setback requirements of the zoning district in which it is located, and shall be connected to private or public water supply and sewage disposal systems approved by the Washtenaw County Health Department and the Township, and a temporary electrical supply and other utilities approved by the Township.

b. The Zoning Official shall establish a reasonable date for a termination of use and removal of the temporary dwelling, not to exceed two years from the date of issuance of a permit under this subsection (a)(“Removal Date”). The temporary dwelling shall be vacated and removed on the earlier of the Removal Date or two weeks after issuance of a Certificate of Occupancy for the permanent dwelling.

c. A performance bond or other security in an amount set by the Township Board upon recommendation of the Zoning Official shall be provided to insure timely removal of the temporary dwelling. The Township Board may by resolution from time to time establish a formula or mechanism for determining the type and amount of the required security, and delegate to the Zoning Official responsibility for determining the amount and type of security based on such formula or mechanism.

d. The owner or the owner’s authorized agent shall obtain any necessary soil erosion and sedimentation control permit and other necessary building and construction permits from the Township and applicable governmental authorities for the temporary dwelling.

e. Permits issued under this subsection (a) are not transferable to any other owner or agent unless such transferee assumes all obligations of the owner or agent and signs the written statement described in subsection (a)(3)g. below.

f. The Zoning Official shall prepare a written statement setting forth the conditions for granting a temporary dwelling permit. The owner of the lot or parcel and the owner’s authorized agent proposing to install the temporary dwelling and construct the permanent dwelling shall sign the written statement and acknowledge agreement to the permit conditions prior to issuance of the permit. The Zoning Official shall retain one original of the signed agreement and provide a copy to the Township Clerk.

g. The Removal Date may be extended by the Zoning Official for not more than six months on written request from the owner or the owner’s authorized agent prior to the Removal Date on a showing of good cause for an extension of the Removal Date such as unanticipated events, weather conditions or unavailability of materials beyond the

reasonable control of owner or the owner's authorized agent. No further extensions shall be granted except by written application to the Township Board on a showing of extraordinary conditions warranting such extension beyond the reasonable control of owner or owner's authorized agent.

h. The Zoning Official shall notify the Township Board and Planning Commission in writing of each temporary dwelling permit issued under this subsection (a).

“(b) *Temporary construction structures.*

“(1) *Permit required.* Temporary construction structures for private use by on site construction personnel may be installed and used as construction facilities on a building site provided that (i) a permit is obtained for installation and use of such temporary construction structure from the Zoning Official in accordance with the requirements and procedures set forth in this subsection, and (ii) any necessary rezoning, planned unit development, conditional use, site plan, variance and other approvals have been previously obtained from the Township for construction of the permanent structure on the building site.

“(2) *Requirements and Procedures.*

a. The location of the temporary construction structure on the building site shall conform to all yard and setback requirements for the zoning district in which it is located, and shall provide adequate offstreet parking, access, fire protection and lighting.

b. A permit approving use of the use of the temporary construction structure shall be obtained from the Zoning Official by the owner of the building site or the owner's authorized agent proposing to install the temporary construction structure after compliance with all of the requirements of this subsection (b). No permit shall be issued if the design or proposed construction of the temporary construction structure demonstrates that it is intended to be a permanent structure, or that its use will compromise the public health, safety, and welfare of the Township residents, including occupants of the temporary structure or surrounding area.

c. A temporary construction structure shall be either (i) connected to public or private water supply and sewage disposal systems approved by the Washtenaw County Health Department and the Township or (ii) served by on site portable toilets as required by applicable building codes as approved by the Building Official, and a temporary on site supply of potable water as approved by the Building Official.

d. A temporary construction structure shall be connected to a temporary electrical supply and other utilities approved by the Building Official.

e. The owner or the owner's authorized agent shall obtain any necessary soil erosion and sedimentation control permit and other necessary building and construction permits from the Township and applicable governmental authorities for installation of the temporary construction structure.

f. The Zoning Official shall establish a reasonable date for removal of the temporary construction structure (“Removal Date”) which shall not exceed two years from the date of the permit issued. The temporary construction structure shall be vacated and shall be removed from the building site on the earlier of the Removal Date or two weeks after issuance of a Certificate of Occupancy for the first permanent structure on the building site. If more than one permanent structure is to be constructed on the building site, the date for removal may be for a reasonable period of time not to exceed four years as determined by the Zoning Official (“Extended Removal Date”). In such case, the temporary construction structure shall be vacated and removed on the earlier of the Extended Removal Date or two weeks after the issuance of a Certificate of Occupancy for the last permanent structure on the building site. No further extensions shall be granted except by written application to the Township Board on a showing of extraordinary conditions warranting such extension beyond the reasonable control of owner or owner’s authorized agent.

g. A performance bond or other security in the amount to be determined by the Township Board upon recommendation of the Zoning Official shall be provided to ensure timely removal of the temporary construction structure. The Township Board may by resolution from time to time establish a formula or mechanism for determining the type and amount of the required security, and delegate to the Zoning Official responsibility for determining the amount and type of security based on such formula or mechanism.

h. Permits issued under this subsection (b) are not transferable to any other owner or agent unless such transferee assumes all obligations of the owner or agent and signs the written statement described in subsection (b)(2)i. below.

i. The Zoning Official shall prepare a written statement setting forth the conditions for granting the temporary construction structure permit. The owner of the building site and the owner’s authorized agent shall sign the written statement and acknowledge agreement to the terms of the permit conditions prior to issuance of the permit. The Zoning Official shall retain one original signed agreement and provide a copy to the Township Clerk.

j. The Removal Date or Extended Removal Date may be extended by the Zoning Official for not more than six months on written request from the owner or authorized agent prior to the Removal Date or Extended Removal Date upon a showing of good cause for an extension such as unanticipated events, weather conditions or unavailability of materials beyond the reasonable control of owner or owner’s agent.

k. The Zoning Official shall notify the Township Board and Planning Commission in writing of each temporary construction structure permit issued under this subsection (b).

“(c) ***Temporary Sales Buildings.***

“(1) *Permit required.* Temporary sales buildings may be installed and used on a building site for purposes of marketing, leasing or sale of permanent structures that have been approved for construction and that are permitted by the Zoning Code on the building site provided that:

(i) a permit is obtained for installation and use of the temporary sales building from the Zoning Official in accordance with the requirements and procedures set forth in this subsection, and

(ii) any necessary rezoning, planned unit development, conditional use, site plan, variance and other approvals have been obtained from the Township for construction of such permanent structures. The Township Board may approve issuance of a permit prior to any necessary final site plan approval or issuance of building permits for the permanent structures if the owner or the owner’s authorized agent demonstrates good cause for such approval based on market conditions, the special nature of the project or other unique conditions related to the project.

“(2) *Requirements and Procedures.*

a. If the proposed use and construction of permanent structures on the building site require a rezoning, approval of a planned unit development, a conditional use permit, or site plan approval (“Development Approval”), the owner or the owner’s authorized agent shall include in the plans submitted to the Township as part of the Development Approval a site plan showing the location of the proposed temporary sales building, compliance with yard and setback requirements, the impact on natural features, soil erosion control measures, property drainage and contours, temporary water, sewage disposal and other utility connections, access and parking areas, lighting and other improvements and features to enable the Township Board and Planning Commission to determine that installation and use of the temporary sales building will comply with the zoning code and will not adversely affect the health, safety and welfare of the Township residents, occupants of the temporary sales building or surrounding area. As part of the Development Approval, the approving body shall indicate whether it has given preliminary approval of the location of the temporary sales building, and no permit shall be issued without such preliminary approval.

b. If Development Approval is not required as described in a. above, the owner or the owner’s authorized agent shall submit with the permit application under this subsection (c), a scaled drawing of the building site showing the location of the proposed temporary sales building in relation to the proposed permanent structures, roads, natural features and existing topography, compliance with all yard and setback requirements for the zoning district, and adequate off street parking, access, fire protection and lighting and such additional information as may be required by the Zoning Official in view of the nature of the project, and no permit shall be issued unless the Zoning Official approves the location of the temporary sales building based on the information submitted.

c. A permit approving use of the temporary sales building shall be obtained from the Zoning Official by the owner of the building site or the owner’s authorized agent proposing to install the temporary sales building after compliance with all of the requirements of this subsection (c). No permit shall be issued if the design or proposed

construction of the temporary sales building demonstrates that it is intended to be a permanent structure, or that its use will compromise the public health, safety, and welfare of the Township residents, occupants of the temporary sales building or surrounding area.

d. A temporary sales building shall be connected to public or private water supply and sewage disposal systems approved by the Washtenaw County Health Department and the Township, and a temporary electrical supply and other utilities approved by the Building Official.

e. The owner or the owner's authorized agent shall obtain any necessary soil erosion and sedimentation control permit and other necessary building and construction permits from the Township and applicable governmental authorities for installation and use of the temporary sales building.

f. The Zoning Official shall establish a reasonable date for removal of the temporary sales building ("Removal Date") which shall not exceed two years from the date of the permit issued. The temporary sales building shall be vacated and shall be removed from the building site on the earlier of the Removal Date or two weeks after issuance of a Certificate of Occupancy for the first permanent structure on the building site.

g. A performance bond or other security in the amount to be determined by the Township Board upon recommendation of the Zoning Official shall be provided to ensure timely removal of the temporary sales building and compliance with this subsection (c). The Township Board may by resolution from time to time establish a formula or mechanism for determining the type and amount of the required security, and delegate to the Zoning Official responsibility for determining the amount and type of security based on such formula or mechanism.

h. Permits issued under this subsection (c) are not transferable to any other owner or agent unless such transferee assumes all of the obligations of the owner or agent including signing the agreement described in subsection (c)(2)i. below.

i. The Zoning Official shall prepare a written statement setting forth the conditions for granting the temporary sales building permit. The owner of the building site and the owner's authorized agent shall sign the written statement and acknowledge agreement to the terms of the permit conditions prior to issuance of the permit. The Zoning Official shall retain one original signed agreement and provide a copy to the Township Clerk.

j. The Removal Date may be extended by the Zoning Official for not more than one year on written request from the owner or the owner's authorized agent prior to the Removal Date upon a showing of good cause for an extension such as unanticipated events, weather conditions or unavailability of materials beyond the reasonable control of owner or agent. Additional one year extensions may be granted by the Zoning Official on written request of the owner or the owner's authorized agent prior to expiration of the then applicable extension period on a similar showing of good cause. The total of all extensions shall not exceed a total of five years.

k. The Zoning Official shall notify the Township Board and Planning Commission in writing of each temporary sales building permit issued under this subsection (c).

“(d) **Mobile homes.** Mobile homes shall not be used as dwellings, except when located in and part of a licensed mobile home park or a mobile home subdivision, or when used as a temporary dwelling as provided in this section, or except as otherwise provided in section 74-14.”

(signatures on the following page)

AYES: Randolph Perry, Michael Moran, John Allison, Rena Basch, Claudia Sedmak

NAYES: NONE

ABSTAIN: NONE

RESOLUTION AND ORDINANCE DECLARED ADOPTED.

Michael Moran
Township Supervisor

I certify that the foregoing is a true and complete copy of a resolution adopted by the Ann Arbor Charter Township Board, County of Washtenaw, State of Michigan, at a regular meeting held on June 16, 2008, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Rena Basch, Township Clerk

Dated: June 16, 2008

Rezoning Effective July 1, 2008
(7 days after publication)