

East Bay Charter Township

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M E M O R A N D U M

TO: Lesley Courturier, Deputy Zoning Administrator
East Bay Charter Township

FROM: Peter R. Wendling

DATE: December 3, 2008

SUBJECT: Zoning Ordinance Amendment to Section 820, Subsection 10

Enclosed is a draft of the proposed amendment you requested regarding the duration and extension of approved site plans. This is a stand-alone amendment and does not conflict with any other provisions under section 820. This includes the ability to amend a site plan. Logically, the minor changes which can be handled by the zoning administrator would occur during any time period that the site plan is valid. If the site plan is no longer valid, an applicant can not come in and request minor changes.

As an internal mechanism, it is my recommendation that if the township adopts this ordinance amendment, it should monitor approved site plans and provide notice at least sixty (60) days in advance, in writing, that the site plan permit is going to expire because no substantial and continual construction has occurred. As you recall, Planning Commission member Robert Tubbs added the word "continual" with respect to substantial construction on special land use permits on the zoning amendment addressing the extension of special land use permits. Therefore, I felt it was appropriate to use the same language in order to make the extension of a site plan permit consistent with the extension of special land use permits.

Enclosure

cc: Glen Lile (via email)
Jim Young (via email)
Sue Courtade (via email)
Tracy Bartlett (via email)
Jay Kilpatrick (via email)

**GRAND TRAVERSE COUNTY PLANNING COMMISSION
MASTER PLAN/ZONING REVIEW**

TOWNSHIP: East Bay Charter Township
AMENDMENT #: 07-08
DATE RECEIVED: 11-18-08
PUBLIC HEARING: 11-18-08
PRELIMINARY REVIEW:

MASTER PLAN:
ZONING ORDINANCE ■
TEXT ■ **MAP**
MAP ATTACHED
PUBLIC HEARING MINUTES: ■

CHANGE: This amendment amends subsection 601.6 of the East Bay Charter Township Zoning Ordinance regarding the duration of approvals of Special Land Use Permits and the procedure for an extension.

TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:

Approval

COMMENTS:

COUNTY PLANNING STAFF COMMENTS:

The ordinance currently states the following: *DURATION of APPROVAL. The Special Land Use approval shall run with the land, provided the proposed improvement or special land use is established within two (2) years of approval. A special land use that is not implemented with two (2) years of approval shall expire, unless extended by the Planning Commission.*

The proposed amendment would clarify the extension with standards for considering an extension. Staff recommends approval of the proposed text amendment to the East Bay Charter Township zoning ordinance, which provides for an extension of special land use approvals.

COUNTY PLANNING COMMISSION ACTION:

The County Planning Commission, at their December 16, 2008 meeting, concurred with the township planning commission recommendation of approval.

COMMENTS FROM CPC ACTION:

RETURNED TO TOWNSHIP (DATE/RECOMMENDATION): 12-19-08

■ **CLERK** ■ **PLANNING COMMISSION CHAIRPERSON** ■ **LOCAL PLANNER**

TOWNSHIP BOARD (DATE/ACTION): _____

EFFECTIVE DATE: _____ **PUBLISHED:** _____

EAST BAY CHARTER TOWNSHIP

ORDINANCE NO. _____ OF 2008

AN ORDINANCE AMENDING SECTION 820 SUBSECTION 10 OF THE EAST BAY TOWNSHIP ZONING ORDINANCE REGARDING THE TERMS OF APPROVAL FOR SITE PLANS, THE DURATION OF APPROVAL FOR SITE PLANS AND THE PROCEDURE FOR AN EXTENSION

THE CHARTER TOWNSHIP OF EAST BAY ORDAINS:

Section 1. Amendment to Section 820 Subsection 10

Section 820 Subsection 10 of the East Bay Township Zoning Ordinance is hereby amended to read in its entirety as follows:

10. TERMS OF APPROVAL OF THE SITE PLAN, DURATION AND EXTENSION:

- a. An approved site plan shall be valid for a period of two (2) years following approval by the Planning Commission after which the permit shall expire unless substantial and continual construction has commenced pursuant to the permit prior to its expiration, or the property owner and/or applicant applies to the Planning Commission for an extension of the site plan prior to its expiration.
- b. The Planning Commission may grant one (1) extension of an approved site plan for an additional two (2) year period subsequent to its expiration if it finds:
 - 1). The property owner and/or applicant presents competent, material and substantial evidence that the construction of the structure or structures could not occur or be completed due to unforeseen difficulties beyond control of the property owner and or/applicant; and
 - 2). The requirements and standards for site plan approval that are reasonably related to the development have not changed.
- c. If the approved site plan has expired pursuant to the subsection 10.a above, no work pursuant to any land use permits or any special land use permit as applicable, may be undertaken until a new site plan has been obtained and approved by the Planning Commission following the procedures contained in the zoning ordinance for the approval of a new site plan.

Section 2. Severability

If any section, clause or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF EAST BAY

By: _____
Glen Lile
Its: Supervisor

By: _____
Susanne Courtade
Its: Clerk