Legislation Details (With Text)

File #:	10-0571	**Version:**	2	**Name:**	07/06/10 Amend to Ch 55 & 57 re Timing Staff Report
Type:	Ordinance			**Status:**	Passed
File created:	6/1/2010			**In control:**	City Council
On agenda:	8/5/2010			**Final action:**	8/5/2010
Enactment date:	7/6/2010			**Enactment #:**	ORD-10-23

Title: An Ordinance to Amend Section 5:71(1) of Chapter 55 (Zoning) and Sections 5:121(2), 5:122(3), 5:124(2), and 5:130 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Approval Procedures and Timing (CPC Recommendation: Approval - 7 Yeas and 1 Nay) (Ordinance No. ORD-10-23)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD-10-23 Briefed & Approved, 2. ORD-10-23 (PlanningProceduresOrd) Briefed, 3. PlanningProcduresOrd.doc, 4. Amends to Ch 55 and 57 re: Timing Staff Report, 5. Time Require Staff Report.pdf, 6. Ord-10-23 Zoning Notice to News (Subdivision & Land Use Control), 7. ORD-10-23 (b-1) Approval Notice to News

Date	Ver.	Action By	Action	Result
8/5/2010	2	City Council	Held and Closed	
8/5/2010	2	City Council	Adopted on Second Reading	Pass
7/6/2010	2	City Council	Approved on First Reading	Pass
6/1/2010	1	City Planning Commission	Recommended for Approval	

An Ordinance to Amend Section 5:71(1) of Chapter 55 (Zoning) and Sections 5:121(2), 5:122(3), 5:124(2), and 5:130 (Subdivision and Land Use Control) of Title V of the Code of the City of Ann Arbor Regarding Approval Procedures and Timing (CPC Recommendation: Approval - 7 Yeas and 1 Nay) (Ordinance No. ORD-10-23)

Approval of this ordinance amendment will amend the procedures for recommendations by the Planning Commission and approvals by the City Council for area plans, site plans, plats and planned projects. This ordinance will also amend the general timing requirement for site plans.

Code currently requires the Planning Commission to make a recommendation within 60 days of receiving a staff report, and City Council to take action within 30 to 90 days of receiving the Planning Commission's recommendation depending on the type of project. Both the Planning Commission and the City Council are permitted to vote to extend these time limits in 30-day increments. Site plans are considered approved if either body does not act within 30 days or vote to extend. The proposed amendments will eliminate the specific number of days the bodies must act and instead require action within a reasonable time following the close of the public hearing and will eliminate the assumption that a site plan is approved without timely action.

The Planning Commission recommended approval of these amendments at their meeting of June 1, 2010, subject to Planning staff tracking time limits at various stages involved in the ordinance and reporting back to the Planning Commission and Council one year from the date of adoption.

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In addition, at Planning Commission's request, staff surveyed several Michigan communities about time limits and found that many do not address time limits at all in their ordinances (including Lansing, Grand Rapids, Traverse City, Canton Township, and Royal Oak). East Lansing requires their City Council to take action within 20 working days from receiving their Planning Commission's recommendation and is the only city other than the City of Ann Arbor in staff's survey to have a specific time requirement. Kalamazoo currently uses almost identical language (requiring action within a "reasonable time") as proposed by these amendments. No specific time limits, nor assumption of approval, are required by state law for planned projects, area plans or site plans. State law provides required timing for all phases of plats, including preliminary, tentative and final.

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ORDINANCE NO. ORD-10-23

First Reading : July 6, 2010
Public Hearing : August 5, 2019
Approved: August 5, 2010
Published: August 12, 2010
Effective: August 22, 2010

ZONING
SUBDIVISION AND LAND USE CONTROL
REGARDING APPROVAL PROCEDURES AND TIMING

AN ORDINANCE TO AMEND SECTION 5:71(1) OF CHAPTER 55 (ZONING) AND SECTIONS 5:121 (2), 5:122(3), 5:124(2), AND 5:130 OF CHAPTER 57 (SUBDIVISION AND LAND USE CONTROL) OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 5:71(1) of Chapter 55 of Title V of the Code of the City of Ann Arbor is amended as follows:

5:71. Approval procedure.

(1) The planned project application, site plan and other required materials shall be filed with the planning ~~and development services~~ manager or designee. The planning ~~and development services~~ manager or designee shall review the materials filed and, after conferring with the applicant and appropriate City service areas, shall submit a report and recommendation to the Planning Commission. ~~The Planning Commission shall make a report and recommendation to the City Council. The City Council shall approve or reject the planned project within 90 days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.~~ Within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the planned project. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or reject the planned project within a reasonable time following the close of the public hearing.

Section 2. That Section 5:121(2) of Chapter 57 of Title V of the Code of the City of Ann Arbor be

amended as follows:

5:121. Area plans.

(2) *Area plan procedure.* Before submitting an area plan for formal review, the petitioner shall meet with the planning ~~and development services~~ manager or designee to review the proposal and applicable City requirements. To initiate a formal review, all drawings and other required materials, as specified in this Chapter and the Land Development Regulations, shall be filed with the planning ~~and development services~~ manager or designee. An area plan shall not be considered filed until all drawings and other required materials have been submitted. An area plan may be rejected if these materials are inadequate to make the foregoing determinations. The planning ~~and development services~~ manager or designee shall review the materials filed and, after conferring with the petitioner and appropriate City departments, shall submit a report and recommendation to the Planning Commission. ~~The Planning Commission shall make a report and recommendation to the City Council within 60 days of the receipt of the report and recommendation from the planning and development services manager or designee. The City Council shall approve or reject the area plan within 30 days of the approval of the Planning Commission.~~ Within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the area plan. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or reject the area plan within a reasonable time following the close of the public hearing. If approval by the City Council is conditioned on changes to the plan, the petitioner must submit revised drawings with the necessary changes to the planning ~~and development services~~ manager or designee within 30 days of approval by City Council or the area plan approval shall lapse.

Section 3. That Section 5:122(3) of Chapter 57 of Title V of the Code of the City of Ann Arbor be amended as follows:

5:122. Site plans.

(3) *Site plans for City Council approval.* Except as otherwise provided in this section, City Council shall review and approve or reject a site plan after receiving a report and recommendation from the Planning Commission. ~~The Planning Commission shall submit its report and recommendation to the City Council within 60 days of receiving a report and recommendation from the planning and development services manager or designee. The City Council shall approve or reject the site plan within 30 days of the recommendation by the Planning Commission.~~ Within a reasonable time following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council to approve or deny the site plan. Upon receipt of the Planning Commission's recommendation, the City Council shall approve or reject the site plan within a reasonable time following the close of the public hearing. If approval is conditioned on changes to the site plan, the petitioner shall submit revised drawings with the necessary changes to the planning ~~and development services~~ manager or designee within 30 days of approval by the City Council or the site plan approval shall lapse. Any changes to a condition placed on the site plan by City Council shall require City Council approval.

Section 4. That Section 5:124(2) of Chapter 57 of Title V of the Code of the City of Ann Arbor be amended as follows:

5:124. Plats.

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(2) *Plat procedures.* Drawings and other required materials, as specified in this Chapter and the Land Development Regulations, shall be filed with the planning ~~and development services~~ manager or designee. The planning ~~and development services~~ manager or designee shall review the materials filed and, after conferring with the petitioner and appropriate City departments, shall submit a report and recommendation to the Planning Commission. ~~The Planning Commission shall make a recommendation to the City Council on the tentative approval of a preliminary plat within 60 days of its complete filing.~~ The Planning Commission shall make a recommendation to the City Council on the tentative approval of a preliminary plat. The Planning Commission shall also make a report and recommendation to the City Council prior to the time the City Council must act on the final approval of a preliminary plat. Prior to approval of the final plat, the City Administrator will provide the City Council with a report and recommendation on the plat.

Section 5. That Section 5:130 of Chapter 57 of Title V of the Code of the City of Ann Arbor be amended as follows:

5:130. ~~Time Limits.~~ Reserved.

~~The planning commission will be considered to have recommended the approval of a site plan covered by this chapter unless it acts within the specified time limits. The City Council shall be deemed to have approved a site plan covered by this chapter unless it acts within the specified time limits. However, for good cause, the planning commission and the City Council may, by affirmative vote, extend time limits for periods not to exceed 30 days each.~~

Section 6. This ordinance shall take effect and be in force on and after ten days from legal publication.

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