



Legislation Text

File #: 18-1598, **Version:** 1

An Ordinance to Amend Section 8:413 of Chapter 103 (Historic Preservation) of the Code of the City of Ann Arbor Regarding Extension of Authorization for Work in Historic Districts (Ordinance No. ORD-18-29)

Approval of this ordinance amendment will allow the extension of expiration dates for work that has been authorized by either the Historic District Commission or administratively by staff on the Commission's behalf. City Code currently stipulates that work approved by the commission must be completed within three years of approval. There is no mechanism to extend that approval and large projects, especially site planned projects, often take longer than three years to complete.

This proposed amendment will allow approvals to be extended to six years (1) automatically if any permit for the work is issued within the first three years; or (2) administratively upon request of the owner if it is shown that there has been no change in the relevant facts. These revisions were presented to the Historic District Commission at their September 20, 2018 meeting and were approved unanimously.

Staff recommends approval.

Prepared by: Jill Thacher, City Planner/Historic Preservation Coordinator

Reviewed by: Brett Lenart, Planning Manager
Derek Delacourt, Community Services Area Administrator
Christopher Frost, Senior Assistant City Attorney

Approved by: Howard Lazarus, City Administrator
ORDINANCE NO. ORD-18-29

First Reading:	October 1, 2018	Approved:	October 15, 2018
Public Hearing:	October 15, 2018	Published:	October 18, 2018
		Effective:	October 28, 2018

HISTORIC PRESERVATION

AN ORDINANCE TO AMEND SECTION 8:413 (ISSUANCE OF PERMITS) OF CHAPTER 103 OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 8:413 of Chapter 103 of the Code of the City of Ann Arbor be amended to read as follows:

8:413. - Issuance of permits.

(1) Prior to the issuance of any permit, the commission shall hold a public hearing in compliance with the Open Meetings Act. Public notice shall be placed in a local newspaper of general circulation prior to the meeting, and shall include a meeting agenda that lists each permit application to be

reviewed or considered by the commission.

- (2) The commission shall file certificates of appropriateness, notices to proceed, and denials for applications for permits with the Building Official within 5 working days of the date of decision.
- (3) A permit shall not be issued until the commission has acted as prescribed by this chapter. If a permit application is denied, the decision shall be binding on the building official.
- (4) For 3 years from the date of issuance of a certificate of appropriateness or notice to proceed, a permit may be issued for work that is consistent with the application approved by the commission. After 3 years no permit shall be issued without a new application being submitted and the commission issuing a new certificate of appropriateness or notice to proceed. **If work has been authorized by the commission or administratively, the authorization shall expire after 3 years have elapsed from the date of authorization, after which expiration no permits may be issued for the work without a new application and a new authorization. For commission approvals, the date of authorization shall be the date of the meeting at which the commission authorized the work. A commission authorization may be extended so that it expires after 6 years from the date of authorization under either of the following circumstances:**
 - (a) If any permit for the authorized work is lawfully issued within 3 years from the date of authorization, the authorization is automatically extended; or
 - (b) If the owner of the historic resource where the work is to be performed or an agent acting on the owner's behalf submits an application within 3 years from the date of authorization showing that there has been no change in the facts relevant to the authorization, staff shall administratively approve the extension.
- (5) A denial shall be accompanied with a written explanation by the commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for Commission review when Commission recommended changes have been made. The denial shall also include notification of the applicant's rights of appeal to the State Historic Preservation Review Board and to the Circuit Court.
- (6) The failure of the commission to act within 60 calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

Section 2. This ordinance shall take effect on the tenth day following legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan at its regular session of October 15, 2018.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's Webpage on October 18, 2018.

Jacqueline Beaudry, Ann Arbor City Clerk