

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-729-A

**TEXT AMENDMENT TO ZONING ORDINANCE
(Site Plan Extensions)**

An Ordinance to amend the Site Plan section of the Zoning Ordinance codified in Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, to allow for extensions of site plan approvals.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Section 26-40, Site Plan Review and Amendment (All Districts), in Article II of the Zoning Ordinance, codified in Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, is amended by adding a new subsection (3) to read as follows:

26-40 Site Plan Review and Amendment (All Districts)

- (1) [Unchanged]
- (2) *Effective period.* Site plan approval shall be effective for a period of one (1) year. If a building permit is not obtained within that year, then the site plan approval shall expire.
- (3) *Extensions.* The effective period for site plan approval under subsection (2) may be extended as provided in this subsection.
 - a. An extension of site plan approval must be requested in writing prior to the expiration of the approval period, with any extension that is granted to be effective for one (1) year from that expiration date.
 - b. A maximum of two (2) one (1) year extensions may be granted.
 - c. An extension of site plan approval shall be void in the event of rezoning that is inconsistent with the use for which it was granted.
 - d. It is the obligation of the applicant to show good cause for the granting of the requested extension(s). The Planning Commission shall consider the following factors in its determination of whether good cause exists:
 1. The extension shall be based on evidence from the applicant that the development shall commence construction within the extension period.
 2. The applicant has demonstrated that needed utility services have been delayed.
 3. The applicant has demonstrated that technical reviews of the final site plan have raised unforeseen development problems.

4. The applicant has demonstrated that unforeseen economic events or economic conditions have caused delays.
 5. The approved plan to be extended is in compliance with all current site plan criteria and current ordinances, laws, codes and regulations.
 6. There is no pending zoning ordinance which would substantially change the requirements of the approved plan.
 7. Any other extraordinary factors which the Planning Commission deems appropriate.
- e. Any site plan that expires prior to the filing of a written request for extension shall require a new site plan submittal for review and approval by the township.
- f. A site plan that was approved prior to the effective date of the ordinance that added this subsection (3) may be extended under its provisions, provided that the request for extension was made prior to the expiration of the approved site plan.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any other parts not invalidated.

Section 3 of Ordinance

Except as expressly set forth above, the Zoning Ordinance shall remain in full force and effect.

Section 4 of Ordinance

This Ordinance shall take effect upon the expiration of seven (7) days after publication, unless otherwise provided by law.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by Board of Trustees of the Charter Township of West Bloomfield at a meeting of the Board held on February 16, 2010.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: _____
Catherine Shaughnessy, Township Clerk

INTRODUCED:
ADOPTED:
PUBLISHED: