

1/6/2015 FOR BOARD CONSIDERATION

**ANN ARBOR CHARTER TOWNSHIP AMENDMENT TO ZONING  
CODE SECTIONS 74-131, 74-133 and 74-137  
CONDITIONAL USE PERMITS GENERAL PROVISIONS,  
APPLICATION AND FEE, AND CONDITIONS OF APPROVAL  
ORDINANCE NO. \_\_\_\_\_  
\_\_\_\_\_, 2015**

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendments to Chapter 74, Division 3, Sections 74-131, 74-133 and 74-137 Conditional Use Permits, General Provisions, Application and Fee, and Conditions of Approval: **[NEW LANGUAGE UNDERLINED, DELETIONS STRUCK THROUGH]**

**Chapter 74 Division 3 – Conditional Use Permits**

Sec. 74-131. - **General provisions.**

(a) The formulation and enactment of this chapter is based upon the division of the unincorporated portions of the Township into districts in each of which certain specified, mutually compatible uses are permitted by right ~~and designated~~ “Permitted Uses.” In addition to such uses, however, there ~~are~~ may be certain other uses that may be essential or desirable for the welfare of the community and its citizenry or substantial parts of it. Such uses are ~~entirely designated~~ “Conditional Uses” as they may be appropriate and ~~not essentially incompatible~~ compatible with the ~~uses permitted by right in a zoning district~~ Permitted Uses, but not at every or any location ~~therein, or in a zoning district and not~~ without ~~restriction~~ restrictions or conditions being imposed by reason of special problems or conditions presented by the use, or its particular location in relation to neighboring properties from a zoning standpoint.

(b) This chapter, therefore, requires approval as to location and conditions of all uses listed in the several zoning districts as ~~conditional uses~~ Conditional Uses, and those similar uses approved as to location and conditions pursuant to subsection 74-426(i); and this division, and expansion or changes of those uses described in Section 74-6, and specifies in this article the procedures and standards to be followed in granting permits to allow such ~~uses~~ Conditional Uses. If compliance with the procedures and standards set forth in article IV of this chapter, district regulations, in article V of this chapter, supplementary district regulations, if applicable, and in this article is found, then a ~~conditional use~~ Conditional Use permit may be issued, subject to specific safeguarding conditions as may be imposed by reason of the nature, location, and external effects of such use. No ~~conditional use~~ Conditional Use shall commence until a ~~conditional use~~ Conditional Use permit is issued ~~therefore~~ in accordance with this chapter.

(Comp. Ords. 1990, § 130.2101; Ord. No. 2-2008, 4-22-2008)

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Sec. 74-133. ~~Application and fee.~~

(a) Information required for a Conditional Use Permit Application

(1) Application for a conditional use permit shall be made by filing an application form with the required information and paying the required fee with the Township Clerk. The fee shall be set by resolution of the Township Board.

~~(4)~~2) For any Conditional Use that is also subject to site plan review pursuant to Chapter 74, Article II, Division 4, Section 74-172, the Applicant shall submit, concurrent with the Conditional Use permit application, all information required for Preliminary Site Plan review (or a combined preliminary and final site plan at the Applicant's election), together with any additional information required by this Chapter for such proposed Conditional Use. The Applicant is encouraged to request a pre-application conference pursuant to Section 74-172 (b) prior to submitting a Conditional Use permit application and Preliminary Site Plan application to obtain informal feedback and comments from the Township on the feasibility of the proposed Conditional Use permit.

(3) For any Conditional Use that also requires site plan approval, the Conditional Use permit application shall be processed concurrently with the Site Plan application, and the public hearing described below shall not be set until both applications are complete and all fees paid, together with any additional information required by this Chapter for such proposed Conditional Use, as all such information is necessary or advisable for the Planning Commission to adequately review and analyze the proposed conditional use. Any Planning Commission recommendation of approval of the Conditional Use Permit shall be subject to approval of the site plan for the project and final Township Board approval of such Conditional Use Permit.

(b) Notification requirements. The Planning Commission shall establish a date for a public hearing on an application for a conditional use permit after confirming that the applicant has provided all information and paid all fees required by this chapter, including the information required by Section 74-133 (a)(3) above.

~~a.~~(1) A notice of the public hearing shall be published and mailed in the manner prescribed in section 74-61.

~~b.~~(2) A sign shall be posted on the property proposed for a conditional use in the manner described in section 74-61(g).

(Comp. Ords. 1990, § 130.2103; Ord. No. 6-2008, 9-22-2008)

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**Sec. 74-137. - Conditions of approval.**

(a) In granting a conditional use permit, the Township Board shall impose conditions it deems necessary to achieve the objectives and standards of this chapter, including the standards and findings described in Section 74-136, the standards of the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), and the public health, safety, and welfare of the Township.

(b) Failure to comply with any such conditions shall be considered a violation of this chapter. In addition to the other rights and remedies available to the Township for a violation, if such violation is not corrected within a reasonable period of time after notice by the Township to the owner and occupant of the property, the Township Building and Zoning Official or other Township Officer may request that the Planning Commission set a public hearing before the Planning Commission in the manner set forth in Section 74-61 (except no sign shall be required) for revocation of the Conditional Use Permit. Any such revocation shall be pursuant to the recommendation by the Planning Commission after a public hearing, followed by approval of the Township Board.

~~(c) In granting a conditional use permit, the Township Board shall impose conditions it deems necessary to achieve the objectives and standards of this chapter, the standards of the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), and the public health, safety, and welfare of the Township. Failure to comply with any such conditions shall be considered a violation of this chapter.~~ Except as in the event of revocation as provided in Section 74-137(b) above or abandonment as provided in Section 74-137(d) below, an approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall remain unchanged except upon mutual consent of the Township Board and the landowner. Any such agreed upon change shall be entered into Township records and recorded in the minutes of the Township Board meeting at which the action occurred. A public hearing shall be held on any proposed changes as required for an original application.

(d) If a parcel subject to an approved Conditional Use Permit ceases to be used for such conditional use for a period in excess of 24 months, the Township Building and Zoning Official or other Township Officer may request that the Planning Commission set a public hearing before the Planning Commission in the manner set forth in Section 74-61 (except no sign shall be required) for revocation of the Conditional Use Permit for such parcel. Any revocation shall be pursuant to the recommendation of the Planning Commission followed by approval of the Township Board.

(Comp. Ords. 1990, § 130.2109)

RESOLUTION DECLARED ADOPTED

ANN ARBOR CHARTER TOWNSHIP BOARD  
OF TRUSTEES

By: \_\_\_\_\_  
Michael C. Moran, Supervisor

Public Hearing: January 5, 2015

Planning Commission Recommendation: January 5, 2015

Approved by Board: \_\_\_\_\_, 2015

Effective: \_\_\_\_\_, 2015 (7 days after publication)