

**SPECIAL DISTRICT REGULATIONS**

**ARTICLE 7**

**SPECIAL DISTRICT REGULATIONS**

**SECTION 7.01 GENERAL PROVISIONS**

**A. Special Districts Defined**

"Special Districts" are those districts so defined in Section 3.01 of this Ordinance: PC, MS, NSC, PM, VC, and VO.

**B. Compliance with Basic Regulations**

All uses, structures, and properties shall comply with all applicable regulations of Article 4 ("Schedule of District Regulations") herein, and with all other regulations and requirements of this Zoning Ordinance, except as provided within this Article.

**C. Continuing Applicability of Regulations**

1. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of the area plan, and on approved final site plans, and any documents attached thereto, shall have the full force and permanence of the Zoning Ordinance as though such regulations were specifically set forth in the Zoning Ordinance.
2. Such regulations shall be the continuing obligation of any subsequent interests in a Special District or parts thereof and shall not be changed or altered except as permitted in this Article or except as approved through formal amendment procedures as set forth in this Article. The approved plan(s) and any documents attached thereto shall control any subsequent planning or development at any particular stage in the process. A parcel of land that has been classified as a Special District by the Township Board shall not thereafter be developed or used except in accordance with the approved area plan and preliminary and final site plans approved subsequent thereto.

**D. Commencement of Site Work**

No construction, grading, cutting of trees or other vegetation, soil stripping, excavating, or other site improvements or changes shall commence, and no permit

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shall be issued therefore, on a lot with, or under application for, a Special District classification, until the requirements of this Article have been met.

### **SECTION 7.02 CIRCULATION AND ACCESS**

#### **A. Vehicular Access**

1. Each lot or principal building in a Special District shall have vehicular access from a public street or from a private street approved by the Township Board, upon recommendation from the Planning Commission as part of the Planning Commission's recommended action on a zoning petition.
2. An individual dwelling unit in any single-family, two-family, townhouse, mobile home, or other similar residential structure shall not have direct access to a collector or arterial street.

#### **B. Pedestrian Access**

Each lot or principal building in a Special District shall have pedestrian access from a public or private sidewalk, where deemed appropriate by the Township Board, upon recommendation of the Planning Commission as part of the Planning Commission's recommended action on a zoning petition. All parts of a Special District shall be interconnected by either a sidewalk, walking path, or bicycle path system which will provide for safe and convenient movement of pedestrians.

#### **C. Design and Construction of Streets**

Public and private streets shall be designed and constructed according to established standards for public streets, except that such standards may be modified as provided in Paragraph D below. If private streets in a Special District are to be dedicated to a public agency in the future, the owners shall first fully agree to bear the full expense of reconstruction or any other action required to make streets suitable for public acceptance.

#### **D. Modification of Design and Construction Standards for Streets**

Standards of design and construction for public and private streets within a Special District may be modified as deemed appropriate to adequately provide the anticipated service required. Any modification of the proposed public streets must be approved by the Washtenaw County Road Commission. Any modification of private streets must be recommended by the Planning Commission and approved by the Township Board.

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**SECTION 7.03 UTILITIES**

**A. Access to Water and Sewer**

1. Each principal building in a Planned Community (PC) District located in the Public Sanitary Sewer Service Area or “Urban Service Area” as defined in the Growth Management Plan shall be connected to publicly owned water and sanitary sewer lines.
2. Each principal building in a Planned Community (PC) District outside of the Public Sanitary Sewer Service Area or “Urban Service Area” as defined in the Growth Management Plan shall be connected to:
  - a. An independent, on-site water well and sanitary septic system approved by the Washtenaw County Environmental Health Division; or
  - b. A private community wastewater system (PCWS) in compliance with the standards of this Ordinance and the Private Community Wastewater Systems Ordinance (Ord. No. 166, as amended.)
3. Each principal building in any other Special District shall be connected to publicly owned water and sanitary sewer lines, or to an independent, on-site water well and sanitary septic system approved by the Washtenaw County Environmental Health Division.

**B. Storm Drainage**

Each site in a Special District shall be provided with adequate storm drainage. Open drainage courses and storm water retention ponds may be permitted by the Township Board, upon recommendation by the Planning Commission as part of the Planning Commission's recommended action on a zoning petition. All drainage systems shall be approved by and dedicated to the Washtenaw County Drain Commission.

**C. Utility Lines and Equipment**

Electrical, telephone, and cable television lines shall be placed underground, provided, however, that distribution lines may be placed overhead if the location of the lines and poles is approved by the Township Board, upon recommendation

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by the Planning Commission as part of the Planning Commission's recommended action on a zoning petition. Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be landscaped and screened from view.

**SECTION 7.04 OPEN SPACE REGULATIONS**

**A. General Provisions**

1. Open space areas shall be conveniently and equitably located throughout a Special District in relation to the location of dwelling units, principal structures, and natural features.
2. Open space areas shall have minimum dimensions which, in the Planning Commission's opinion, are usable for the functions intended and which will be maintainable.
3. The Township Board may require, upon recommendation of the Planning Commission, that natural amenities such as ravines, rock outcrops, wooded areas, meadows, tree or shrub specimens, wildlife habitats, steep slopes, ponds, streams, marshes, or other wetlands be preserved as part of the open space system of a Special District.
4. Unbuildable areas, such as watercourses, wetlands, woodlands, floodplains, and steep slopes, may be incorporated into open space areas but shall not be included in overall net density calculations.

**B. Buildings and Improvements**

1. Recreational structures, drives, walkways, and similar improvements may be permitted in open space areas if, in the Planning Commission's opinion, they are related and necessary to the functions of the open space.
2. Other buildings and improvements shall be prohibited from open space areas.

**SECTION 7.05 PARKING AND LOADING REQUIREMENTS**

The parking and loading requirements of Article 8 ("Off-Street Parking and Loading Regulations") herein shall apply, except that the number and size of spaces, and the width of parking lot aisles may be reduced in a Special District if approved by the Township Board, upon recommendation of the Planning Commission as part of the Planning Commission's recommended action on a zoning petition. Such reduction shall be justified by the petitioner and shall be based upon a finding that sufficient parking will be

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available through sharing of spaces by different uses, that the parking requirement is excessive for the type(s) of use(s) proposed, that walk-in trade for commercial centers will reduce parking demand, and/or similar factors.

### **SECTION 7.06 PHASING OF DEVELOPMENT**

#### **A. Phasing Permitted**

Development within a Special District may be divided into two (2) or more phases as delineated on the approved area plan.

#### **B. Requirements**

Phasing shall be subject to the following requirements:

1. In the case of a phased development, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase.
2. In the case of a phased development, a final site plan shall be submitted for review and approval for each phase.
3. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities, and shall be capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
4. The Township Board, upon recommendation of the Planning Commission, may require that development be phased so that:
  - a. Township, school district, and county property tax revenues resulting from such development will generally balance the expenditures required by public agencies to properly service that development;
  - b. serious overloading of utility services and/or community facilities will not result; and
  - c. the various amenities and services necessary to provide a safe, convenient, and healthful residential environment will be available upon completion of any one phase.

The Planning Commission may require the petitioner to provide housing and commercial market analyses, traffic studies, and other information

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necessary for the Commission to properly and adequately analyze a Special District request for recommendation to the Township Board with respect to this requirement.

### **C. Posting of Bond**

The Planning Commission may require the petitioner to post a performance bond or provide such other financial assurance as the Planning Commission deems acceptable, in an amount deemed adequate by the Planning Commission and the Township Engineer, to ensure that vehicular and pedestrian ways, utility services, open space and recreation facilities, and other amenities and infrastructure planned for later phases of the development are completed in a timely fashion.

## **SECTION 7.07 PRE-APPLICATION CONFERENCES**

### **A. Pre-application Conference Required**

A potential petitioner for a Special District classification shall request a pre-application conference with Township officials prior to filing such application. The request shall be made to the Township Clerk, who shall convey the request to the Planning Commission Chair. The Chair shall set a date for the conference and shall inform the Township Board of Trustees and Planning Commissioners of the conference and invite their attendance. The Planning Commission Chair shall also invite such other officials who might have an interest in the proposed development, or who might assist the Township in the review process, such as, but not limited to, the Township Consultants, County Road Commission Engineer, County Environmental Health Division, County Drain Commission staff, and County Planning staff.

### **B. Purpose and Effect of Conference**

1. The purpose of the conference is to inform Township and other officials of the concept of the proposed development and to provide the potential petitioner with information regarding land development policies, procedures, standards and requirements of the Township and other agencies in terms of the proposed development. To this end, the petitioner is encouraged to present schematic plans, site data, and other information that will explain the proposed development.
2. Statements made in a pre-application conference shall not be legally binding commitments.

## **SECTION 7.08 PETITION REQUIREMENTS**

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### A. Procedure

#### 1. **Initiating Petition**

- a. Petition for a Special District classification shall be for an amendment to the Official Zoning Map.
- b. A petition for a Special District classification for a parcel of land may be made by the owner(s) of record of such parcel, or by one or more persons acting on behalf of the owner(s) of record of such parcel. The filing shall be in the name of all owners of record. The petitioner shall provide evidence of ownership of all land in a proposed Special District, such as legal title or execution of a binding sales agreement, prior to approval of the petition by the Township Board.
- c. A petition for a NSC, VC, or VO Special District classification may be initiated by the Township Board or Township Planning Commission.

2. **Fees:** The Township Board shall establish, by resolution or ordinance, fees for Special District petitions. Such fee shall be paid at the time of the filing of the petition and no part of such fee shall be returnable to the petitioner.

3. **Filing of Petition:** The petition shall be filed with the Township Clerk. The Clerk shall transmit the petition to the Township Planning Commission for review and report to the Township Board.

#### 4. **Public Hearing and Notice**

- a. **Date and Notice of Public Hearing:** The Planning Commission shall establish a date for a public hearing on the petition and shall give notice thereof as required in Section 14.03B(2) herein.
- b. **Signage:** The requirements of Section 14.03B(3) herein regarding signage shall apply.
- c. **Contents of Public Hearing**
  - 1) At the public hearing, the petitioner shall present evidence regarding the following characteristics of the proposed development:
    - a) General character and substance;

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- b) Objectives and purposes to be served;
  - c) Compliance with regulations and standards;
  - d) Scale and scope of development proposed;
  - e) Environmental impact;
  - f) Economic feasibility of the proposed uses;
  - g) Community impact, in terms of streets and traffic, schools, recreation facilities, costs and revenues, and utility systems;
  - h) Development schedules;
  - i) Compliance with the adopted Growth Management Plan; and
  - j) Compliance with the adopted Zoning Ordinance and other applicable Township ordinances.
- 2) To this end, factual evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models, and other materials and in the form of testimony by experts such as architects, engineers, real estate agents, professional community planners, and land economists, as will clearly state for the record the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for review by the Planning Commission and other Township officials.
5. **Planning Commission Study and Report:** Upon receipt of the petition from the Clerk, the Planning Commission shall undertake a study of same and shall prepare a report containing the Planning Commission's analysis of the petition and its recommendations thereon to the Township Board.
6. **Transmittal of Petition:** The Planning Commission shall, following the public hearing and action on the petition, transmit the petition and its report to the County Planning Commission for its review and recommendation to the Township Board.
7. **Time Limits and Extension Thereof:** The Planning Commission shall report its findings and its recommendations for disposition of the petition to the Township Board following the public hearing, but within one hundred eighty (180) days of the filing date of the petition. This time limit

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may be extended by agreement between the petitioner and the Planning Commission.

8. **Board Action:** The Township Board shall review the petition and the Township and County Planning Commission reports thereon, and shall approve or deny the petition, or table it for future consideration. If the Township Board shall deem advisable any changes or additions to, or departures from the petition, it shall refer same to the Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.
9. **Petitioner Review and Agreement:** If the petition is approved by the Township Board, the petitioner shall review the petition in its approved form. The petitioner and all owner(s) of record of all property included within a Special District or the legal representatives of said owner(s) shall then sign a statement that the approved petition and area plan shall be binding upon the petitioner and owner(s) of record and upon their heirs, successors, and assigns. The petition and area plan shall not be officially approved nor may the petitioner submit a preliminary site plan, where applicable, or a final site plan for the lot or any part thereof, until said statement has been signed as required herein and has been received by the Township Clerk.
10. **Changes to Zoning Map:** Following the official approval of a petition by the Township Board and receipt of the written agreement of the petitioner and owner(s) of record as specified in Paragraph (9) above, the Special District designation shall be noted on the Official Zoning Map in accordance with the procedures specified in Section 3.02C herein.

### B. Area Plan Requirements

1. **Area Plan Required:** An area plan shall be submitted as part of a petition for a Special District zoning change.
2. **Information Required:** An area plan for a Special District shall contain:
  - a. All information required for preliminary site plans as set forth in Section 10.03B herein;
  - b. Location, type, and land area of each proposed land use; gross and net density of dwelling units (dwelling units per acre); type of dwelling units;
  - c. General description of the organization which will own and maintain common open space;

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- d. General description of covenants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, bylaws, and articles of incorporation for any homeowners' association, cooperative association, or condominium association;
- e. Description of petitioner's intentions regarding selling or leasing of all or portions of land and dwelling units or other structures in a Special District;
- f. Description of all proposed uses;
- g. General landscape concept plantings, mounds and berms, and similar features;
- h. Delineation of areas to be subdivided under the Subdivision Control Act; and
- i. Average initial sales prices of dwelling units or other structures for sale; average initial rents of rental dwelling units or other structures.

### C. **Standards of Petition Review**

The Planning Commission shall determine and provide evidence of same in its report to the Township Board, that the petition meets the following standards:

- 1. The proposed development shall conform to the adopted Growth Management Plan.
- 2. The proposed development shall conform to the intent and to all regulations and standards of a Special District and of the Zoning Ordinance.
- 3. The proposed development shall be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal, or that the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Township Board, any such facilities and services.
- 4. The common open space, any other common properties, individual properties, and all other elements of a Special District are so planned that they will achieve a unified open space and recreation

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area system, with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.

5. The petitioner shall have made satisfactory provision to ensure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions shall have been made to provide for the financing and maintenance of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development.
6. The location of the proposed uses, layout of the site, and its relation to streets giving access to it, shall be such that traffic to, from, and within the site, and assembly of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children, relationship of the proposed project to main thoroughfares and street intersections, and the general character and intensity of the existing and potential development of the neighborhood.
7. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of convenience, privacy, compatibility, and similar standards.
8. That noise, odor, light, or other external effects from any source whatsoever, which is connected with the proposed use, will not adversely affect adjacent and neighboring lands and uses.
9. The proposed development shall create a minimum disturbance to natural features and land forms.
10. Streets shall follow topography, be properly spaced, and be located and aligned in accordance with the intended function of each street. The property shall have adequate access to public streets. The plans shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable.
11. Major pedestrian circulation shall be provided for within the site and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and shall provide pedestrian connections to the edges of the site, where applicable.

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**D. Effect of Approval of Petition**

Approval of a petition by the Township Board shall have the following effects:

1. Approval of a petition for a Special District shall authorize the petitioner to file a preliminary site plan for each phase of the proposed development as delineated on the approved area plan. No construction shall begin within any phase until after a preliminary site plan is approved as required herein, except as provided in Paragraph 2 below.
2. The Township Planning Commission may, at its discretion and with appropriate conditions attached, authorize issuance of permits by the Building Inspector for preliminary site work to begin for soils exploration and incidental clearing necessary thereto. The conditions which may be attached to such permits shall include, but shall not be limited to:
  - a. measures to control erosion;
  - b. exemption of the Township from any liability if a final site plan is not approved; and
  - c. provision of a bond for site restoration if work does not proceed to completion.
3. Approval of a petition for a Special District by the Township Board shall authorize the petitioner to file a preliminary plat for tentative approval in accordance with the Subdivision Control Act and the Township's Subdivision Control Ordinance for all or parts of the areas included within the Special District which are to be platted.
4. No deviations from a petition approved by the Township Board shall be permitted except as provided in this Article.

**SECTION 7.09 PRELIMINARY SITE PLAN REQUIREMENTS**

A preliminary site plan shall be submitted for approval for each phase of development as delineated on the approved area plan for Special Districts. The preliminary site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, Article 10 ("Site Plan Review") herein that apply to preliminary site plans. In addition to these provisions, preliminary site plans shall conform to the approved area plan.

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**SECTION 7.10 FINAL SITE PLAN REQUIREMENTS**

A final site plan shall be approved for each phase of a Special District as delineated on the approved area plan. The final site plan shall be submitted and reviewed in accordance with, and shall meet the requirements of, Article 10 ("Site Plan Review") herein, that apply to final site plans. The Planning Commission shall transmit the approved final site plan to the Township Board for its information. The petitioner and all owner(s) of record or the legal representative(s) of the owner(s) shall sign the approved final site plan.

**SECTION 7.11 SUBDIVISION PLATS**

- A. A preliminary plat for all or part of a Special District may be submitted for review and approval following approval of the rezoning petition by the Township Board.
- B. The Township Board shall have the authority to deny or table an application for tentative approval of a preliminary plat if, in its opinion and after a report thereon from the Planning Commission, such plat will result in premature development of the area involved or will result in improper rescheduling of various public improvements such as, but not limited to, roads, utilities, and schools.

**SECTION 7.12 COMMON AREAS AND FACILITIES**

**A. Designation on Site Plan**

The location, extent, and purpose of all common areas and facilities shall be clearly identified on the area plan, on the preliminary site plan, and on each final site plan. All such areas and facilities which are to be conveyed to any agency shall be clearly identified accordingly on the final site plans.

**B. Dedication of Common Areas and Facilities**

- 1. The permanence and integrity of common open space may be secured by conveyance of development rights of such areas to a public agency. Such rights shall not include those needed to improve the common open space areas in accordance with the approved petition, an approved preliminary site plan, and/or final site plan.
- 2. All public areas and facilities which are to be dedicated to a public agency shall be so dedicated prior to approval of a final site plan, unless a binding agreement for dedication is provided in lieu of dedication.

**C. Maintenance of Common Areas and Facilities**

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1. Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted to the Township Planning Commission, Township Board, and Township Attorney for review. Recorded copies of said documents are to be provided to the Township Clerk immediately after recording.
  
2. **Homeowners' Association**
  - a. Where a Homeowners' Association (HOA) is to be used to maintain and preserve common areas and facilities, the developer shall file with the zoning petition, a copy of all covenants and restrictions that will govern the HOA. Recorded copies of said documents are to be filed with the Township Clerk immediately after recording.
  
  - b. The covenants and restrictions shall include, but shall not be limited to, the following:
    - 1) The HOA shall be established before any dwellings in the Special District are sold.
    - 2) Membership in the HOA shall be mandatory for each dwelling unit buyer and for any successive buyer and shall be so specified in the covenants.
    - 3) Restrictions shall be permanent.
    - 4) The HOA shall be made responsible for liability.
    - 5) Dwelling unit owners shall pay their pro rata share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA may become a lien on the individual properties.
    - 6) The HOA shall have authority to adjust the assessment to meet changed needs.
    - 7) The Township Planning Commission shall review the proposed bylaws and articles of incorporation prior to approval of the site plan.
    - 8) All open spaces and common facilities shall be assessed to the HOA and all taxes thereon shall be paid by the HOA.

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### **D. Trustee**

Common areas and facilities may be deeded to a trustee who shall be responsible for the collection and disbursement of funds, and who shall account to the individual owners as to the use of their monies. If a trustee is used, the trustee shall employ a professional manager. The trustee may be an HOA, a trust company, or similar organization.

### **E. Easements**

Easements shall be given to each individual owner for the use of such common areas and facilities.

## **SECTION 7.13 AMENDMENT AND REVISION**

### **A. In General**

1. A petitioner may request a change in an approved petition, an approved preliminary site plan, or an approved final site plan.
2. Any change in an approved preliminary or final site plan which results in a major change, as defined in Section 7.13B(1), in the approved petition, shall require an amendment to the approved petition. All such amendments shall follow the procedures and conditions herein required for original submittal and review in full.
3. Any change which results in a minor change as defined in Section 7.13C(1) shall require a revision to the approved petition, including, at the Planning Commission's discretion, revised site plan drawings.
4. The Planning Commission shall have authority to determine whether a requested change is major or minor, in accordance with this Section. The Planning Commission shall record its determination and reasons therefore in the minutes at the meeting at which the action is taken.
5. The burden shall be on the petitioner to show good cause for any requested change.

### **B. Major Changes**

#### **1. "Major Change" Defined**

Changes to be considered major, for which amendment is required, shall include, but shall not be limited to, the following:

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- a. change in concept of the development;
- b. change in use or character of the development;
- c. change in type of dwelling unit or other structure as identified on the approved area plan;
- d. increase in the number of dwelling units or other structures;
- e. increase in non-residential floor area of over five (5) percent;
- f. increase in GFC or FAR of the entire Special District of more than one (1) percent;
- g. rearrangement of lots, blocks, or building tracts;
- h. reduction in land area set aside for common area open space or the relocation of such area(s);
- i. increase in building height; and
- j. any change that will have an adverse impact on neighboring properties or uses.

### **2. Procedure**

- a. A request for an amendment shall be made in writing to the Planning Commission and shall clearly state the reasons therefore. Such reasons may be based upon considerations such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interest of Superior Township and the petitioner, such as technical causes, site conditions, state or federal projects or installations, and statutory revisions.
- b. Following payment of the appropriate fee as required for original submittal, the petitioner shall submit the required information to the Planning Commission for review.
- c. If the request is for amendment to the petition, the Planning Commission shall immediately notify the Township Board.

### **C. Minor Changes**

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### **1. "Minor Change" Defined**

Modifications considered to be minor changes shall include, but shall not be limited to, the following:

- a. a change in residential floor area;
- b. an increase in non-residential floor area of five (5) percent or less;
- c. minor variations in layout which do not constitute major changes;
- d. an increase in GFC and FAR of the entire Special District of one (1) percent or less; and
- e. a decrease in the number of approved dwelling units.

### **2. Procedure**

- a. A petitioner may request Planning Commission approval of changes which constitute minor changes, as defined in this Section, in an approved petition, approved preliminary site plan, or approved final site plan.
- b. The Planning Commission shall notify the Township Board and other applicable agencies if it approves such a minor change.
- c. If revised drawings are requested by the Planning Commission, the revised drawings as approved shall each be signed by the petitioner and the owner(s) of record or the legal representative of such owner(s).

## **SECTION 7.14 EXPIRATION OF PLAN APPROVALS**

### **A. Expiration of Area Plans**

1. An area plan shall expire five hundred forty (540) days after approval of the petition by the Township Board unless a final site plan for the first phase of the project, or the entire property in the Special District if the development is not to occur in separate phases, is submitted to the Planning Commission for review and approval.
2. Thereafter, the final site plan for each subsequent phase shall be submitted to the Planning Commission for review and approval within two (2) years of the date of approval of the immediately preceding final site plan.

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### **B. Expiration of Final Site Plan**

1. A final site plan for the entire property classified as a Special District, or all final site plans for all phases thereof, shall have received approval of the Planning Commission within three (3) years, in the case of a Special District of eighty (80) acres or less in area, or within five (5) years in the case of a Special District of more than eighty (80) acres, of the date of Township Board approval of the area plan. All final plats in a Special District shall have been approved and recorded within the preceding time periods.
2.
  - a. A Special Districts final site plan shall expire and be of no effect unless, within three hundred sixty (360) days of the Planning Commission's approval, a fully executed Development Agreement has been recorded and the construction drawings have received detailed engineering final approval.
  - b. An approved final site plan in a Special District shall expire five hundred forty (540) days after the date of approval by the Planning Commission unless construction is begun and diligently pursued to completion in accordance with the approved final site plan.
3. Development shall be completed within two (2) years of the date of approval of a final site plan. If said development is not so completed, the Planning Commission shall not review or approve final site plans for any subsequent phases of a Special District unless good cause is shown for not completing same.

### **C. Effects of Expiration**

1.
  - a. If an approved area plan expires as set forth in Section 7.14(A), or if a final site plan is not approved within the time limits set forth in Sections 7.14A and 7.14B, or if an approved final site plan expires under Section 7.14B, the Township Board shall be authorized to revoke the right to develop under the approved area plan after a hearing and unless good cause can be shown to said expiration. The Township Board may require that a new area plan be filed and reviewed in accordance with the requirements for original application. Said expiration shall also authorize the Township Board to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board

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to be appropriate. Revocation of an approved area plan shall be duly noted on the Official Zoning Map and shall be signed by the Township Clerk and attested by the Township Supervisor.

- b. In the event that approved area plans of final site plans for PC Districts existing prior to the date of this ordinance shall have expired on or before the date of adoption of this ordinance, the Township Board shall notify the petitioner of said parcels that within ninety (90) days from the date of said notification, they must request a hearing to show good cause why the expiration occurred. Upon showing of good cause the Township Board may extend the approval for a period not to exceed one hundred eighty (180) days. In such case the Township Board may require that a new area plan and/or approved final site plan be filed and reviewed in accordance with the requirements for original application. In the event that good cause is not shown, or if the petitioner fails to request a hearing within the ninety (90) day period, the Township Board shall be authorized to initiate a zoning amendment to place the subject property into one or more zoning districts deemed by the Township Board to be appropriate. Expiration of an approved area plan shall be duly noted on the Official Zoning Map, and shall be signed by the Township Clerk and attested by the Township Supervisor.
2. If an approved area plan or approved final site plan has expired as set forth in this Section, no permits for any development or use of the property included in the Special District shall be issued until the applicable requirements of this Section have been met.

### **SECTION 7.15 EXTENSION OF TIME LIMITS**

Time limits set forth in this Article may be extended upon showing of good cause, and by written agreement, between the petitioner and the Planning Commission or Township Board, whichever is applicable, in the case of area plans, and between the petitioner and the Planning Commission, in the case of final site plans, provided that the petitioner applies for an extension no less than sixty (60) days prior to expiration of the approved area plan or approved final site plan.

### **SECTION 7.16 AS-BUILT DRAWINGS**

As-built drawings shall be provided in accordance with Section 10.07 herein.

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### **SECTION 7.17 PERFORMANCE GUARANTEE**

Performance guarantees shall be provided in accordance with Section 10.10 herein.

### **SECTION 7.18 FEES**

Fees for the review of area plans and site plans and inspections as required by this Article shall be established and may be amended by resolution of the Township Board.

### **SECTION 7.19 VIOLATIONS**

- A. An area plan, preliminary site plan, or final site plan approved under the provisions of this Article shall have the full force of this Zoning Ordinance. Any violation of such approved plan shall be grounds for the Township Board or Zoning Inspector to order that all construction be stopped and to order that Building Permits and Certificates of Occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided to the Board.
- B. Violations of any plan approved under this Article, or failure to comply with any requirements of this Article, including any agreements, legal documents, and conditions attached to any approved plan, shall be deemed a violation of this Ordinance, as provided in Article 11 (“Administration and Enforcement”) herein, and shall be subject to all penalties provided herein.