

[all new material]

14-3.19 EXPIRATION, EXTENSION AND AMENDMENT OF DEVELOPMENT APPROVALS

(A) APPLICABILITY

(1) General Provisions

The general provisions of this §14-3.19 shall apply to *final actions* to approve development pursuant to this chapter, including:

- a) Special use permits
- (b) Development plans, including preliminary and final development plans
- (c) Master plans
- (d) Variances
- (e) Subdivisions, including preliminary and final plats, family transfer subdivisions, summary committee plats and resubdivisions
- (f) Development within H Districts or affecting Landmark Properties

(2) Specific Provisions for Types of Actions

Where this chapter specifically provides time limits for a particular type of *final action*, the specific provision shall be followed.

(3) Specific Provisions Pursuant to Conditions of Approval

A *final action* may incorporate conditions of approval that establish shorter time limits than those specified by this chapter. *Final action* to approve a phased development project may incorporate a phasing plan with longer time limits than those specified by this chapter.

(B) EXPIRATION OF DEVELOPMENT APPROVALS

Unless a time extension is approved pursuant to §14-3.19(C), or specific time limits under §14-3.19(A)(2) or (A)(3) apply, development approvals shall expire in the following circumstances.

(1) Master Plans

Approval of a master plan shall expire five years after all applicable appeal periods, and any appeals of the *final action* approving it unless:

(a) approval is granted for a development plan or subdivision plat within the master plan boundaries, or

(b) actual development of the site or off-site improvements is begun and is continued pursuant to §14-3.19(B)(6).

(2) Preliminary Subdivision Plats or Preliminary Development Plans

Approval of a preliminary subdivision plat or preliminary development plan shall expire three years after *final action* approving it unless the final plat or development plan is approved.

(3) Final Subdivision Plats

Approval of a final plat for a subdivision, including a plat approved by the summary committee and resubdivisions, shall expire three years after *final action* approving it unless the plat is filed for record with the county clerk.

(4) Final Development Plans

Approval of a final development plan, or any development plan for which no preliminary development plan was required, shall expire three years after *final action* approving it unless actual development of the site or off-site improvements has begun and is continued pursuant to §14-3.19(B)(6).

(5) Other Development Approvals

Approval of special use permits, approval of development by the Historic Districts Review Board, approval of variances that are not associated with other types of development approval or types of development approvals not specifically listed, shall expire three years after *final action* approving them unless actual development of the site

or off-site improvements has begun and is continued pursuant to §14-3.19(B)(6). Variances associated with subdivisions, development plans or similar types of development approval shall be subject to the expiration provisions of the associated development.

(6) Continuing Development Activity Required

Approvals of development other than subdivisions shall expire if no substantive development progress occurs for a period of three years at any time after *final action* approving the development. Substantive development progress includes obtaining subsequent development approvals such as a final development plan subsequent to a preliminary development plan approval and actual development of the site or off-site improvements.

(C) TIME EXTENSIONS

(1) Application Filing

Applications for extensions shall be filed prior to the expiration of the *final action* for which the extension is requested. The application shall state the reason for the extension request and shall document the progress made toward completion of the approved development and the proposed time schedule for final completion.

(2) Administrative Extensions

(a) The Land Use Director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the Land Use Director that no substantive changes have occurred to the regulations or policies that apply to the development, or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.

(b) All action taken by the Land Use Director under this Subsection (C) is subject to review by the Planning Commission. The Land Use Director shall identify the action taken and place it on a consent agenda for the Planning Commission. The Land Use Director shall provide the Planning Commission with the applicant's

written application, and the Land Use Director's written proposal. The Planning Commission may accept, reject or modify the proposal.

(3) Time Extensions by Land Use Boards

Extensions of time that do not meet the requirements for administrative approval may be made by following the procedures for amending the type of action for which extension is requested.

(D) Amendment of Development Approvals

Procedures for substantive amendment or revisions to *final actions* to approve development shall be the same as those that apply to a new application for the type of approval proposed for amendment, unless a specific alternative procedure is provided in this chapter.