

ARTICLE 8C
SITE CONDOMINIUM DEVELOPMENT ORDINANCE

SECTION 8C.01 PURPOSE

It is the purpose of this Ordinance to insure that plans for development within Oceola Township proposed under the provisions of the Condominium Act, Public Act 59 of 1978, shall be reviewed with the objective interest of achieving the source characteristics and land use results as if the development and improvements were being proposed in accordance with the Subdivision Control Act, P. A. 288 of 1967, as amended, including all requirements of the Zoning Ordinance. It is the intent of the Township to insure that the appearance of the project and size of the building site or "Condominium Lot" are equivalent to the appearance of a subdivision and to the minimum lot size of the zoning district in which the project is located. If the proposed project is to be developed under the planned Unit Development option of the Oceola Township Zoning Ordinance, it shall follow the procedure outlined in Section 8A of the Ordinance.

SECTION 8C.02 DEFINITIONS

For the purpose of this Ordinance all definitions used in the Condominium Act P. A. 59 of 1978 as amended, and all applicable administrative regulations shall have the same meaning here. In addition, the following words as defined will also apply to this Ordinance, unless the context clearly indicates a different meaning.

- A. Building Site. A lot, or a two (2) dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have frontage on public or private roads.
- B. Common Elements. Portions of the Condominium project other than condominium units.
- C. Condominium Project. A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
- D. Condominium Subdivision Plan. The plan as required in this Ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
- E. Condominium Unit. That portion of the Condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial or recreational use.
- F. Consolidating Master Deed. The final amended master deed for a contractible or expandable Condominium project or a Condominium project containing convertible land or space which fully describes the Condominium project as completed.
- G. Contractible Condominium. A Condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the Condominium documents and in accordance with this Ordinance and the Condominium Act.

- H. Limited Common Elements. A portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.
- I. Lot. A measured portion of a parcel or tract of land which is described and fixed in a recorded plat or recorded in the Master Deed of a Site Condominium Development.
- J. Master Deed. The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved Condominium Subdivision Plan for the project.
- K. Parcel. A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, service of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon including open spaces and setbacks required under this Ordinance, and having its frontage on a public road.
- L. Setback -- Front, Side, and Rear Yard. Front, side, and rear yard setbacks shall mean the distance measured from the respective front, side, and rear yard area lines associated with the building site to the respective front, side, and rear of the lot.

SECTION 8C.03 PLAN PREPARATION

- A. Existing Conditions. The preliminary plan shall be designed and drawn by a Registered Civil Engineer, a Registered Land Surveyor, a Registered Architect or a Landscape Architect containing the following information:
 - 1. Proposed name of the project.
 - 2. Full legal description to adequately describe the parcel or parcels comprising the project.
 - 3. Names and addresses of the applicant, owners, and professionals who designed the project.
 - 4. Scale of the plan (maximum scale shall be 100 (one hundred) feet to an inch).
 - 5. Date of preparation.
 - 6. Cardinal (directional) points.
 - 7. Boundary lines of the proposed project.
 - 8. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for Site Condominium Subdivision including those areas across abutting roads.
 - 9. Location, widths, and names of existing prior easements of record, public and/or private.
 - 10. Location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for a Site Condominium Subdivision.
 - 11. Existing topographical information drawn at contours with a maximum of two (2) foot intervals.
 - 12. The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the projects area having a caliper of twelve (12) inches or greater at a height of two (2) feet above existing grade.

B. Proposed Condominium Subdivision Plan.

1. Layout of streets indicating proposed street names, right-of-way widths, and connections and adjoining streets and also the widths of and locations of alleys, easements, public walkways, bike paths and other transportation related elements.
2. Layouts, numbers and dimension of lots, including building setback lines showing dimensions and finished grade elevations of buildings first floor elevation.
3. Proposed topography, including contour lines at the same interval as shown for existing topography.
4. Indication of the parcels of land and/or easements intended to be dedicated or set aside for public use and a description of the common elements of the project and the use and occupancy restrictions as will be contained in the Master Deed.
5. An indication of the ownership and existing and proposed use of any parcels identified as "excepted" on the preliminary plan. If the applicant has an interest, or owns any parcel so identified as "excepted", the preliminary plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed preliminary plan.
6. Statement describing the sewage system and method to be approved by the Livingston County Health Department.
7. Statement describing water supply system.
8. Schematic indication and description of storm drainage acceptable to the Livingston County Drain Commission.
9. In the case where the applicant wishes to develop a given area, but wishes to begin with only a portion of the total area, the preliminary plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the applicant intends to follow. Each subsequent development shall follow the same procedure until the entire area controlled by the applicant is subdivided. Each phase of the development shall not exceed, on a cumulative basis, the average density allowed for the entire development.
10. An indication of the means by which and extent that significant natural features such as water courses, bodies of water, stands of trees, and individual trees (apart from stands of trees) having a caliper of twelve {12} inches or greater at a height of two feet above existing grade, are to be preserved in conjunction with the development of the proposed project.
11. Indication of the approximate area for all site improvements including roads, utilities, drains, and all building activity that will have to be cleared and graded in order to develop the proposed project.
- 12 The Preliminary Site Condominium Subdivision Plan will also indicate the significant ecological areas that are to be preserved in their natural state. The intent is not to require a detailed grading plan at this time but to ensure that the developer's consultant has given sufficient thought to the clearing and grading requirements in preparing the Preliminary Plan.

SECTION 8C.04 DESIGN LAYOUT STANDARDS AND IMPROVEMENTS

A. Requirements and Standards

The requirements and standards contained in *ARTICLE IV AND ARTICLE V IN THE OCEOLA TOWNSHIP SUBDIVISION CONTROL ORDINANCE* for layout of a conventional subdivision shall apply and are herein incorporated by reference.

B. Construction of Development in Phases.

For developments where construction is to occur in phases, that portion which is constructed shall conform with all laws, ordinances and regulations of all governmental bodies having jurisdiction, and be capable of functioning independently without further improvements, such as additional roads, drainage and utilities.

SECTION 8C.05 REVIEW PROCEDURE

The procedure for review and approval of a site plan for a Site Condominium Project shall consist of two (2) stages:

1. Review and approval of the preliminary site plan by the Township Planning Commission and Township Board.
2. Review and approval of the final site plan by the Township Planning Commission and the Board.

A. Planning Commission Review of Preliminary Site Plan.

1. The applicant shall submit ten (10) copies of the preliminary site plan to the Township at least thirty (30) days prior to a regularly scheduled Planning Commission meeting so the site plan can be placed on the agenda and given time for technical review.
2. The Planning Commission shall review the plan pursuant to Section 19.07 Standards of Approval of the Oceola Township Zoning Ordinance.
3. Upon review the Planning Commission shall make a recommendation to the Township Board to grant or deny approval of the proposed Site Condominium Project or to grant conditional approval based on the following:
 - a. The standards for approval contained in Section 19.07 of the Oceola Township Zoning Ordinance.
 - b. Conformity of the proposed Site Condominium and its related by-laws with the objectives of the Township's Master Plan.
 - c. Project developer's financial and technical capacity to meet the design and improvement standards of this Ordinance.

The Planning Commission is authorized to make a recommendation to the Township Board to grant approval, grant approval subject to conditions, or reject the Site Plan, as follows:

Recommend Approval. Upon determination that the Site Plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and Laws, the Planning Commission recommends approval.

Recommend Approval Subject to Conditions. Upon determination that a Site Plan is in compliance except for minor modifications, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the Site Plan. The conditions may include the need to obtain approvals from other agencies. The applicant may re-submit the Site Plan to the Planning Commission for final review after conditions have been met. The Planning Commission may waive its right to review the revised plan, and instead authorize the Township Supervisor to review and recommend approval of the re-submitted plan if all required conditions have been addressed.

Recommend Rejection. Upon determination that a Site Plan does not comply with the standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall recommend that Site Plan approval be denied.

- B. Submission of Plans for Township Board Review.
After the Planning Commission makes a recommendation on the Site Plan, the applicant shall make any required modifications and submit sufficient copies of the revised Site Plan (as specified on the application form) for Township Board review. The Site Plan and supporting materials shall be submitted at least ten (10) days prior to a scheduled meeting at which Township Board review is desired.
- C. Township Board Determination.
The Township Board shall make a determination based on the requirements and standards in this Ordinance, taking into consideration the comments and recommendations of the Planning Commission, Township administrative officials, and other reviewing agencies. The Township Board is authorized to grant approval, grant approval subject to conditions, or reject a Site Plan in accordance with the guidelines described previously in sub-section 8C.05 A.3.
- D. Recording of Site Plan Review Action.
Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The grounds for action taken upon each Site Plan shall also be recorded in the minutes.
- E. The Site Plan shall be considered valid for one (1) year after the date of approval. The proprietor may be granted one (6) month extension upon recommendation from the Planning Commission and approval by the Township Board.
- F. Upon receipt of preliminary plan approval, the proprietor shall submit the preliminary plan to all authorities as required by local and state regulations and shall deliver two (2) copies of the preliminary plan to the Superintendent of the school district in which the condominium project is to be located.
- G. No installation or construction of any improvements or land balancing or grading shall be made or begun until the final plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

H. Final Plan Approval.

The final plan shall conform substantially to the approved Preliminary Plan and shall be prepared by a Registered Land Surveyor or Registered Engineer. The final plan shall also constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time and conform in all respects with the requirements of the Condominium Act. The procedure for the preparation and submittal of a plan for final approval shall be as follows:

1. Review and Approval Procedures.

- a. At their next scheduled meeting, the Planning Commission shall recommend to the Township Board:
 1. Approval of the final plan if it meets the requirements of this Ordinance and the Condominium Act; or
 2. Rejection of the final plan, if does not meet such requirements.
- b. At their next scheduled meeting following the Planning Commission review of the plan, the Township Board shall:
 2. Approve the plan if it conforms to all provisions of this Ordinance and instruct the Township Clerk to certify on the plan the Township Board approval and date thereof; or
 3. Reject the plan and instruct the Township Clerk to advise the proprietor, explain the reasons for the rejection, and return the plan to the proprietor.
- c. Approval of the final plan shall confer upon the proprietor for a period of two (2) years from the date of Township Board approval, the conditional right that the general terms and conditions under which the final approval of the plan was granted will not be changed.
- d. Upon approval of the final plan by the Township Board, the subsequent approvals required by the Condominium Act shall follow the procedure set forth therein.

2. Conditions of Approval.

In addition to all other requirements of this Ordinance and of the Condominium Act, application for final plan approval shall be made only if the proprietor has complied with the following:

- a. Received approval of the Preliminary plan.
- b. Received approval of the Engineering construction plans for all improvements to be built in accordance with the standards and specifications adopted by the Township Board, and received notification of the issuance of the appropriate county and state construction permits for utilities.
- c. Received certification from the Township Treasurer that all fees required by this Ordinance have been paid, and that engineering review fees and other charges and deposits specified in this Ordinance have been paid.
- d. Received approval of the lot drainage, and the soil erosion and sedimentation plan.
- e. Provided a policy of title insurance currently in force covering all the land within the boundaries of the proposed development, establishing ownership interest of record and other information deemed necessary by the Township.

- f. Deposited with the Township the financial guarantees as may be required by this Ordinance.
- g. The installation of landscaping, street trees and street lights have been required by the Township Board, the proprietor and the Township Board shall have entered into a special agreement to ensure installation.
- h. The Township Board and the proprietor shall have entered into an agreement for the review and inspection of the installation of public improvements and their conformance with the construction plan and the plan.
- i. The proprietor shall have delivered two copies of the Master Deed and Condominium Bylaws final recordable form.

SECTION 8C.06 INTERPRETATION

A. Application of Traditional Definitions.

In the review of preliminary and final plans, as well as engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which have been provided for and which would be made for developments proposed under the Subdivision Control Act. However, the review of plans submitted under this Ordinance shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Subdivision Control Act, including, without limitation, conformance with all requirements of the Oceola Township Zoning Ordinance, as amended.

B. Conflict with Existing Regulations.

These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the State of Michigan or Livingston County except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations. Nothing in this Ordinance shall be construed as requiring a Site Condominium Subdivision to obtain plat approval under the Subdivision Control Act.

Adopted 06/06/96 Effective 06/12/96