

ARTICLE 18

SITE CONDOMINIUMS

Section 18.01 Purpose.

Pursuant to the authority conferred by the Condominium Act, P.A. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), condominium subdivision plans shall be regulated by the provisions of this Ordinance as site condominiums. The intent of this Article is to ensure that all site condominium subdivisions are developed in compliance with all applicable requirements for the zoning district where the project is located, and all regulations, standards and review procedures for single-family residential subdivision developments that have been or are being established under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and any applicable Township Codes and Ordinances, including the Quincy Township Subdivision Regulations.

With respect to the review of site condominium plans under this Article, the Township recognizes that it may not always be practical or feasible to precisely apply traditional definitions and measures applicable to developments regulated under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and the Township Codes and Ordinances. Such review shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and any applicable Township regulations including the Quincy Township Subdivision Regulations, except that nothing in this Article shall be construed as requiring a site condominium development to obtain plat approval. Site condominium developments are, however, required to obtain site plan approval.

Section 18.02 General Requirements.

A. **Definitions.** The terms and provisions of this article are defined and used both in the context of the Condominium Act, P.A. 59 of 1978, as amended (MCL 559.101 et seq., MSA 26.50(101) et seq.), and in a manner intended to make comparison possible among the terms used in this Article and those used elsewhere in this Ordinance, the Township Subdivision Regulations, and other applicable Township Codes and Ordinances. Specifically:

1. “Subdivision lot” shall be synonymous with the term “site condominium lot.”
2. “Building” or “structure” shall be synonymous with the term “building envelope.”
3. “Tentative preliminary plat” shall be synonymous with the term “preliminary condominium site plan.”
4. “Final preliminary plat” shall be synonymous with the term “final condominium site plan.”
5. “Subdivision” or “single-family residential subdivision” shall be synonymous with the term “site condominium development.”
6. “Proprietor” shall be synonymous with the terms “applicant” or “developer.”

B. **Compliance with Township Codes and Ordinances.** Site condominium developments shall comply with all applicable provisions of this Ordinance and the Township Subdivision Regulations. Each site condominium lot shall be located within a zoning district that permits the

proposed use. The density or intensity of the proposed use, and the size of the building envelope and site condominium lot shall be no greater, and spacing no less than would be permitted if the parcel were subdivided in accordance with the Quincy Township Subdivision Regulations or this Ordinance.

- C. Not more than one (1) primary building or use and any permitted accessory structures shall be located on a site condominium lot. Required yards shall be measured from the street right-of-way or boundaries of the site condominium lot to the nearest edge of the building envelope.

Section 18.03 Condominium Site Plan Review.

Township approval of the condominium site plan, condominium documents and construction plans shall be required prior to the start of construction, expansion or conversion of a site condominium project. No permits for construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in a site condominium development until all necessary approvals have been granted by the Township. Site plan review for site condominium developments shall follow the procedures established for traditional subdivisions in the Township Subdivision Control Ordinance, with the exception of the deadlines for Planning Commission and Township Board review, as explained in subpart (e) below. Site condominium developments shall further be subject to the following: (Amended 2004)

- A. **Preliminary condominium site plan.** A preliminary condominium site plan shall include all plans, survey, sketches, drawings, statements and additional information required by Article 17, particularly Section 17.12 (Information Required for Large Scale and Residential Site Plans). The preliminary condominium site plan shall assign a number to each building envelope and shall describe the nature, location, and size of common elements. The Planning Commission and Township Board shall review the overall plan, including roads, streets, landscaping, parks and open space, and unit configurations for consistency with the provisions of Section 17.13 of this Ordinance (Standards for Site Plan Approval) and the Township Codes and Ordinances.
- B. **Administrative review of condominium documents.** Following preliminary condominium site plan approval by the Township Board, the applicant shall submit condominium documents, including but not limited to the condominium master deed, bylaws and all related exhibits, to the Township for administrative review and approval by the Township Attorney. These documents should specify who is responsible for maintenance of common elements, and should include the method of funding such maintenance activity. Revisions may be required to ensure compliance with applicable laws, ordinances and established Township policies.
- C. **Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.
- D. **Final condominium site plan review.** The final condominium site plan shall include all information required for the approved preliminary condominium site plan and evidence that all necessary state and county agency approvals have been obtained; including utilities, water supply, sewage disposal, drainage, wetlands and roads. Approval of the final condominium site plan shall be contingent upon approval of a development agreement in accordance with Section 18.04 of this Article.
- E. **Review Deadlines.** The Planning Commission shall recommend approval, conditional approval, or denial of a proposed preliminary or final condominium site plan within sixty (60) days after the application was filed with the Township. If no action is taken within sixty (60) days and the review deadline has not been waived, the plan shall be deemed “recommended approved” by the

Planning Commission. Following receipt of the Planning Commission's action, the Township Board shall take action on the preliminary or final condominium plan within ninety (90) days of the date of filing the original application. The applicant has the right to waive these deadlines in writing, pursuant to Section 3.2 of the Subdivision Control Ordinance. (Amended 2004)

Section 18.04 Development Agreement.

The applicant shall enter into a development agreement with the Township, incorporating therein the terms and conditions of final site condominium plan approval, and shall record the same in the Branch County Register of Deeds office. Such an agreement shall be reviewed and approved by the Township Attorney and Township Board prior to the start of construction. The Agreement shall, at minimum, include the following elements:

- A. Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.
- B. Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- C. Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- D. **Maintenance agreement.** An agreement providing for adequate maintenance of common elements, public areas and any storm water retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Township may perform the maintenance and charge the cost thereof to the developer or the condominium association. The Township may require a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees), to guarantee maintenance of the common elements for a two (2) year period after completion.

Section 18.05 Required Improvements.

Construction of utilities, streets, sidewalks, and other improvements may commence only after final approval of the development agreement by the Township Board. Site condominium developments shall further comply with the following:

- A. **Utilities.** To the extent practicable, all utilities, including electric and cable services, shall be underground.
- B. **Monuments.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. The Township may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees). Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor

registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the site condominium plans.

C. **Streets.** Street rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the site plan, with adequate width to accommodate the roadway, sidewalks and public utilities. The developer shall declare easements to the Township for all public water and sanitary sewer lines and appurtenances. Streets shall be constructed in conformance with the applicable engineering standards of Branch County. Street connections shall be provided to all adjacent parcels, as determined to be necessary by the Planning Commission to provide adequate continuity and connectivity to the County road system.

Section 18.06 Development and Maintenance in Accordance with an approved Condominium Site Plan.

It shall be the responsibility of the condominium association to develop, improve, and maintain the site, including the use, buildings and all site elements in accordance with the approved plan and conditions of approval, until the property is razed or a new Condominium Site Plan is approved. Failure to comply with the provisions of this section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

Section 18.07 Revision of Condominium Site Plans and Amendments to Condominium Documents.

A. Any revision to the final condominium site plan that would alter the approved site design, uses or intent and conditions of final condominium site plan approval shall be submitted for review as a revised final condominium site plan following the procedure in Section 18.03 (Condominium Site Plan Review).

B. Any revision to the final condominium site plan that would not alter the approved site design, uses or intent and conditions of final condominium site plan approval may be reviewed following the procedures for administrative site plan review in Section 17.05 (Administrative Review).

C. Any revision to the condominium documents or development agreement that affect the approved final condominium site plan shall be reviewed and approved by the Township Attorney and Township Board.

Section 18.08 Relocation of Boundaries and Subdivision of Condominium Lots.

A. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.

B. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.