

**15.1800      CHAPTER 18  
SITE CONDOMINIUM PROJECTS**

**15.1801      SECTION    18.01   PURPOSE AND SCOPE**

Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of surface or sub-surface vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, Ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Lots or condominium units should be supported by certain infrastructure features, including paved roads, natural gas, municipal water and sanitary sewer.

This Chapter requires preliminary review by the Zoning Administrator and Planning Commission followed by final review and approval by the Zoning Administrator and Township Board of site condominium project plans to ensure that site condominium projects comply with all applicable laws, Ordinances, and regulations, including, without limitation, this Zoning Ordinance, and the Condominium Act, Public Act 59 of 1978, as amended. Site condominium projects may be approved as provided by this Chapter in any zoning district for the uses permitted by the Zoning Ordinance in the zoning district in which the project is located.

**15.1802      SECTION    18.02   DEFINITIONS**

1. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with other applicable laws, Ordinances, or regulations, a "building site" shall be considered to be the equivalent of a "lot".
  
2. Except as otherwise provided by this Ordinance, the following words and phrases, as well as any other words or phrases used in this Chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: common elements; condominium documents; condominium unit; contractible condominium; convertible area; expandable condominium; general common elements; and master deeds.

3. Other terms specific to Site Condominium Projects (Building Envelope; Building Site; Condominium Act; Limited Common Element; Site Condominium Project; Site Condominium Project Plan; and Site Condominium Unit) are defined in Chapter 2 (Definitions).

**15.1803 SECTION 18.03 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION**

1. Prior to final review and approval of a site condominium project plan by the Township Board, a preliminary site condominium project plan shall be reviewed by the Zoning Administrator and the Planning Commission in accordance with the procedures, standards, and requirements provided by this Section.
2. Application for review and approval of a site condominium project plan shall be initiated by submission to the Township Clerk of a minimum of ten (10) copies of a preliminary site condominium project plan which complies with the requirements of Section 18.06 of this Chapter and an application fee in accordance with the fee schedule established by resolution of the Township Board.
3. The Township Clerk shall forward the copies of the preliminary plan to the Zoning Administrator who shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six (6) months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the Planning Commission on completion of his review together with any comments.
4. The Planning Commission shall review the preliminary site condominium project plan in accordance with the standards and requirements of this Ordinance for Site Plan Review, and in accordance with the following additional standards and requirements:
  - A. In its review of a site condominium project plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed project, and compliance of the proposed project with all

requirements of the Condominium Act or other applicable laws, Ordinances, or regulations.

- B. The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, side, and rear yards, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side, and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side, or rear boundary of the building envelope. With regard to building height, the condominium documents shall expressly provide that no building shall exceed the maximum building height permitted by the applicable zoning district regulations.
- C. If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Ottawa County Road Commission. All private streets in a site condominium project shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements and any other applicable standards of this Ordinance for Private Roads.
- D. The site condominium project shall be connected to the Township's water and sanitary sewer facilities, if available. The Township's water and sanitary sewer facilities shall be determined to be available if there is municipal water supply main or sanitary sewer line to which connection can be made within two thousand, seven hundred (2,700) feet of the site condominium's nearest common element and the connection can be engineered. If public water and sanitary sewer facilities are not available, the Site Condominium Project shall either be served by a private central system designed for connection to a public system when and if a public system is made available, or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Ottawa County Department of Health and the Township in accordance with applicable standards.
- E. The proprietor shall install street lighting fixtures in accordance with the specifications of the electrical utility which supplies electricity to the site condominium project. A light district shall be established under the relevant provisions of State law. The developer shall petition for the establishment of a street lighting

special assessment district under the relevant of State law. Any cash deposit or bond made under this subsection shall be returned to the developer on application to the Township Clerk after the light fixtures have been installed. The developer shall either:

5. Install the light fixtures prior to the issuance of any building permits for structures on any site in the site condominium project; or,
6. At the time of application for final approval of the site condominium, deposit with the Township Clerk an amount of money or a bond in a form which is acceptable to the Township Board, equal to the cost of installing the light fixtures and a copy of the petition demonstrating that application for a special assessment district has been made.

**15.1804 SECTION 18.04 PLANNING COMMISSION RECOMMENDATIONS**

1. The Planning Commission shall hold a public hearing on the preliminary site condominium project plan. The public hearing shall be noticed in accordance with requirements of the Zoning Act for special land uses.
2. After reviewing the preliminary site condominium project plan, and after holding a public hearing, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board. (amend. by Ord. 493 eff. December 28, 2010)

**15.1805 SECTION 18.05 REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD**

1. After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of ten (10) copies of a final site condominium development plan which complies with the requirements of this Section and of Section 18.06 of this Chapter. The Township Clerk shall forward the copies of the final plan to the Zoning Administrator who shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A correct application may be submitted without payment of a new application fee within six (6) months of the return of any plan to an applicant. If the plan is complete, the Zoning Administrator shall forward it to the Township Board on completion of his review together with any comments.
2. The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning

Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission as provided by this Chapter prior to approval of the plan by the Township Board.

3. After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny, or approve with conditions, the plan in accordance with the standards provided by Section 18.03, and other applicable procedures, standards, and requirements provided by this Chapter.
  
4. As a condition of approval of a final site condominium project plan:
  - A. The Township Board shall require that the plan be submitted to the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commission, Michigan Department of Natural Resources, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies or their successors ("the Agencies") having direct authority over any aspect of the proposed site condominium project.
  
  - B. The Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township as provided by the Township Zoning Act.
  
  - C. The Township may impose additional reasonable conditions of approval as provided by the Site Plan Review and any other provisions of this Ordinance, any other Township Ordinance, state law or regulations, or any other applicable law or regulation.

**15.1806      SECTION    18.06   CONTENTS OF SITE CONDOMINIUM PROJECT  
                 PLANS**

A condominium project plan shall include the documents and information required by Section 66 of the Condominium Act and by this Chapter of this Ordinance as determined necessary by the Planning Commission for review of a preliminary plan or by the Township Board for review of a final plan, and shall also include the following.

1. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
2. A storm drainage and a storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.
3. A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair, and maintenance of all utilities.
4. A narrative describing the overall objectives of the proposed site condominium project.
5. A narrative describing the proposed method of providing potable water supply, waste disposal facilities, and public and private utilities.
6. A street construction, paving, and maintenance plan for all private streets within the proposed condominium project.

**15.1807 SECTION 18.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN**

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium project plan as approved by the Township Board, including any conditions of approval.

**15.1808 SECTION 18.08 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS**

No construction, grading, tree removal, soil stripping, or other site improvements or changes shall be commenced by any person and no building, construction, or grading permits shall be issued by the building inspector for a site condominium project until:

1. A final site condominium project plan has been approved by the Township Board;

2. All conditions to commencement of construction imposed by the Township Board have been met; and
3. All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.

**15.1809 SECTION 18.09 EXPANDABLE OR CONVERTIBLE  
CONDOMINIUM PROJECTS**

Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards, and requirements of this Chapter.

**15.1810 SECTION 18.10 REVISIONS OF APPROVED FINAL SITE  
CONDOMINIUM PROJECT PLAN**

Any proposed changes to an approved final site condominium project plan shall be reviewed by the Planning Commission and reviewed and approved by the Township Board as provided by this Chapter for the original review and approval of preliminary and final plans.

**15.1811 SECTION 18.11 INCORPORATION OF APPROVED PROVISIONS  
IN MASTER DEED**

All provisions of a final site condominium project plan which are approved by the Township Board as provided by this Chapter shall be incorporated, as approved, in the master deed for the site condominium project. A copy of the master deed as filed with the Ottawa County Register of Deeds for recording shall be provided to the Township within ten (10) days after filing the plan with the County.

**15.1812 SECTION 18.12 APPROVAL EFFECTIVE FOR ONE (1) YEAR**

Approval of a final site condominium project plan by the Township Board shall be effective for a period of one (1) year. This one (1) year period may be extended by the Board in its discretion for additional periods of time as determined appropriate by the Board if the extension is applied for by the applicant within the effective period of the approval.

**15.1813 SECTION 18.13 EXEMPTION OF EXISTING PROJECTS**

This Chapter shall not apply to a site condominium project which is determined by the Township Board to have met the following conditions as of the effective date of this Chapter (an "existing project"):

1. A condominium master deed was recorded for the project with the Ottawa County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and Ordinances; and
2. The existing project fully complies with all other applicable requirements under Township Ordinances in effect on the date when the condominium master deed was recorded.

The exemption provided by this Section shall apply only to an existing project precisely as described in the condominium master deed recorded for the existing project on the effective date of this Chapter, and not to any subsequent expansion, conversion, or replatting of the existing project or subsequent modification or amendment to the master deed which shall be fully subject to the review and approval requirements as provided by this Chapter.