

ARTICLE 22.00

CONDOMINIUM DEVELOPMENT STANDARDS AND PROCEDURES

Section 22.01 Intent

The intent of this Article is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership. This article is not intended to prohibit or discourage development of condominium projects within the Charter Township of Bangor.

Section 22.02 Standards

A. Definitions

Definitions of condominium terms contained in Article 3, Definitions, are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots, and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.

B. Applicability of District Regulations

Site condominium projects in any residential district shall comply with all zoning district setback, height, coverage, and area restrictions in the same manner as these standards would be applied to platted lots in a subdivision.

C. Applicability of Subdivision Regulations

Unless otherwise permitted or specified in these provisions, site condominium projects shall conform to the design, layout, and improvement standards in the Charter Township of Bangor Subdivision Control Ordinance. The plat review and approval process required by the Subdivision Control Ordinance shall not apply to site condominiums. The review process shall be as stipulated in 19.02.

D. Modification of Design Standards

The Planning Commission may recommend approval of a modified design standard in a particular application where it can be demonstrated that the modified standard meets sound planning, safety, and engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.

E. Applicability of Private Road and Public Street Standards

Private roads, curbs and gutters, and driveways within site condominiums must meet the road design, construction, and maintenance agreement requirements of Article 20.00. The review and approval process for site condominiums shall follow the process described in Section 22.03. Any condominium with public streets shall meet the standards of and be accepted by; the Bay County Road Commission.

F. Utilities

The condominium plan shall grant utility easements or the right of access to utility easements as required by the Township to construct, operate, inspect, maintain, repair,

alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water, and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

Section 22.03 Review Process for Site Condominiums

Prior to the issuance of a building permit for construction of a site condominium project, the project must be reviewed and approved by the Planning Commission according to the following procedure. Any condominium project, not considered a site condominium, shall not be required to follow this review procedure, and shall be required to follow the site plan review process as described in this Ordinance.

A. Concept Plan Review

1. Planning Commission Recommendation

The applicant shall submit a concept plan, with information listed in Section 22.03.F, for review by the Planning Commission. If the information submitted for concept plan approval is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the information for further consideration. The Planning Commission shall impose conditions on the concept plan as deemed necessary to comply with concept plan review standards of this Article. The Planning Commission shall recommend approval, approval with conditions or denial of the concept plan to the Township Board. All conditions imposed by the Planning Commission on the concept plan shall be resolved prior to submittal of the plans for final review as further provided herein.

2. Township Board Review

The Township Board shall review the concept plan for conformance to the review standards of this Article and the recommendation of the Planning Commission and any conditions of such recommendation and approve, approve with conditions, or deny the concept plan. Township Board approval of the concept plan shall be valid for a period of twelve (12) months. During this time period the applicant must submit an application for final plan approval.

3. Concept Plan Information

The concept plan shall include all information indicated as required for the concept plan in Section 22.03.F.

4. Review Standards

In reviewing the concept plan, the Planning Commission shall consider whether the project conforms to the appropriate design and layout standards of the Subdivision Control Ordinance, the requirements for site plan review, as well as any other applicable Ordinances. A review by the Township Engineer may be required at the concept review stage.

5. Review by Outside Agencies The applicant shall submit the concept plan, as

approved, to those outside agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies shall include but not be limited to the County Road Commission; County Drain Commissioner; County Health Department; Michigan Department of Transportation; and Michigan Department of Natural Resources.

B. Final Site Plan Review

1. Planning Commission Recommendation

Following submittal of the concept plan to applicable outside agencies, the applicant shall revise the plan, if required, and shall submit a final site plan to the Planning Commission. The final site plan submittal shall include evidence that the plan was submitted as required for outside agency review and shall include all review letters that have been obtained. If the information submitted for final site plan approval is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the information for further consideration.

If major modifications to the final plan are required as a result of outside agency review, the plan shall be re-submitted for concept plan review. A determination of a major modification shall be made by the Planning Commission and shall follow the guidelines outlined in Section 22.03.E. The Planning Commission shall review the final site plan, along with comments by outside agencies, and shall recommend approval, approval with conditions or denial of the final site plan to the Township Board.

2. Township Board Review

After receipt of a recommendation from the Planning Commission, the Township Board shall review the final site plan and related documents and approve with conditions or deny the request for final approval.

3. Final Site Plan Information

The final site plan must include all information indicated as required in Section 22.03.F

4. Document Submittal Requirements

All pages of all documents submitted must include the name of the project, name of the engineer, date submitted, date of original drawing and date of all revisions. Final documents must be verified by the developer/owner including a listing of all voided and current drawings.

5. Review Standards

In reviewing the final site plan, the Planning Commission and Township Board shall consider whether the project meets the design and layout standards of the Subdivision Control Ordinance, standards for site plan review, and any other applicable Ordinances. The Planning Commission and Township Board may also consider comments of the Township Attorney, and other Township officials regarding the proposed condominium by-laws and master deed and shall require any necessary modifications to these documents.

C. Review and Final Documents

The Township shall review construction plans and establish any necessary financial guarantee requirements, and to confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities, shall be submitted in accordance with Section 22.03.K. Final by-laws and condominium documents shall be submitted in accordance with Section 22.03.L.

D. Site Plan Amendments

Proposed amendments to an approved condominium site plan shall be submitted to the Building Official for a determination by the Planning Commission of whether such amendments constitute a major or minor modification to the approved site plan. Major amendments shall require a complete re-review of the project beginning with concept plan review. Minor amendments shall require a re-review and approval beginning with the final site plan review.

E. Guidelines to Distinguish Major and Minor Amendments

1. Major Amendments

Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or location of drainage facilities, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation or that increase the density or intensity of the project.

2. Minor Amendments

Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads or the size or location of approved drainage facilities or other changes which do not increase traffic volumes or circulation or the intensity or density of a project. For example, a proposal to eliminate or add an access point, or to increase the number of residential units would be a major amendment. A proposal to decrease the number of residential units or to adjust the location of an approved road would be a minor amendment.

F. Table of Site Condominium Submittal Requirements

| SUBMITTAL REQUIREMENTS | Concept Plan | Final Site Plan | Final Documents |
|---|--------------|-----------------|-----------------|
| An application form and payment of review fees established by the Township Board. | O | O | O |
| Name(s) and address of the applicant and the owner of record of the subject site. The applicant shall indicate interest in the land as land contract interest, or fee simple ownership. | O | O | O |
| Names, address and professional seals of the designer, | | | |

| SUBMITTAL REQUIREMENTS | Concept Plan | Final Site Plan | Final Documents |
|---|--------------|-----------------|-----------------|
| engineer or land surveyor who designed the site condominium layout. | | O | O |
| Location by Section, Town, and Range, or by other legal description, and an area map showing the general relationship of the proposed site condominium project to the surrounding area within one-half mile at a scale of not less than 1" = 500'. | O | O | O |
| Proposed name of subdivision, site condominium project. | | O | O |
| The appropriate number of copies of the submitted plans on paper not greater than twenty-four (24) inches by thirty-six (36) inches drawn to an engineers scale no smaller than 1" = 100'. For large projects, one overall plan shall be provided, with sections at a larger scale such as 1" = 20'. | O | O | O |
| Date, revision dates, and north arrow. | O | O | O |
| EXISTING SITE INFORMATION | | | |
| Site Analysis including general topography, wetlands, and woodlands. | O | O | |
| Lines and dimensions for the site condominium project boundaries. | O | O | O |
| Boundaries and dimensions for any phase. All phases shall be numbered in the order in which they are intended to be constructed. | O | O | O |
| All existing and proposed property lines in or within two hundred (200) feet of the proposed site condominium project. Existing lines should be graphically distinguished from proposed lines. | | O | O |
| Zoning district classification for all land parcels within and adjacent to the site condominium site. | O | O | O |
| Boundaries of floodplain or wetlands regulated by the MDEQ, with documentation and credentials supporting that the boundary was determined by a qualified firm or individual. | | O | O |
| Existing buildings or other structures in or within one hundred (100) feet of the proposed site condominium project. | | O | O |
| NATURAL FEATURES | | | |
| Topography drawn as contours at an interval of not less than two (2) feet for the subject site and a general description of topography within one hundred (100) feet of the site. Topography shall be based on U.S.C. and G.S. Datum. Existing and proposed topography lines shall be shown in a manner that is easily distinguishable. | | O | O |
| Boundaries of wetlands regulated by the MDEQ as established by a qualified wetland consultant. | general | O | O |

| SUBMITTAL REQUIREMENTS | Concept Plan | Final Site Plan | Final Documents |
|---|--------------|-----------------|-----------------|
| Location of eight (8) inch or greater caliper trees and woodland canopy. | general | O | O |
| Location and elevation of any floodplain areas. | general | O | O |
| LOT ARRANGEMENT | | | |
| Layout of lots. | O | O | O |
| Lot information including numbers, dimensions square footage per lot. | | O | O |
| Building setbacks: dimensions of required building front, side, and rear yard setbacks (i.e., building envelopes). Distances from any shoreline or wetland boundary should be clearly dimensioned. | | O | O |
| An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the site plan. If the applicant has an interest or owns any parcel identified as "excepted," the condominium site 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 site plan in terms of utilities, streets, and land uses. | O | O | O |
| STREETS | | | |
| Traffic impact analysis if required | | O | O |
| Name, location, and existing and planned right-of-way widths of existing or proposed public or private streets in or within two hundred fifty (250) feet of the site. | O | O | O |
| Method of connection with adjoining street system. | O | O | O |
| General layout of proposed streets. | O | O | |
| Names of proposed streets. | | O | O |
| Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc. | | O | O |
| Street Lighting: the location for any streetlights shall be shown. A diagram of a typical streetlight planned to be installed shall be provided. | | O | O |
| Location of school bus stops and documentation from the school district. | | | O |
| SIDEWALKS AND BIKEPATHS | | | |
| Locations of proposed sidewalks, bike paths and similar facilities. | | O | O |
| Details on the width, materials, grades, etc. | | O | O |
| MAILBOX CLUSTERS | | | |
| Proposed location of mailbox clusters, if applicable. | | O | O |

| SUBMITTAL REQUIREMENTS | Concept Plan | Final Site Plan | Final Documents |
|---|--------------|-----------------|-----------------|
| Details on mailbox cluster design and letter from Post Office. | | O | O |
| LANDSCAPE PLAN | | | |
| A general conceptual landscape plan illustrating buffer zones and greenbelts. | O | O | |
| Location and details of street trees, buffer zones and greenbelts including plant lists. | | O | O |
| Cost estimates for all landscape improvements. | | O | O |
| Entry Features: A detailed drawing to scale of any proposed entrance features including dimensions of boulevards, walls, landscaping signs or lighting. | | O | O |
| PUBLIC RESERVATIONS AND EASEMENTS | | | |
| Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision. | general | O | O |
| Documentation of dedication or reservation | | | O |
| Existing or proposed easements in or within one hundred (100) feet of the site. Information should include the width and purpose for all easements. | | O | O |
| UTILITIES | | | |
| General layout of water and sanitary sewer lines. | O | | |
| Sewage disposal: Location and sizes of lines, or location of septic fields, for sewage disposal by a method approved by the Bay County Health Department or the MDEQ and the Township Board. Utility information shall be shown for the site and for a distance of two hundred (200) feet outside of the site. | | O | O |
| Water system: Location and sizes of lines, or location of wells for proposed water supply by a method approved by the Bay County Health Department or the MDPH (Michigan Dept. of Public Health) and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site. | | O | O |
| Location, sizes, and other information on underground utilities present and other proposed utilities. Utility information shall be shown for the plat and for a distance two hundred (200) feet outside of the plat. | | O | O |
| General plans for storm water. | O | | |
| Drainage: An indication of storm drainage proposed by methods acceptable to the Township and/or the Bay County Drain Commissioner. Storm water runoff calculations shall be provided to analyze the adequacy of proposed drainage facilities. | | O | O |

| SUBMITTAL REQUIREMENTS | Concept Plan | Final Site Plan | Final Documents |
|---|--------------|-----------------|-----------------|
| Construction cost estimate of utilities, roads, and other facilities to establish financial guarantee requirements. | | | O |
| CONDOMINIUM DOCUMENTS | | | |
| Master deed and bylaws. | | draft | O |
| As-built plans. | | | O |

G. Boundary Relocation

The relocation of boundaries between adjoining condominium units as defined and restricted in Section 148 of the Condominium Act (only permitted if expressly permitted by the condominium documents) shall conform to all setback requirements of the district in which the project is located, shall be submitted to the Township Board for review and approval and these requirements shall be made a part of the bylaws and recorded in the master deed.

H. Subdivision of Unit Sites

Subdivision of condominium unit sites or lots is permitted subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval and shall be made as part of the bylaws and recorded as part of the master deed.

I. Water and Wastewater

The condominium project shall comply with and meet all federal, state and county standards for a freshwater system and wastewater disposal.

J. Master Deed

The project developer shall furnish the Township with the appropriate number of copies of the proposed consolidated master deed, bylaws, and proposed plans. The master deed and bylaws shall be reviewed for compliance with Township Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean-out such drainage ways to keep them functioning as intended in the approved drainage plan. The Master Deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform with Township, County and state laws and regulations. The Master Deed shall also include any variances granted by township, county or state authorities and include a hold harmless clause from these variances.

Master Deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the Township Board for review and approval. Fees for these reviews shall be as established, from time to time, by the Township Board.

K. As-built Plan and Occupancy

Submission of an as-built plan of a condominium project is required. The Building Official may allow occupancy of the project before all improvements required are installed provided that an acceptable financial guarantee is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate.

L. Final Bylaws, Consolidated Master Deed and Final Site Plan

Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and consolidated master deed. A site plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

M. Survey and Monument Requirements

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 Building Official may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer shall deposit with the Township an acceptable financial guarantee in an amount to be determined by the Township based on the actual cost to set the monuments and irons as required. 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 shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. Road rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate any required easements to the Township and/or County for all public water and sanitary sewer lines and appurtenances.

N. Compliance with Other Statutes and Ordinances

All condominium projects shall comply with federal, state, and local laws, statutes, and ordinances.