

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

SECTION 920: SITE CONDOMINIUM DEVELOPMENTS:

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvement initiated. The Planning Commission may consult with the Township Attorney, Township Engineer, and the Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

1. Definitions:

- a) Condominium Act: means Act 59 of 1978, as amended.
- b) Condominium Subdivision: shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- c) Condominium Subdivision plan: means the site, survey and utility plan; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- d) Condominium Unit: means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- e) Consolidating Master Deed: means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- f) Contractible Condominium: means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g) Conversion Condominium: means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

- h) Convertible Area: means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - i) Expandable Condominium: means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - j) Lot: shall mean the same as "Homesite" and "Condominium Unit".
 - k) Master Deed: means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
2. The review process shall consist of the following two steps:
- a) PRELIMINARY PLAN REVIEW: In the preliminary review phase, the Planning Commission shall review the overall plan for the site. Including but not limited to basic road and lot configurations and the consistency of the plans with all applicable provisions of the Riley Township Zoning Ordinance and Master Land Use Plan.
 - b) FINAL PLAN REVIEW: Final site condominium approval would be based upon approval from all necessary county and state agencies and the submittal of detailed design.
3. With notice required to be given Riley Township pursuant to Section 71 of Public Act 59 of 1978, as amended, a person firm, or corporation intending to develop a condominium development shall provide the following information for the preliminary plan review:
- a) The name address and telephone number of:
 - 1.) All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (i.e. fee owner, optionee or land contract vender).
 - 2.) All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
 - 3.) The developer or proprietor of the condominium development.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

- b) The legal description of the land on which the condominium development will be developed together with the appropriate tax identification number(s).
 - c) The acreage content of the land on which the condominium development will be developed.
 - d) The purpose of the development (i.e. residential, commercial, industrial, etc.)
 - e) Number of condominium units to be developed on the subject parcel (may be shown as stage one, two,...) Each stage must have a preliminary and a final approval by the Planning Commission prior to construction beginning.
 - f) Application(s) of the well system(s) contemplated.
 - g) Application(s) of the septic system(s) contemplated.
 - h) A survey plan of the condominium subdivision.
 - i) A flood plain plan, when appropriate.
 - j) A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township, when applicable, for installation, repair and maintenance of all utilities. All utilities must be underground.
 - k) A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision. All streets, roads, etc. must meet St. Clair County Road Commission standards.
 - l) A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities. A Soil and Sedimentation Permit from the governing government agency (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011) must be obtained if disturbing any earth within five hundred (500') feet of a river, drain or natural watercourse.
4. Each building site shall have direct access to a public street, road and or highway as defined in Article 9: Section 912.
5. There shall be compliance with all requirements of Article 8: Area, Width, Setback and Height Regulations.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

6. Encroachment Prohibited: Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
7. Relocation of Boundaries: The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of the Riley Township Ordinance for the district in which the project is located, shall be approved by the Planning Commission, and this requirement shall be made part of the bylaws and recorded as part of the master deed.
8. Subdivision of Condominium Units: All subdivision of individual condominium units shall conform to the requirements of Riley Township Ordinance for minimum lot width, lot area, and building setback requirements, shall be approved by the Planning Commission, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
9. Mobil Home Condominium Project: Mobile Home Condominium projects shall conform to all requirements of Riley Township Ordinance and shall be located only in the R-1 District.
10. Prior to issuance of building permits for site condominium units, the developer shall demonstrate approval by the Township, County, and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage and other utilities. Prior to issuance of building permits the Building Inspector must review and approve the building plans. As to the phase in which the unit is located, prior to the issuance of a building permit, the Building Inspector shall determine that all improvements such as, but not limited to, roads, water supply, sewage disposal, storm drainage and other utilities have been completed in accordance with approved plans.
11. With respect to each building envelope, within ninety (90) days following final inspection and Certificate of Occupancy being issued for the improvement, the developer shall submit to the Building Inspector an "as built" survey which includes dimensions between each improvement and the boundaries of the building site. Monuments shall be located in the ground in accordance with MCL 560.125.
12. The fees for all reviews shall be established by resolution of the Township Board.

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE IX
GENERAL PROVISIONS

13. Amendment or Termination of Condominium Project: If there is no co-owner other than the developer, the developer with the consent of any interested mortgagee, may unilaterally terminate the condominium project or amend the master deed. Any proposed amendment or termination of a Master deed which would involve any subject matter reviewed or reviewable under this Ordinance shall be reviewed and approved by the Planning Commission prior to recordation.