

**PLANNING**

**112.000      TOWNSHIP SITE CONDOMINIUM ORDINANCE  
ORDINANCE NO. 150**

Adopted:        March 10, 1997  
Effective:       March 24, 1997

**112.100      GENERAL PROVISIONS**

**A.      Title.**

This Ordinance shall be known as the “Township Condominium and Site Condominium Ordinance.

**B.      Purpose.**

The purpose of this Ordinance is to regulate and control the development of land within the Township under the provisions of the Condominium Act, P.A. 59 of 1978 and shall be reviewed with the objective interest of achieving the same source characteristics and land use results as if the development and improvements were being proposed in accordance with the Land Division Act, Public Act 591 of 1996, as amended pursuant to P.A. 87 of 1997, and P.A. 288 of 1967, as amended, including all requirements of the Township Zoning Ordinance. It is the intent of the Township to insure that the appearance of the project and size of the building site are equivalent to the appearance of a subdivision and to the minimal lot size of the zoning district in which the project is located and in so doing to treat such development in the same manner as a development under the Land Division Act.

**C.      Definitions.**

***Building site.*** A portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public or private street or road.

***Common elements.*** The portions of a condominium project other than the condominium units.

**Condominium project.** A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

**Condominium subdivision plan.** The plan, as required in this Ordinance, including but not limited to, the survey, utility plans, building site, the existing and proposed structures and improvements including their location on the land.

**Condominium unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.

**Consolidating master deed.** 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.

**Contractible condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Limited common elements.** The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.

**Lot.** A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered or otherwise designated, which has frontage on a public or private street or road.

**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.

**Parcel.** A continuous area, tract or acreage of land, which has not been divided or subdivided (i.e., platted) pursuant to, and/or in accordance with, the Land Division Act, Public Act 591 of 1996, as amended pursuant to P.A. 87 of 1997, and Public Act 288 of 1967, as amended.

**Setback.** The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the property lines of the lot, parcel or building site upon which the same is situated from adjacent buildings or structures or from public or private rights-of-way.

**112.200****CONDOMINIUM/SITE CONDOMINIUM PROCEDURES****A. Submission of Preliminary Site Condominium Plan Development for review and recommendations (Step One approval).**

An applicant for a condominium or site condominium shall follow a three step process as outlined within this ordinance. For those projects that are not deemed “site” condominium projects, they shall also adhere to this three step process unless such project is simply a conversion to condominium form of ownership. In that instance, there must be an approved site plan by the Planning Commission and no changes to the site are required or proposed in support of this change in ownership. For such projects, they shall generally follow Step 3 provisions only, with this leading to Township Board approval and recording of their master deed.

Every person, firm or corporation which shall hereafter submit a proposed preliminary condominium subdivision plan to the Township Planning Commission for tentative approval shall submit not less than 10 legible copies of said proposed preliminary plan. All required documents must be submitted to the Clerk at least 28 days before the meeting/public hearing at which the request for approval is to be heard. Said condominium subdivision plan should be drawn by a Registered Civil Engineer. Said copies must contain, as a minimum, the following information and fees (Ord. No 208):

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. A legal opinion showing the legal and equitable owners of the land to be platted, plus all grants, reservations, deed restrictions and easements of record which condition the use of the property.
5. Indicate scale of the plan (maximum scale shall be 100 feet to an inch).
6. Show relief of area proposed to be platted with not more than 4-foot contour intervals.
7. Indicate road layout and the type of street construction and drainage structures or facilities intended to be installed.
8. Indicate lot layout, showing size and shape of proposed lots.
9. Indicate whether proposed development will be served by sanitary sewer and/or water.

10. Indicate the general location and size of any floodplain possibly located within the area to be developed.
11. Indicate in general the methods proposed for stormwater disposal.
12. When the proprietor owns and anticipates developing adjoining land, he shall submit, within the preliminary plat for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
13. Indicate property lines of adjacent tracts of land shown in relation to the tract being proposed for development, including those areas across abutting roads.
14. Letter from the Kalamazoo County Road Commission and the State Highway Department, where applicable, with said agencies' recommendation to the Township as to the suitability of the street layout and conformity to the location, alignment and construction requirements of such commission and/or department.
15. Indicate location of sign(s) identifying the development and include a detailed description of such. Sign(s) must meet requirement set forth in Section 120.320.
16. Indicate the location of proposed street lights with a letter of agreement by the developer that the same shall be added to the Township's general street light district unless a waiver is granted from such requirement by the Township Board.
17. Indicate location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for development.
18. Indicate the location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the projects area have a caliper of twelve (12) inches or greater at a height of two (2) feet above existing grade.
19. A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by Township Board resolution.

**B. Township Planning Commission--Preliminary Condominium Subdivision Plan Initial Review and Recommendation.**

Upon receipt of copies and fees of said proposed condominium subdivision plan for tentative approval, the Township Planning Commission shall examine said proposed preliminary plan with such assistance and review by the Township Engineer and the Township Attorney, as the Board shall require. Developer shall forward one copy of said proposed preliminary condominium subdivision plan to the County Planning Commission for recommendation. The Township Planning Commission shall determine whether said proposed preliminary condominium subdivision plan complies with all Township Ordinances and State Statutes as well as makes adequate provision for the following:

**1. Streets and Roads:**

- a. Compliance with a major street thoroughfare plan adopted by the Township, if any.
- b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new condominium project.
- c. Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas; provided, however, that minor streets within the subdivision shall be so laid out that their use by through traffic will be discouraged.
- d. Direct access to a county primary road or major thoroughfare shall be prohibited for all building sites abutting such roads or thoroughfares. Where the proposed development abuts or contains a county primary road or major thoroughfare as defined in the township Major Thoroughfare Plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of thorough from local traffic.
- e. All new streets/roads shall be named as follows: Streets with predominant north-south directions shall be named, "Street"; streets with predominant east-west directions shall be named, "Avenue"; meandering streets shall be named, "Drive", "Lane", "Path", "Road", or "Trail", etc., and cu-de-sacs shall be named, "Circle", "Court", "Way", or "Place", etc.
- f. Streets should intersect at 90° or closely thereto and in no case less than 80°.
- g. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
- h. The maximum length allowed for residential blocks shall be 1320 feet.
- i. All public roads serving the development and the point of access abutting such development shall be approved by the Road Commission of Kalamazoo County.

- j. A condominium development or extension of an existing development creating a total of 50 or more lots must be developed so as to provide 2 or more access streets.

**2. Private Streets/Roads:**

Private streets/roads must meet all criteria set forth in Section 112.200 (B)(1), in addition to the following:

- a. Determination for Private Streets/Roads.

Private streets/roads may be permitted by the Township Board, after preliminary review by the Planning Commission, if the Township Board finds that private streets/roads within the plat will not adversely affect public health, safety or welfare. In determining same, the Board shall consider:

- (1) The number of dwelling units or lots to be served by said streets;
- (2) The layout of the proposed development;
- (3) Ability to access with emergency vehicles;
- (4) Whether the street/road will serve as a link between different public streets/roads; and
- (5) All other relevant factors.

- b. Procedural Requirements:

- (1) *Preliminary Approval for Private Street/Road Approval.* Prior to the commencement of the installation, construction or establishment of a private street or road within the scope of this section, preliminary private road approval must be obtained from the Township Planning Commission (to be considered during Step-One Approval).

In order to obtain private street/road preliminary approval, the following must be provided to the Planning Commission:

- (a) Application for preliminary private street/road approval;
- (b) Initial plans and specifications regarding the design and proposed construction of the private street or road;
- (c) Any and all easements required herein;

- (d) Maintenance agreement required herein; The maintenance agreement shall be separate from all other condominium documents and shall provide unequivocal notice that the streets/roads within the development are private and will not be maintained by the Township but shall be maintained by the abutting land owners regardless of whether the condominium associates and/or the condominium development is dissolved.
- (e) A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by the Township Board.

(2) *Final Approval of Preliminary Private Street/Road.* At the time the Township Board considers the preliminary site condominium plan for final approval (Step-Two Approval) the Township Board shall consider the final approval of the preliminary private street/road. Approval shall be issue if the Township Board determines that a private street will not adversely affect the public health, safety or welfare pursuant to sub-part (a) above and the same is reviewed and approved by the Township Engineer.

(3) *Final Private Street/Road Approval.* Prior to issuance of building permit, final private street/road approval must be obtained from the Township. Final private street/road approval shall be issued after the construction of a private street or road for which preliminary approval was granted, and after review and approval of said private street or road by the Township's engineer.

(4) *Other Permits.* Nothing in this section shall relieve any person, firm, corporation or other entity from compliance with other permit requirements of the County or State.

c. Design and Construction Requirements:

All private streets or roads within the scope of this section shall comply with the following standards and requirements of design and construction:

- (1) All streets or roads shall be located upon a right-of-way of not less than 66 feet.
- (2) All streets or roads shall be paved and constructed in accordance with Kalamazoo County Road Commission standards and specifications.

- (3) The condominium project shall be furnished a minimum of two access streets connecting same to a public street or streets unless the Township Board grants a variance from such requirement where, in the opinion of the Board, the additional access(es) would not improve traffic safety because of particular characteristics of the proposed development.

d. Documentary Requirements:

- (1) *Utility Easements.* No private street or road within the scope of this section shall be established unless an easement is provided to the Township within or adjoining said private street or road for all public utilities.
- (2) *Access Easements.* No private street or road within the scope of this section shall be established unless all necessary access easements are provided to the benefited properties and/or to the Township.
- (3) *A Maintenance and Repair Agreement.* No private street or road within the scope of this section shall be established unless a maintenance and repair agreement, recordable with the County Register of Deeds is supplied providing:
  - (a) Legal description(s) of all property enjoining a right to utilize the private street or road, i.e., "benefited properties";
  - (b) Legal description(s) of all right-of-way and public utility easements;
  - (c) Legal description(s) of all property having a responsibility for repair, maintenance and/or snow removal for the private street or road, i.e., "responsible properties";
  - (d) A description of the respective responsibilities, monetary and otherwise, of such responsible party(ies) for repair, maintenance and/or snow removal;
  - (e) The method by which decisions regarding repair, maintenance or snow removal are to be made by the owner(s) of the responsible property(ies);
  - (f) A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefited and responsible property(ies);

- (g) Signatures of all persons having any interest in the property or properties on which the street or road is located, benefited properties and responsible parties.

**3. Lots:**

a. The minimum size of building sites shall be:

(1) Building sites served by public sewer and public water:

- ❖ Single-family residential lots: 80-foot minimum width at the building setback line; 10,560-square-foot minimum area.
- ❖ Two-family residential building sites: 100-foot minimum width at the building setback line; 13,200-square-foot minimum area.

(2) Building sites served by public water or public sewer:

- ❖ Single-family residential lots: 100-foot minimum width at the building setback line; 15,000-square-foot minimum area.
- ❖ Two-family residential lots: 120-foot minimum width at the building setback line; 18,000-square-foot minimum area.

(3) Building sites not served by either public water or public sewers:

- ❖ Must conform with the minimum lot width and minimum lot area as established within the underlying Zoning District in the Zoning Ordinance.

Note: Area located within a floodplain shall not be included in calculating the minimum square foot area required by this Ordinance.

b. The minimum size of building sites abutting more than one street must be sufficient to provide area to meet building setback requirements contained in the Township Zoning Ordinance from all such abutting streets.

c. A building site shall be considered "served" by public water or public sewer where any of the following exist:

(1) The mains exist in the abutting street or other public places and are suitable for connection and service.

- (2) The mains will exist in the abutting streets or other public places prior to the sale of any building sites and will then be suitable for connection and service.
  - (3) A contract has been entered into between the Township and others providing for the extension of the mains to the condominium project and the mains within the plat are constructed prior to or during, the platting of the property in suitable manner for connection to the public system.
  - (4) A legal petition has been filed with the Township Clerk, signed by sufficient property owners under Michigan Public Act 188 of 1954, as amended, requesting the creation of a special assessment district of sufficient size and location to fund a main from the existing main to the proposed condominium project; and mains within the condominium project are either constructed prior to or during the development of the property in suitable manner for connection to the public system.
  - (5) Any combination of the foregoing which provides assurance to the Township that public water or sewer service will be supplied to the development.
  - (6) Other legal arrangements or conditions are provided or exist which, in the absolute discretion of the Township Board, provide assurance that public water and/or public sewer service will be furnished to and utilized in the proposed condominium project in the immediate future and before any substantial development within the plat has been completed.
- d. Any building site created whose rear or side yard abuts an existing road, shall be deemed a corner lot and meet required front yard setbacks.

Note: Building sites must also meet requirements as set forth in Section 120.600 of the Cooper Township Zoning Ordinance.

**4. General Provisions:**

- a. Privately held reserve strips controlling access to streets shall be prohibited.
- b. Existing natural features, which add value to residential development, that enhance the attractiveness of the community (such as streams, watercourses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.

- c. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable should not be developed for residential, commercial or industrial purposes. Such lands within a subdivision may be set aside for other purposes such as parks and/or open space.

**5. Planning Commission Recommendation and Township Board Approval of Tentative Preliminary Plan:**

If the Township Planning Commission determines that the proposed preliminary condominium subdivision plan complies with all applicable requirements, Ordinances and statutes, the Planning Commission shall recommend approval of the tentative preliminary plan to the Township Board. The Township Board approval shall confer upon the proprietor for a period of one year from date of approval for layout and design (lots and streets) purposes. Such tentative approval may be extended at the discretion of the Township Board upon application of the proprietor.

**C. Submission of Preliminary Condominium Plan for Preliminary Final Approval (Step Two approval).**

Every person, firm or corporation which shall hereafter submit a proposed preliminary condominium plan to the Township Board for final tentative approval shall submit not less than 10 legible copies of a said proposed plan. All required documents must be submitted to the clerk at least 21 days before the meeting at which the request for approval is to be heard. Said copies must contain the following relevant data and fees (Ord. No. 208):

1. Evidence that all requirements imposed by the Township Planning Commission at the time of granting tentative approval have been incorporated into the proposed plan.
2. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private roads within and adjoining said condominium project. Prior to submitting copies of the preliminary condominium development plan to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
3. A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by Township Board resolution.
4. A letter from the Kalamazoo County Health Department together with percolation tests and test analysis, with respect to the suitability of the land included in the plat for the use of septic tank, dry wells and tile fields, if individual sewage disposal systems are proposed and public sewage facilities are not available.

**D. Township Board review—Preliminary Condominium Plan—Final Approval.**

Upon receipt of 10 legible copies of the final condominium subdivision plan for final approval, the Township Board shall examine the same with such assistance and review by the Township Engineer and Township Attorney, as said Township Board shall request. Upon completing its review, the Township Board shall determine whether said condominium subdivision plan complies with the requirements imposed by the Township Board at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements or to correct County Road Commission Standards for public roads whichever is greater:

1. All streets/roads both public and private shall be paved and constructed to current Kalamazoo County Road Standards.
2. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 125 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 150 feet. Temporary dead-end streets shall be provided at the closed end with a turnaround constructed the full width of the right-of-way. A permanent dead-end street is defined as one that is not reasonably anticipated to be extended within the following 10 years.
3. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the Township Board, upon recommendation of the Township Engineer, to be granted only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins so spaced that water shall not be required to run on the surface of the road further than 250 feet to such basin, or so spaced as to afford equivalent and sufficient drainage. The determination of what is equivalent and sufficient drainage shall be left to the Township Board upon the recommendation of the Township Engineer.
4. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed condominium subdivision.

5. In the discretion of the Township Board, the proprietor shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plan.
6. Stormwater disposal methods proposed for the condominium subdivision must be adequate to ensure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
7. No building site, outlot or land within the condominium subdivision may be isolated from a public highway, nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
8. Street lighting, in addition to that proposed and approved in Step One, may be required by the Township Board when the Board determines that additional street lighting is necessary for public health and safety and welfare and any such changes shall indicate the location of the proposed street lights in a letter of agreement by the developer that the same shall be added to the Township's general street light district unless a waiver is granted from such requirement by the Township Board.
9. Sidewalks may be required by the Township Board when the Township Board determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete 4 feet in width, 4 inches in depth, upon a 2-inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete 6 inches depth.
10. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot proposed to be included within the subdivided area.

If the Township Board determines that the preliminary condominium development plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this Ordinance, the Township Board shall grant final approval of the preliminary condominium development plan which shall confer upon the proprietor for a period of 2 years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said 2-year period may be extended in the discretion of the Township Board upon application by the proprietor.

**E. Submission of Final Condominium Development Plan for Final Approval (Step Three approval).**

Every person, firm or corporation which shall hereafter submit a proposed final condominium development plan to the Township Board for final approval shall submit not less than 10 legible copies of said proposed plan. All required documents must be submitted to the Clerk at least 21 days before the meeting at which the request for approval is to be heard. Said copies must contain the following relevant data and fees (Ord. No. 208):

1. An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.
2. Evidence that all requirements imposed by the Township Planning Commission and Township Board at the time of the preliminary approval have been incorporated into the proposed plan.
3. A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by Township Board resolution.
4. Letter from Kalamazoo County Health Department confirming that construction of septic tank, dry well or tile field area has been completed as shown on the preliminary plat.
5. One complete mylar(s) of Final Site Condominium Development as constructed, showing lot dimensions, road and utility easements, etc.
6. A Digital copy of Final Site Condominium Development, as approved, in an AutoCAD (.dwg) format or a .DXF format on a disk, CD, or via e-mail to the Township. Each digital copy shall show a minimum of two ties to government section corners. In addition, each digital copy shall include as a minimum the following information:

- ❖ Lot/Unit Numbers
- ❖ Dimensions
- ❖ Lot Lines
- ❖ Boundaries
- ❖ Right-of-Ways
- ❖ Street Names
- ❖ Easements
- ❖ Section Lines & Section Corners
- ❖ Utility Lines (if available)
- ❖ Adjacent Plat Corners (if available)

**F. Review by Township Board--Final Site Condominium--Final Approval.**

The Township Board shall review the proposed Final Development Plan and determine that:

1. All monuments required to be placed in the condominium project have either been placed or a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors.
2. All road, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
3. If the condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the proprietors.
4. If any floodplain are involved in the proposed condominium project, then such floodplain shall be restricted as provided by the Condominium Act, and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the Master Deed or contemporaneously with the recording of the Master Deed.
5. All utilities servicing the plat have been installed and water and sanitary sewer mains have been stubbed to the building site line or a cash or equivalent deposit has been made with the Township Board sufficient in amount of [to] insure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.

6. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Master Deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide, usually 6 feet dedicated from each lot or parcel except side lot easements 3 feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.
7. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by the Township Engineer or a cash or equivalent deposit has been made with the Township sufficient in amount to insure completion within the time specified and a Deposit Agreement executed by the proprietors.
8. The proposed final condominium project complied with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
9. That the Master Deed is executed by all required owners and recorded with the County Register of Deeds and filed with the Township before issuance of any building permits.

**G. Penalty in case of failure to complete the construction of a public improvement.**

In the event the Developer shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the Deposit Agreement executed by the proprietors.

**H. Amendment.**

All amendments to the condominium project shall be submitted for review and approval under Sections 112.200 A. and C.

**I. Consolidation; unit line adjustments; accessory buildings on non-buildable parcels.**

1. The creation, expansion, or contraction of a condominium project must comply with applicable federal, state, and local law, as well as the Master Deed for the condominium project.

2. If otherwise allowed under applicable federal, state, and local law and the Master Deed, the township assessor may adjust condominium unit lines. Such unit line adjustments shall comply with the procedure set forth in Section 111.300 B. for platted subdivisions.
3. If a site condominium unit and a non-buildable parcel are consolidated for tax purposes, as provided for in Section 111.300 C., the non-buildable parcel shall remain non-buildable unless subject to the accessory building exception provided for within the Zoning Ordinance.

**112.300 VARIANCE PROCEDURES**

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Township Board shall have power in passing upon proposed condominium projects to vary to modify any of the terms and provisions of this Ordinance so that the spirit of the Ordinance shall be observed and public health, safety and welfare secured.

**112.400 ENFORCEMENT; VIOLATIONS AND PENALTIES**

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

First offense.....	\$75.00
Second offense within 3 years of first offense.....	150.00
Third offense within 3-year period.....	325.00
Fourth offense within 3-year period .....	500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law. Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance.

**112.500 AMENDMENT PROCEDURES**

The Township Board may from time to time amend supplement or repeal the regulations and provisions of this Ordinance in the manner prescribed by law for the amendment of Ordinances.

**112.600            VALIDITY**

Should any section, clause or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid. Should this Ordinance be found to be invalid to the extent it no longer provides for effective review of condominium developments, the same shall be reviewed under the site plan revision provisions of the Cooper Township Zoning Ordinance, Section 120.430.

**112.700            EFFECTIVE DATE AND REPEAL**

This Ordinance took effect on March 24, 1997. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

*[Amended by Ord. No. 171, Eff. 10/19/2000]*

*[Amended by Ord. No. 199, Eff. 03/18/2004]*

*[Amended by Ord. No. 208, Eff. 8 days after publication]*

*[Amended by Ord. No. 220, Eff. 10/18/2012]*

*[Amended by Ord. No. 238, Eff. 09/27/2016]*

*[Amended by Ord. No. 254, Eff. 05/26/2020]*