

ARTICLE 15

SITE CONDOMINIUM DEVELOPMENT

Sec. 15.01 INTENT

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Board. This Article is intended to regulate condominium projects that will include only one-family detached dwellings.

Sec. 15.02 PURPOSE

The purposes of these condominium regulations are to:

- 1) Provide for the orderly growth and harmonious development of the community.
- 2) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities.
- 3) Achieve individual property sites of maximum utility and liability.
- 4) Secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements.
- 5) Secure adequate provisions for recreational areas, school sites and other public facilities.

Sec. 15.03 DEFINITIONS

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

- 1) Administrator refers to the Zoning Administrator of Otsego Township.
- 2) Condominium Act means Act 59 of 1978, as amended.
- 3) Condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- 4) Condominiums subdivision plan means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium

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subdivision plan shall show the size, location, area, 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.

- 5) Condominium unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- 6) 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.
- 7) Contractible condominium means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- 8) Conversion condominium means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- 9) 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.
- 10) 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.
- 11) Front yard setback shall be equal to the distance between the front yard area line and the condominium dwelling.

- 12) Lot shall mean the same as "Homesite" and "Condominium Unit."
- 13) 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.
- 14) Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
- 15) Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

Sec. 15.04 REVIEW PROCESS

- 1) Preliminary Investigation.
 - a) Prior to the preparation of the condominium subdivision plan, the condominium project developer may wish to meet informally with the Administrator to investigate the procedures and standards of the Township with reference to the condominium project, the provisions of the Township Comprehensive Plan, Zoning Code regulations which affect the area in which the proposed condominium project is located. A condominium project shall be subject to all requirements and standards of the applicable zoning district in which it is located.
 - b) It is the responsibility of the condominium project developer to:
 - 1) Be familiar with all applicable provisions of these Codified Ordinances and the Township construction standards;
 - 2) Investigate the adequacy of existing schools and public open spaces; including parks and playgrounds, to serve the proposed project;
 - 3) Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;

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- 4) Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the Township and the health standards of the County and the State; and
 - 5) Review the applicable State laws.
- 2) For cluster/open space site condominium developments, the standards and requirements of Sec. 16.05 (3) shall be applied.
- 3) Review Procedure
- a) Planning Commission recommendation. The first step of the review process consists of a review of the condominium subdivision plan and a recommendation by the Planning Commission after an administrative review has been accomplished by the appropriate departments of the Township . This procedure is intended to survey all existing and proposed conditions pertaining to the development of the property.
 - b) Township Board review and tentative approval. The second step of the review process consists of a review and approval by the Township Board, after receiving the recommendation from the Planning Commission and the Administrator’s report as specified under Section 15.06 (3), including staff recommendations. This stage is intended to provide the developer with an assurance that the preliminary concepts of the plan are acceptable and that detailed engineering may proceed.
 - c) Final approval and acceptance of detailed engineering plans by the Township Board. Final approval of the condominium subdivision plan may be granted by the Township Board. This step consists of final acceptance of the detailed plans for all improvements within the proposed project. Upon the granting of such approval by the Township Board construction of the project may begin. Approval of the project engineering plans shall be effective for a period of two (2) years from the date of approval.
 - d) Final condominium project; acceptance of dedicated improvements by the Township Board. This is the actual acceptance of the constructed improvements within the project by the Township Board. Upon the approval of the final plan by

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the Township Board, subsequent approval shall follow the procedures set forth in this Article and applicable State laws.

- 4) Initial Information: Concurrently with notice required to be given Otsego Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
 - a) Seven (7) copies of the condominium subdivision plan pursuant to Section 66 of the Act together with an 11" x 17" reduced reproduction of the site plan and a written application shall be submitted to the Administrator for processing. Planning review fees are due and payable with the submission.
 - b) The condominium subdivision plan should include, in addition to the contents required in Section 15.05:
 - 1) The proposed name of the condominium.
 - 2) The name, address and telephone number of:
 - a) All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - b) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the condominium project.
 - 4) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 - 5) The acreage content of the land on which the condominium project will be developed.

- 6) The purpose of the project (for example, residential, commercial, industrial, etc.).
- 7) Approximate number of condominium units to be developed on the subject parcel.
- 5) Information to be Kept Current: The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.
- 6) Site Plans - New Projects Master Deed, and Engineering and Inspections:
 - a) Prior to recording the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Sections 15.06 through 15.08 of this Ordinance.
 - b) In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney and Township Engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

Sec. 15.05 CONDOMINIUM SUBDIVISION PLAN - REQUIRED CONTENTS

All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act and the following:

- 1) Existing conditions. The condominium subdivision plan shall include:
 - a) An overall area map showing the relationship of the condominium project to surrounding areas within one-quarter (1/4) mile. Information on the area map shall include such things as section lines and/or major streets or collector streets. The minimum acceptable scale for such map is one inch equals two hundred (200) feet.
 - b) The boundary line of the proposed condominium project, section or corporation lines within or adjacent to the tract and the overall property dimensions;

- c) Property lines of adjacent tracts of land shown in relation to the tract being proposed for condominium project, including those of areas across abutting roads;
 - d) The locations, widths and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the tract being proposed for condominium project, including those located across abutting roads;
 - e) The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for condominium project;
 - f) The topography drawn as contours with an interval of not more than two (2) feet. Elevations shall be based on United States Geological Survey date; and
 - g) Base flood elevation data, for a condominium proposal that is lying within a flood hazard area as identified by the Flood Insurance Study for the Township. Base flood elevation shall indicate the anticipated high water level during a flood having a one percent chance of being equaled or exceeded in any given year;
 - h) Significant natural and man-made features which could influence the layout and design of the condominium proposal;
 - i) The school board or school board superintendent shall be informed and made known of the proposed condominium project by the proprietor and/or Township.
- 2) Proposed conditions. The condominium subdivision plan shall include:
- a) The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets and also the widths and location of alleys, easements and public walkways. Street names shall be indicated as approved by the County Road Commission;
 - b) The layout, numbers, area and dimensions of condominium units, including building set-back lines showing dimensions;
 - c) An indication of parcels of land intended to be dedicated or set aside for public or common use or for the use of property owners in the condominium project;

- d) An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the plan. If the developer has an interest in or owns any parcel so identified as "excepted," the 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 condominium project;
- e) An indication of the system proposed for sewage by a method meeting the requirements of the Township Board and the Michigan Department of Environmental Quality.
- f) An indication of the system proposed for water supply by a method meeting the requirements of the Township Board and the Michigan Department of Health; and
- g) An indication of the storm drainage method and the disposal area;
- h) In a case where the developer wishes to develop a given area but wishes to begin with only a portion of the total area, the plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly super-imposed upon the overall plan in order to illustrate clearly the method of development which the developer intends to follow.

Sec. 15.06 REVIEW BY PLANNING COMMISSION

- 1) The Township Clerk shall send a notice to the developer and the owners of property abutting the property to be developed, including the land across adjacent streets, of the receipt of the plan and the time and place of the meeting of the planning commission to consider such plan. Such notice shall be sent by first class mail not less than ten (10) days before the date fixed for the meeting.
- 2) The Administrator shall transmit copies of the condominium subdivision plan to the Township Engineer and the Fire Department, for technical review and recommendation. Each Department shall prepare comments and recommendations in writing.

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- 3) A written report shall be prepared which shall include the recommendations from the Zoning Administrator and the individuals and departments listed in (2) above. This report shall be submitted to the Planning Commission for its deliberation.
- 4) The Commission shall review all details of the plan within the framework of this Zoning Ordinance, within the various elements of the Township Comprehensive Plan and within the standards of this Article and other applicable ordinances and regulations. All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of Section 18. Nothing in this Article shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act.
- 5) The Commission shall recommend to the Township Board approval or disapproval of the plan, and a copy of the minutes containing the Commission's recommendation and all accompanying material shall be forwarded to the developer and the Township Board.

Sec. 15.07 TOWNSHIP BOARD REVIEW AND TENTATIVE APPROVAL

The procedure for the Township Board review and tentative approval is as follows:

- 1) Review.
 - a) The Township Board shall not review a condominium subdivision plan until it has received the recommendation of the Planning Commission. Following the receipt of such recommendation, the Township Board shall consider the plan at the meeting at which the matter is placed on the regularly scheduled agenda.
 - b) Preliminary approval of the plan shall not constitute final approval.
- 2) Approval
 - a) Tentative approval by the Township Board of the plan shall be effective for twelve (12) months. Should the condominium subdivision plan in whole or in part not be submitted for final approval within this time period, an extension must be applied for by the developer and the request granted in writing by the Township Board.

- 3) If the Township Board approves the plan, it shall make a notation to that effect on each copy of the plan, and the Township Clerk shall distribute copies of the same as follows:
 - a) Return one copy to the developer.
 - b) Return one copy to the Planning Commission, which copy shall become a matter of permanent record in the Township Hall.
 - c) Return one copy to the developer's surveyor.
- 4) If the Township Board approves the condominium subdivision plan, the Township Clerk shall inform:
 - a) The developer of the name and address of the permit holder operating a cable communications system in the vicinity of the proposed condominium project.
 - b) The cable communications system permit holder in the Township of the proposed condominium project submitted by the developer.
- 5) If the condominium subdivision plan is disapproved by the Township Board, the reasons shall be given to the developer with recommendations, if any.

Sec. 15.08 SITE PLANS - EXPANDABLE OR CONVERTIBLE PROJECTS

The procedure for submittal and final approval of the condominium subdivision plan that is an expandable or convertible condominium project, and final approval of the detailed plans for all improvements within the proposed expandable/convertible condominium project shall be:

- 1) Filing
 - a) Nine (9) copies of the condominium subdivision plan, containing all of the information of Section 66 of the Act as well as conforming to the requirements of the Department of Commerce Corporation and Securities Bureau Condominium Regulations, together with an 11" x 17" reduced reproduction of the plan and a written application shall be submitted to the Administrator at least ten (10) working

days prior to the regular Planning Commission meeting, which meeting shall be considered as the date of filing. The Administrator shall transmit copies to the Township Engineer and the Fire Department. Review fees are payable with such submission. Such fees may include the Township's cost to retain a consulting engineer for final inspection of public improvements as identified in Section 15.12.

- b) The developer shall also submit five sets of detailed working drawings and calculations, showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), road construction plans (including traffic control devices) for roads within and adjoining the project and soil erosion and sedimentation measures. These shall be distributed to the Township Engineer and Fire Department.
- c) The plan submitted for final approval shall conform substantially to the condominium subdivision plan as tentatively approved, and it may constitute only that portion of the approved plan which the developer proposed to record and develop at the time. However, such portion shall conform to all applicable State laws.
- d) When the complete set of plans is approved, one (1) set of plans shall be provided to the Township before construction may begin.
- e) Plans submitted shall be on twenty-four (24) inch by thirty-six (36) inch white prints having blue or black lines.
- f) For projects having more than one sheet of plans, a general plan having a scale of one inch equals one hundred (100) feet shall be provided showing the overall project and indicating the location of all improvements shown in the detailed plans. Street names, street and easement widths, lot lines, lot dimensions and lot numbers shall be shown on all plans. Superimposed on this general plan shall be two-foot contours of the area outside the boundaries of the proposed project to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at a scale of one inch equals forty (40) feet.

- g) All sewers shall be shown in the plan and profile. Profiles of sewers shall indicate the size, class of pipe, invert and slope of the sewer and shall indicate the existing ground along the route of the sewer and the proposed easement grade or the existing or proposed top of curb or centerline of pavement grade. The location of required compacted granular backfill shall be indicated on the profile, together with other intersecting, existing or proposed utilities.
- h) Elevation shall be based on United States Geological Survey data. There shall be at least one (1) bench mark established within the site and which shall be shown on each plan sheet.
- i) Finished grades of utility structures shall be indicated on the plan or profiled for all utilities.
- j) When construction plans are submitted to the Township for approval, they shall include all proposed construction within the project. All required improvements shall be shown to the boundaries of the project, unless otherwise approved by the Administrator. A complete plan shall generally include sanitary sewers, water mains, storm sewers and paving. A single plan submittal cannot be approved without all other utilities shown.
- k) When the complete set of plans is approved, one (1) set of plans shall be provided to the Township before construction may begin.

2) Review

- a) The detailed working drawings and calculations shall be reviewed by the Township Engineer and the Fire Department for compliance with the Township Ordinances, the Township construction standards and any other applicable codes and ordinances.
- b) The condominium subdivision plan shall be reviewed by the Zoning Administrator for compliance with the tentatively approved plan, the Township Comprehensive Plan, this Zoning Ordinance and any other applicable regulations.

- c) A report shall be prepared and submitted to the Planning Commission by the Zoning Administrator said report shall include Zoning Administrator, Township Engineer and Fire Department comments and recommendations on the drawings/plans.
- 3) Final approval and acceptance of engineering plan.
 - a) The Township Board shall take action on the condominium subdivision plan upon receipt of the Engineer’s report and Zoning Administrator recommendations, within twenty (20) days of the submission of all necessary approved documents.
 - b) If the plan conforms substantially to the plan tentatively approved by the Planning Commission, meets all conditions laid down for final approval and has been approved by the necessary agencies, the Township Board shall approve the engineering plans.
 - c) The Township Board shall instruct the Township Clerk to record all proceedings and the minutes of the meeting which record shall be open for public inspection.
 - d) The Township Clerk shall promptly notify the developer of approval or rejection of the condominium subdivision plan in writing. If rejected, reasons shall be given.
 - e) Approval of the plan shall be effective for a period of two (2) years from the date of approval. The two (2) year period may be extended if applied for by the developer and granted by the Township Board in writing.
 - f) No installation or construction of any improvement shall be made before the plan has received final approval by the Township Board and before the engineering plans have been certified to conform to Township construction standards. The developer shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.

Sec. 15.09 MONUMENTS REQUIRED - SITE CONDOMINIUM PROJECTS

All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites shall be marked with monuments as provided in this subsection:

- 1) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- 2) Monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- 3) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- 4) If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- 5) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- 6) All required monuments shall be placed flush with the ground where practicable.

- 7) All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- 8) The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to Otsego Township, whichever the proprietor selects, in an amount to be determined by the Township Board. Such fee shall be assessed on a “per monument” basis and include a “not to exceed” amount for the total number of monuments. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Sec. 15.10 FINAL CONDOMINIUM PROJECT; ACCEPTANCE OF PUBLIC IMPROVEMENTS BY TOWNSHIP BOARD

The procedure for submittal, approval and acceptance of improvements in the project is as follows:

- 1) Filing
 - a) One Mylar copy and three prints of the final condominium plan and 11" x 17" reduced reproduction of the condominium subdivision plan shall be filed by the developer with the Administrator.
 - b) One Mylar copy and a paper print of "as-built plans" for utilities and other improvements shall be filed by the developer with the Administrator.
 - c) The project shall comply with provisions of any applicable State laws and this Article.
 - d) The developer shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have conveyed the improvements.

- e) The developer shall submit copies of receipts from the Township Treasurer indicating that all fees and charges and other charges required by any regulations and other ordinances have been paid.
- f) Submission of the plan shall constitute an offer of all public improvements for the Township Board acceptance.
- g) The Township Board shall review all recommendations and take action on the approval and acceptance of all public improvements within twenty (20) days of its date of filing. The date of filing shall be that date on which all required information has been provided.
- h) Developer shall submit copies of lien waivers from all contractors and sub-contractors, approved bill of sales for materials used in construction of public utilities, warranty deed for all public road right-of-way and easements for all public utilities not located within the right-of-way, if any.
- i) 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.
- j) The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and records as part of the master deed.
- k) All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

2) Review

- a) The improvements shall be reviewed by the Administrator as to compliance with the approved condominium subdivision plan and approved Engineering plans for utilities and other improvements.
- b) The project and public improvements shall conform substantially to the plan as approved.
- c) The Administrator shall certify that inspection during construction has been conducted in accordance with the requirements of Section 15.12.
- d) A report shall be prepared by the Zoning Administrator, including recommendations for either approval or rejection of the project.

3) Approval

- a) Upon the approval and acceptance of public improvements by the Township Board the Township Clerk shall inform the developer.
- b) The Township Board shall instruct the Township Clerk to record all proceedings and the minutes of the meeting, which shall be open for inspection, and to certify on the approved condominium plan on behalf of the Township Board, the Board's approval and the date of the approval.
- c) A Mylar copy of the condominium subdivision plan and as-built plans shall be filed with the Township as record.

Sec. 15.11 COMPLETION OF IMPROVEMENTS

- 1) Before the acceptance of public improvements by the Township Board, the developer of the condominium project shall complete all the street, sanitary and other improvements, including condominium unit improvement. The developer shall also convey such improvements to Otsego Township free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

- 2) In lieu of completion of all improvements and with specific consent of the Township Board, acceptance of the public improvements may be authorized. As a condition of such acceptance, prior to the undertaking of any improvement, the developer shall deposit with the Township a true copy of an acceptable agreement showing that the developer has deposited with the bank or other agent acceptable-to the Township, cash, a certified check, an irrevocable bank letter of credit or surety bond, in an amount estimated by the Township as sufficient to secure to the Township the satisfactory construction, installation and dedication of the required improvements. The amount of deposit shall also secure any public improvements on the individual units of the project. The amount of the deposit shall represent one hundred twenty-five (125) percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the Township Attorney as to form, sufficiency and manner of execution as set forth in these Ordinances.
- 3) The developer shall build and pay for all costs of temporary improvements required by the Township Board and shall maintain the same for the period specified by the Township Board.
- 4) All required improvements shall be made by the developer at his or her expense without reimbursement by the Township.
- 5) If the required improvements are not completed within the time period specified by the Township Board, the Township may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time of the guaranty.

Sec. 15.12 INSPECTION OF PUBLIC IMPROVEMENTS

- 1) The Township may retain an Engineer who shall be responsible for the inspection of the construction of all public improvements and shall certify that such construction shall be satisfactorily completed. The cost of such engineering services shall be paid by the developer/applicant and be included in the filing fees in Section 15.08. If the Engineer finds, upon inspection, that any of the required public improvements have

not been constructed in accordance with the approved plan, the Township construction standards or the requirements of the Township Board, the developer shall be responsible for completing or modifying the public improvements. Wherever the cost of public improvements is covered by a guaranty or surety, the developer and the bank, bond company or other agent shall be severally and jointly liable for completing the public improvements according to specifications.

- 2) Certification required, reduction of surety.
 - a) The Township Board shall not accept the conveyance of the required public improvements or release or reduce the guaranty or surety until the developer has certified, in a manner approved by the Township Attorney, that the public improvements have been completed and are free and clear of any and all liens and encumbrances; until the Township’s Engineer (if one has been retained) has certified that the required public improvements have been completed; and until the developer's engineer has certified to the Township, through submission of reproducible "as-built" plans, that the layout and design of the public improvements are in accordance with approved construction plans for the project. Upon such approval and recommendation, the Township Board may accept the public improvements for conveyance in accordance with the established procedure.
 - b) The surety shall be reduced upon actual completion of the public improvements, but only to the ratio that the completed public improvements bear to the total public improvements for the subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all public improvements by the Township Board.

Sec. 15.13 LATE COMPLETION OF IMPROVEMENT/TEMPORARY OCCUPANCY

- 1) Whenever, by reason of the season of the year, any improvement required cannot be performed, the Administrator may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the Township for the cost of such improvement. Such

funds shall be deposited with the Township. The surety covering such lot improvement shall remain in full force and effect.

- 2) All required improvements for which a bond has been accepted by the Township at the time of issuance of the certificate of occupancy, shall be installed by the developer within one year. If the improvement has not been properly installed at the end of such time period, the Zoning Administrator and Building Officials shall give two (2) weeks written notice to the developer requiring installation of the same. If the improvement is not installed within such a two-week period, the Building and Zoning Administrator may then request the Township Board to authorize the Township to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the Township, the developer shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the public improvement at the end of the one year if the same has not been duly installed by the developer.

Sec. 15.14 ISSUANCE OF ZONING CODE BUILDING PERMITS

- 1) No building permit shall be issued for more than ten (10) percent of the condominium units in a project until all public improvements required by the Township Board have been fully completed and conveyed to the Township and accepted by the Township Board.
- 2) No certificate of occupancy for any building in a project shall be issued prior to the completion of the improvements, conveyance of those improvements to the Township and acceptance of the improvements by the Township Board, except as provided in Section 15.13.

Sec. 15.15 MAINTENANCE OF PUBLIC IMPROVEMENTS

- 1) The developer shall file a maintenance bond with the Township prior to dedication, in an amount equal to twenty-five (25) percent of the construction cost of the required public improvements, and in a form satisfactory to the Township Attorney, in order to

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assure the condition and operation of such public improvements, including all public improvements on the individual condominium units, for a period of two years after the date of their acceptance by the Township Board.

- 2) The applicant shall maintain all public improvements within the project until acceptance of such public improvements by the Township Board.