

WHITEWATER TOWNSHIP PLANNING COMMISSION
AGENDA FOR REGULAR MEETING
August 7, 2019
7:00 PM, Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
 - c. Persons may address the commission on matters that are relevant to township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing: None
7. Approval of minutes of July 10, 2019, meeting.
8. Correspondence:
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator
 - b. Chair, Mangus
 - c. Township Board Representative, Lawson
 - d. ZBA Representative, Hooper
10. Unfinished Business:
 - a. Stand Alone/Personal Storage buildings
 - b. Continue Condominium Subdivision review
 - b. Master Plan review
11. New Business:
 - a. None
12. Next Meeting Agenda
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education: Discussion of Robert's Rules of Order.
16. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141 or the TDD at 800-649-3777.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
July 10, 2019

Call to Order at 7:04 p.m.

Roll Call: Hooper, Jacobson, Lawson, Mangus, Savage

Absent: Dean, Render

Also in attendance: Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None.

Public Comment: None

Public Hearing: None

Approval of Minutes:

MOTION to approve June 5, 2019, Regular Meeting Minutes by Hooper, second by Savage. All in favor.
Motion carried.

Correspondence: None.

Reports:

Zoning Administrator Report: NA.

Chair's Report, Mangus: Yesterday the board selected three candidates for interviews for ZA. Five Acre information gathered by Wolf and presented to the Board to be sent to the lawyer. Recodification is apparently on hold at the Board level.

Township Board Rep., Lawson: Ordinance #27 has been approved for complete removal and sent to the lawyer for further input. A list of questions will be presented to the PC regarding #37 and the definition in #3. Repeal of the private road ordinance has been forwarded to the lawyer. Formal request from the Board for the PC to start the review of the Master Plan (MP). There is professional service money in the PC budget to pay a consultant to work with the PC. The MP map will need to be addressed. Discussion of maps and legal descriptions. May want to look at getting a surveyor consultant to go through.

ZBA Representative, Hooper: No meetings in June. Meeting in the works for August. Went to a zoning training for two days. As a representative of a board the representative cannot vote on both boards, such as Lawson voting on issues at the PC and at the Board – one of the other and Hooper with the ZBA. Civil infractions were discussed and are highly recommended by MTA. Recommend reviewing the Master Plan every year – not necessarily make changes. Ordinances should refer to the Master Plan. For instance, the finding of fact for the ZBA should refer to the Master Plan. Highlights how important the Master Plan is.

Committee Reports: None.

Additional Items: None.

Unfinished Business

1. Update on stand-alone storage buildings text amendment: Questions coming back from the Board. Some of the questions will be pretty simple. It has been noted multiple times that this is one of the most common requests for the zoning administrator.
2. Review Environmentally Sensitive Ordinance #27: Has been turned over to the lawyer for review for complete removal of the ordinance.
3. Review Condominium Subdivision Ordinance #28: Wolf requested this to be reviewed by the PC as it was something brought to her attention from the attorney when the most recent condominium subdivision was under review. She provided a sample ordinance.
Review and discussion: Attorney to be consulted for all condominium conversions; fees and legal fees; Section 66 Condominium Act will be sent to PC members for review; private road ordinance #32 is in the process of being repealed via the board and the attorney and the verbiage will need to be adjusted;
Will pick up at the next meeting.

New Business:

1. None.

Next Regular Meeting is scheduled for August 7, 2019.

Agenda items: Continued Condominium Subdivision review; Master Plan review: discussion of public outreach, use of consultants/professional service and maps (Article 5).

Public Comment:

Commission Discussion/Comments:

Continuing Education: Discussion of Robert's Rules of Order. Postpone

Adjournment: 9:00 p.m.

Respectfully Submitted

Lois MacLean,

Recording Secretary

Text reviewed at 7/9/19 Board mtg

The following text is a DRAFT under review by the WWTS Planning Commission.

Color Code: Proposed New Verbiage Notes

Goal: Establish standards for the construction and use of existing or proposed storage buildings without an accompanying residential structure.

* Highlighted text is new since 3/12/2019 version.

Stand Alone Storage Buildings

Article 3, Definitions

STAND ALONE STORAGE BUILDING: A structure such as a garage, shed, or pole building built on a parcel that does not have a primary residence and is not used for farming which is used for storage of personal property such as vehicles, equipment, boats, ORVs, or personal belongings.

Article 37

37.12 Stand Alone Storage Buildings shall be permitted subject to the following conditions:

- A. Building may not be used as a dwelling.
- B. Building shall not be used for profit, or as a commercial establishment.
- C. Buildings shall be subject to the setback and standards of that district.
- D. Buildings shall be constructed with traditional building materials.
- E. A storage shed that does not require a building permit shall be allowed in all districts and shall be treated as personal property. A land use permit shall be required.
- F. Personal storage building in all districts shall conform to the acreage and size restrictions in Table 37.12 A. Any request for a proposed building that exceed these standards or a second building on the same parcel shall be considered by Site Plan Review of the Zoning Administrator and Planning Commission for compatibility with surrounding properties.

Table 37.12 A

Lot Size	Structure Footprint Size
< 1 Acre	600 sq. ft.
1 acre to 2.5 acres	2,500 sq. ft.
2.5 acres to 10	4,000 sq. ft.
10 or more acres	5,000 sq. ft.
Note: Table does not apply to farm or accessory structures.	

- G. Agriculturally exempt building used in the care or production of crops or livestock are not subject to the preceding criteria. Provided;
 - 1. The parcel is actively in bona fide agricultural use (as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended); and
 - 2. Such agricultural use is a primary use on the parcel.

Draft

The following text is a DRAFT under review by the WWTS Planning Commission.

- H. Storage Buildings built on a parcel of land with an existing residential structure or where a residential structure is being established are "Accessory Structures" and not subject to the preceding criteria.

General Rationale

The general rationale for addressing Storage Buildings in our township which do not have a primary residence are as follows:

- There are a number of these building around our township. These are not uncommon and occur for a variety of reasons including removal or demolition of the primary residence, property splits, variances, and structures which preceded this zoning restriction. Several quick examples: Miami Beach Road, M72 home removal, Lackey, Elk Lake Rd., Cook Rd. and Lossie Rd..
- Storage buildings are one of the most common topics before the ZBA thus indicating a need to adjust or clarify the ordinance.
- This ordinance would reduce non-conformities by removing the "legal non-conforming" status from existing properties.
- The ability to build these structures without or before a primary dwelling is one of the most frequent requests before our ZA's office, both Denny and Lindsey.
- Our ordinance is currently lacking clarity resulting in drastic differences in interpretation from one zoning administrator to another.
- Any platted or site-condominium subdivision already has restrictions in place which the property owners have consented to in advance of purchase.
- This ordinance would allow for a reasonable use of unperkable lots of record without a variance.
- This ordinance would allow individuals with larger parcels of land the ability to sell or split a portion of the property which contains an accessory structure without the restriction of selling to a contiguous neighbor.

Specific Rationale by item.

1. It is currently lawful to construct a dwelling in a pole building, but it must pass a residential building inspection. This line clarifies that residing in a storage building is not lawful.
2. Clarifies that building must be for personal use only.
3. Clarifies setbacks are the same as a home.

Draft

The following text is a DRAFT under review by the WWTS Planning Commission.

4. Prevents creative use of inappropriate materials.
5. Storage is a permitted use in all districts. It is illogical that one can store a car, camper, mower, tractor, but not a freestanding temporary garden shed. This item required clarification in our ordinance as it is subject to interpretation.
6. This provision is based upon parcel size thus ensuring that the structure will be appropriately scaled to the property they are built on. This also allows us to fairly apply the same standards to all districts within the township. We anticipate that requests for a larger or second structures would be infrequent but feel that the site plan review process would be appropriate in these instances.
7. The township cannot restrict activity lawfully permitted under the Right to Farm Act. This provision will provide clarity and remove variance in interpretation between ZA administrations.
8. Clarifies existing ordinance.

Quick Size Reference

Two stall garage	$24 \times 24 = 576$	Three stall garage	$24 \times 36 = 864$
$32 \times 36 = 1,152$	$30 \times 40 = 1,200$	$36 \times 50 = 1,800$	$40 \times 60 = 2,400$

Draft

Lois Maclean

From: Cheryl A. Goss <clerk@whitewatertownship.org>
Sent: Thursday, July 25, 2019 6:21 PM
To: Cheryl A. Goss; Della Benak; Lloyd Lawson; Paul Hubbell; Ron Popp
Cc: Eric Render; Kim Mangus; Lindsey Wolf ZA; Lois MacLean; Mickey Dean; Renee/Glenn Savage; Ted Hooper
Subject: Clerk Concerns re: Stand-Alone Storage Buildings
Attachments: Stand-Alone Storage Buildings as of 07.09.2019.pdf

All –

Here is a list of clerk concerns with the proposed Stand Alone Storage Buildings text amendment:

- Section 37.12D talks about traditional building materials. What are “traditional” building materials and where is that defined?
- Section 37.12E talks about a storage shed that does not require a building permit. The size of unit that does not require a building permit should be stated, both for residential and commercial. Can the county change these sizes, thus requiring our ordinance to be updated? Yes, but it will not happen with enough frequency to be a major issue.
- Section 37.12F talks about a second building. How many “stand-alone storage buildings” does the PC intend to allow on any one parcel? Two? Three? Unlimited?
- Table 37.12A, agree with the 600 square foot size, but 5000 square feet for “storage of personal property?” That’s a 100' x 50' building. Realistically, how many people have a need for that much “storage”? Or even 2,500 or 4,000 square feet for that matter.
- If the larger structures are allowed, it will be impossible to enforce the prohibition that the building may not be used as a dwelling. Once a structure is up and has been given final approval by the code office, you can do a lot of things without asking for permission and no one is the wiser, including partitioning off an area of the building for “residential” use and installing toilets, sinks, kitchens, etc. Just because “there are a number of these buildings around our township,” as cited under General Rationale, doesn’t make it a good idea from a health, safety, and welfare standpoint for people to be living in them. Witness the following article wherein a man died in Grand Traverse County living in a building which clearly had not been approved for occupancy. Emergency services personnel do not generally expect human beings to be inside a “garage, shed, or pole building.”

https://www.record-eagle.com/news/local_news/update-man-dies-after-garage-catches-fire/article_e8d2a068-b42e-5ce8-9143-ae7e24fc055a.html

- I predict that all of the people who showed up to protest ADUs will see the proposed sizes of these “storage” buildings and figure out that it will be impossible to enforce the “may not be used as a dwelling” language, and that the township is looking for a way to get around their protest of ADUs.
- Regarding the RC-1 district, how should the zoning administrator respond to property owners in this district who see “storage” buildings being allowed on less than 5 acres when a home is prohibited on the same property?

With regard to the “General Rationale” statement that “Our ordinance is currently lacking clarity resulting in drastic differences in interpretation from one zoning administrator to another,” remember this about the definition of Accessory Building. The planning commission, in Zoning Ordinance Amendment No. 72, **removed from the definition of Accessory Building** the following wording, “Such structures will be permitted

only where a primary use exists or is being established.” According to Denny, the removal of that language took away from the zoning administrator the ability to allow accessory buildings while a primary use was being established. This change took effect in January 2018.

FYI – The Stand-Alone Storage Buildings language as it was provided to the board on 7/9 is attached. I compared it to the version that was provided to the board for the 3/12 meeting and highlighted new text.

This list of concerns has been prepared without the benefit of a copy of Lindsey’s research on this issue. That research should have been included in the board’s 7/9 meeting packet but was not. Perhaps someone who has that research could provide it to me.

Thanks!

Cheryl A. Goss, CMMC

Whitewater Township Clerk

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Williamsburg, Michigan 49690

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clerk@whitewatertownship.org

Office Hours: Mon/Tue/Wed/Thurs 9:00 am to 5:00 pm

I Pledge Allegiance to the Flag of the United States of America, and to the REPUBLIC for which it stands, one Nation, under God, Indivisible, with Liberty and Justice for All.



Planning & Zoning Department

Whitewater Township
P.O. Box 159 5777 Vinton Road
Williamsburg, MI 49690

Date: May 15, 2019

To: Whitewater Township Board of Trustees & Planning Commission

From: Lindsey Wolf, Zoning Administrator

Subject: Site Condominium Review and Approval Going Forward

Dear Members of the Planning Commission:

After a lengthy review of Whitewater Pines Site Condominium it seems appropriate to discuss the inclusion of an approval process for site condominium subdivisions within the Whitewater Township Zoning Ordinance. Up to this point there have been numerous hours spent and attorney consultation in regards to the approval process. I strongly feel that this process can be streamlined for the applicant and the department in the future. One of the goals stated in the 2015 Master Plan is to streamline the application process for development (p.4).

Issue: Article XXVIII Condominium Regulation

There is conflicting information regarding the review process in the current Zoning Ordinance. Article XXVIII Section 28.11 in the Ordinance states that condominium subdivisions are subject the review procedure and standards imposed by the Township Subdivision Control Ordinance. Section 28.14 also makes reference to the Township Subdivision Ordinance.

Article III definition of a site condominium subdivision: A division of land on the basis of condominium ownership, which is **NOT** subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended, but **IS** subject to the requirements of the Condominium Act, Public Act 59 of 1978, as amended.

Attorney review determined that the Subdivision Control Ordinance does not apply to site condominiums, but is subject to site plan review. Language included in Article XXV Site Plan Review and Special Land Uses Section 25.10 A(5) requires a site condominium, condominium subdivisions and PUD's be subject to site plan review.

I have researched the approval process in other townships within Grand Traverse County including: Acme, Blair, Paradise, Garfield, Fife Lake, Long Lake, and Green Lake. These entities have addressed site condominiums by amending their zoning ordinances to include a process for reviewing and approving these projects. I have included proposed language for an Amendment to Article XXVIII (revised in its entirety) for your consideration.

Respectfully,

Lindsey Wolf, Zoning Administrator

Draft

Proposed Language

ARTICLE XXVIII

CONDOMINIUM SUBDIVISIONS

28.10 INTENT

The intent of this Article is to provide procedures and standards for the review and approval or denial of condominium developments implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium subdivision of land shall be approved or disapproved by the Township.

28.11 APPLICABILITY

1. General Provisions

Prior to recording of the master deed, required by Section 72 of the Condominium Act, the condominium development shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.

2. Condominium Conversions –*consult attorney*

3. Plat Approval

Nothing in this section shall be constructed requiring a condominium subdivision to obtain plat approval under the Township Subdivision Control Ordinance.

4. Planned Developments

The procedural provisions of this section shall not apply to condominium developments which are reviewed and approved through the Special Use Permit – Planned Unit Development procedure, **Article 31 of this Ordinance**.

28.12 CONSULTATION

In determining whether to approve a condominium development plan, the Township shall consult with the Planning & Zoning Department, and the Township Attorney regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act *and this Ordinance*. All reasonable costs related to said consultation, as established by the Township, shall be paid by the petitioner prior Township signature and issuance of approval.

28.13 GENERAL REQUIREMENTS

1. Compliance with Federal, State and Local Laws

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

2. Required Content

Size and Scale

The condominium subdivision plan may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.

Information Required

All condominium development plans shall include the information required by **Section 66 of the Condominium Act** and the material required in **Section 25.11 (F)**. A person, firm, or corporation intending to develop a condominium project shall provide the following information:

- a. The name of the proposed condominium subdivision.
- b. The name, address, telephone number of:
 1. All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 2. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium project.
- c. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
- d. The acreage of the land on which the condominium development will be developed.
- e. The land use and existing zoning of the proposed condominium subdivision.
- f. The names of property owners, zoning classification, and existing structures on the subject parcel and adjoining parcels within 300 feet of the site.
- g. Location, type, dimensions and proposed use of all existing structures.
- h. A location map showing the relationship of the proposed plan to the surrounding area.
- i. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
- j. Condominium lot lines and the total number of condominiums units to be developed on the subject parcel.
- k. Description of water system to be provided.
- l. Description of sanitary waste disposal system to be provided.
- m. Right-of-way easements, showing location, width, and purpose.
- n. Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
- o. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types.
- p. Any additional information required in **Section 25.11 (F)**.

3. Utility Easements

The condominium development plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

4. Private Roads

All private roads in a condominium subdivision shall comply with the specifications of the **Whitewater Township Private Road Ordinance No. 32**, as amended.

5. 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.

6. Performance Guarantees

As a condition of approval of the condominium plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the developer shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in **Section 25.16** of this Ordinance.

28.14 MOBILE HOME CONDOMINIUMS

Mobile home condominium projects shall conform to the requirements for mobile home parks established under the regulations of the Michigan Mobile Home Commission. Such developments shall be located only in a zoning district that provides for Mobile Home Parks.

Reword?

Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such developments shall be located only in a zoning district that provides for mobile home parks. The review and approval shall be processed in accordance with Section 28.15 Review Procedures.

28.15 STANDARDS AND DESIGN FOR CONDOMINIUM SUBDIVISION PROJECTS

1. Condominium Lots

The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear, and side condominium lot lines allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provisions herein, these parcels shall be referred to as “site condominium lots”.

2. Condominium Subdivision Layout and Design

The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium projects shall be subject to the following requirements. Should there be unusual topographic or other natural feature constraints, these standards may be modified to achieve greater or lesser conformance in accordance with the judgement of the Township.

- a. Each condominium lot in a site shall be considered a single lot and shall comply with the zoning district in which it is located. The area and bulk requirements of a dwelling unit or structures are subject to the zoning district in which it is located.
- b. Each condominium dwelling unit shall be located within a condominium lot. In a condominium development containing single-family detached dwellings units, not more than one (1) dwelling unit shall be located on a condominium lot.
- c. The condominium lots size and required setbacks shall be measured from the designated front, rear and side condominium lot lines.
- d. That there is proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exist driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
- e. Existing natural features which add value to a residential development and enhance the attractiveness of the community (such as trees, water courses, spots of historic significance, and similar irreplaceable assets) shall be retained, insofar as possible, in the design of the subdivision. Particularly where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, and help control erosion or discharge of storm waters.

- f. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a site condominium may be set aside for other uses, such as parks or other open space.
- g. Any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.
- h. Easements shall provide for utilities when necessary.
- i. All site condominium lots shall be provided access by either public or private roads in conformance with the requirements of the Whitewater Township Private Road Ordinance No. 32, and other appropriate public agencies.
- j. All site condominium units shall be accessible to emergency vehicles.
- k. Common open space provided shall remain permanently open for recreational and conservational purposes, and recorded as part of the master deed. **Add open space requirement – based on total % of development?**
- l. Condominium units having water frontage shall meet the requirements of Article 14 Easement to Waterfront Section 14.10.
- m. A plan for erosion control and storm water discharge has been approved by the appropriate public agency.
- n. All site condominiums projects shall obtain approval from all applicable governing agencies.

28.16 REVIEW PROCEDURES

1. Agency Submittal

The applicant shall provide copies of the proposed condominium subdivision plan to the following Grand Traverse County Agencies: Health Department (or Department of Public Works if proposed on municipal water and/or sanitary sewer), Drain Commission, Soil Erosion, Road Commission (or Michigan Department of Transportation if proposed on a state highway), Michigan Department of Environmental Quality (when sensitive areas and wetlands are a concern), Fire Department. Twelve (12) copies shall also be provided to the Whitewater Township Planning and Zoning Department. The Zoning Administrator shall distribute the proposed condominium subdivision plans to the Planning Commission and Board of Trustees for review.

2. Public Hearing

The Planning Commission shall hold a public hearing on the proposed site condominium subdivision plan, for the purpose of reviewing and making a recommendation of approval, approval with conditions, or denial to the Township Board.

3. Planning Commission Determination

After preceding with **Article 25 the Site Plan Review** process, if the Planning Commission determines that the proposed plan meets all the requirements of this Ordinance and the Condominium Act, the Planning Commission shall recommend approval or approval with conditions of the site condominium subdivision plan and shall send notice of action taken with comments to the Township Board.

If the Planning Commission determines that the site condominium subdivision plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes shall forward same to the Township Board, and shall recommend disapproval of the plan by the Township Board until the objections causing disapproval have been changed to meet the requirements of this Ordinance and the Condominium Act.

4. Township Board Procedure

The Township Board shall not review, approve or reject a condominium subdivision until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the report and recommendations from the Planning Commission.

5. Township Board Determination

The Township Board shall approve the condominium subdivision plan, with or without conditions, reject the plan and give its reasons, table the proceedings pending further review or pending changes to the plan to make it acceptable to the Board, or refer that application back to the Planning Commission for further review and report.

28.17 CONDITIONS AND DURATION OF APPROVAL

1. Conditions

The approval of the Board of Trustees will indicate that the proposed condominium subdivision plan meets the ordinances and regulations of Whitewater Township, but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium subdivision plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

2. Duration

Approval of the site condominium plan by the Township shall be for a period of one (1) year from the date of approval. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within one year of approval, such approval shall be considered null and void. The Planning Commission may extend the one year period if applied for and shall be subject to the requirements of **Section 25.15 Failure to Initiate Construction**.

3. Condominium Subdivision Plan Approval Contract

If the Township Board approves the site condominium subdivision plan, it shall prepare a written order setting forth the conditions upon which the approval is based. Such order shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved site condominium subdivision plan. All reasonable costs related to the preparation of said order, as established by the Township, shall be paid by the petitioner to the Township Treasurer prior to Township signature and issuance of such order.

28.18 ADDITIONAL FILINGS REQUIRED

1. Documents

Prior to the recording of the Master Deed the Township Treasurer shall certify that all taxes and special assessments are paid in full. A copy of the Master Deed, Bylaws/ Restrictive Covenants must be recorded and two (2) copies of each document, including all pertinent attachments, on file with the Township.

2. Certification and As-Built Drawings

Subsequent to the construction of all improvements, the developer shall file with the Township two (2) copies of the as-built condominium plan and certification from the developer's engineer that the improvements have been installed in conformance with the approved construction drawings.

28.19 CONDOMINIUM AMENDMENTS

An order approving a site condominium may be amended as follows:

a. Minor Amendments

Minor amendments are those which will have no foreseeable effect beyond the project boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways. Minor amendments for good cause may be authorized by the Zoning Administrator provided that no such changes shall increase the size or height of structures, reduce the efficiency of public facilities serving the site condominium, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

b. Major Amendments.

Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission according to the procedures authorized by this section for approval of a site condominium.

28.20 REQUIRED FEES

Fees for the review of site plans shall be established by resolution of the Township Board.

Proposed Action:

Amend Article XXVIII to include Condominium Subdivision Approval (Section 28.11 & 28.14 specifically in conflict)