

TOMPKINS TOWNSHIP

JACKSON COUNTY, MICHIGAN

SUBDIVISION/SITE CONDOMINIUM ORDINANCE

ORDINANCE NO. 52

ADOPTED: NOVEMBER 7, 2002

**EFFECTIVE: THIRTY (30) DAYS FOLLOWING
PUBLICATION AFTER**

ADOPTION

An Ordinance to regulate and control the subdivision of land into plats pursuant to the Michigan Land Division Act (1967 PA 288, as amended); to regulate the development of land within the Township under the provisions of the Michigan Condominium Act (1978 PA 59, as amended); and to repeal all Ordinances or parts of Ordinances in conflict herewith.

TOMPKINS TOWNSHIP

JACKSON COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the "Tompkins Township Subdivision/Site Condominium Ordinance".

SECTION II

PURPOSE

The purpose of this Ordinance is to regulate and control the subdivision of land into plats pursuant to 1967 PA 288; as amended; and to regulate the development of land within the Township under the provisions of 1978 PA 59, as amended, 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 general subdivisions, including all requirements of the Township Zoning Ordinance. It is the intent of the Township to insure that each type of project meets certain minimum standards, that the size of the lots or building sites are equal to the minimum

lot size of the zoning district in which the project is located and to treat each type of development in the same manner.

SECTION III
DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. Building Site. Within a condominium development the same shall mean that 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.
- B. Common Elements. The portions of a condominium project other than the condominium units.
- C. 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.
- D. Condominium Plan. The plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.
- E. 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.
- F. 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.

- G. Contractible Condominium. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- H. 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.
- I. 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.
- J. 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.

SECTION IV
COMPLIANCE WITH ORDINANCE

No plat or site condominium development shall hereafter be established in Tompkins Township without first obtaining the Township Board approvals prescribed by this Ordinance and fully complying with all the requirements contained herein.

SECTION V
TENTATIVE APPROVAL OF PRELIMINARY PLAT/SITE CONDOMINIUM PLAN (STEP 1 APPROVAL)

- A. Submission. Every person, firm or corporation which shall hereafter submit a preliminary site condominium plan or preliminary plat plan to the Township Board for tentative approval shall submit not less than ten (10) nor more than fifteen (15) legible copies of said proposed preliminary plan. Said preliminary plan shall be prepared by a Registered Civil Engineer. Said copies must contain, at a minimum, the following information and fees:
 - 1. Proposed name of the project.

2. Full legal description to adequately describe the lots, parcels or building sites comprising the project.
3. Names and addresses of the applicant, owners, and professionals who designed the project.
4. The names and addresses of the proprietors and the ownership interest in each in the land included in the Preliminary Plan.
5. Scale of the plan (maximum scale shall be 100 feet to an inch).
6. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for site condominium or platted subdivision, including those areas across abutting roads.
7. Show relief of area proposed to be developed with not more than four-foot (4') contour intervals.
8. Indicate road layout and the type of street construction and drainage structures or facilities intended to be installed.
9. Indicate lot or building site layout, showing size and shape of proposed lots or building sites, as well as any dedicated common open space.
10. Indicate whether proposed site condominium or plat will be served by sanitary sewer and/or water.
11. Location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for a subdivision.
12. The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the project's area having a caliper of twelve (12") inches or greater at a height of two (2') feet above existing grade.

13. Indicate the general location and size of any flood plain possibly located within the area to be platted.
 14. Indicate in general the methods proposed for storm water disposal.
 15. When the proprietor owns and anticipates platting adjoining land, he shall submit, with the preliminary plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
 16. Letter from the Jackson County Road Commission and the State Highway Department, where applicable, with said agency(ies) recommendations 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.
 17. A fee equal to the sum of \$500.00 for up to ten (10) lots or building sites. For those lots or building sites developed in excess of ten (10), the fee shall be \$500.00 plus \$50.00 per lot or building site in excess of ten (10).
- B. Planning Commission Review. Upon receipt of said proposed preliminary condominium plan or plat plan for tentative approval, the Township Clerk shall forward a copy of the same to the Township Planning Commission for its review of the plan for its compliance with the applicable standards set forth in Subsection "C" immediately below and for the Township Planning Commission's recommendation regarding the same. The Planning Commission shall make its recommendation within 45 days of the Township's receipt of the plan.
- C. Township Board Review. After receipt of the Township Planning Commission's recommendation or the passage of 45 days from the Township's receipt of the plan (whichever occurs first), the Township Board shall examine said preliminary plan with such assistance and review by the Township Engineer and the Township Attorney as the Township Board shall require. The Township Board shall determine whether said proposed preliminary condominium plan or plat plan complies with all Township Ordinances

and state statutes as well as makes adequate provision for the following:

1. Streets:

- 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 or plat.
- c. Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project or plat 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 development 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 or lot abutting such roads or thoroughfares. Where the proposed development abuts or contains a county primary road or a 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 thoroughfare from local traffic.
- e. All new streets 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 cul-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 1,320 feet.
- i. All primary road rights-of-way, as designated by the Township Board, within or abutting the proposed development, shall provide a 50-foot half-width. All other rights-of-way within or abutting the development shall be not less than 66 feet in width. Permanent dead-end streets in excess of 1,320 feet in length and temporary dead-end streets in excess of 660 feet in length as measured from the through intersection or "T" intersection shall be prohibited except upon where the topography of the area, rivers, streams, or other natural conditions or the prior development of the area cause practical difficulties or unnecessary hardships in layout, and an extension can be granted without creating a safety hazard.
- j. A plat or condominium project creating a total of 50 or more units must be developed so as to provide 2 or more access streets.
- k. Street lighting shall be adequate to service the proposed development given its size and layout. The Township Board shall consider the recommendation of the applicable electrical utilities and of the Township Engineer in determining the adequacy of proposed street lighting.
- l. Private Streets.
 - (1) Determination for Private Streets. Private streets may be permitted by the Township Board if it finds that private

streets within the condominium project or plat will not adversely affect public health, safety or welfare. In determining same, the Board shall consider:

- (i) The number of dwelling units, building sites or lots to be served by said streets;
- (ii) The layout of the proposed development;
- (iii) Ability to access with emergency vehicles;
- (iv) Whether the street will serve as a link between different public roads.

(2) Design and Construction Requirements. All private streets or roads shall comply with the following standards and requirements of design and construction:

- (i) All streets or roads shall be located upon a right-of-way of not less than 66 feet.
- (ii) All streets or roads shall be paved with hot asphalt mix and constructed in accordance with the Jackson County Road Commission public road standards and specifications.

(3) Documentary Requirements.

- (i) 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.00
- (ii) 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:

Legal description(s) of all property enjoying a right to utilize the private street or road, i.e., "benefitted properties";

Legal description(s) of all right-of-way and public utility easements;

Legal description(s) of all properties having a responsibility for repair, maintenance and/or snow removal for the private street or road, i.e., "responsible properties";

A description of the respective responsibilities, monetary and otherwise, of such responsible party(ies) for repair, maintenance and/or snow removal;

The method by which decisions regarding repair, maintenance or snow removal are to be made by the owner(s) of the responsible property(ies);

A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefitted and responsible property(ies)'

Signatures of all persons having any interest in the property or properties on which the street or road is located, benefitted properties and responsible parties.

2. Lots: The minimum size of lots or building sites shall be in compliance with the minimum lot size requirements set forth in the Tompkins Township Zoning Ordinance.
3. 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 plat or condominium development.
 - 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 development may be set aside for other purposes such as parks and/or open space.
 - d. If the Township Board determines that the proposed preliminary plat or preliminary condominium plan complies with all applicable Ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plan, which approval shall confer upon the proprietor for a period of one (1) year from the date thereof, approval for development purposes of the lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the Township Board upon application of the proprietor.

SECTION VI
FINAL APPROVAL OF PRELIMINARY CONDOMINIUM
PLAN/PRELIMINARY PLAT PLAN (STEP 2 APPROVAL)

- A. Submission. Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary

plat plan or preliminary condominium plan to the Township Board for final approval shall submit the relevant data and fees:

1. Evidence that all requirements imposed by the Township Board 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 or plat. Prior to submitting copies of the preliminary condominium plan or preliminary plat plan to the Township Board for final approval, the developer shall document consultation with all public utilities which will be servicing the development to resolve any conflicts in location between public utility facilities and other improvements.
 3. A fee equal to the sum of \$500.00 for up to ten (10) lots or building sites. For those developments in excess of ten (10) lots or building sites, the fee shall be \$500.00 plus \$50.00 per lot or building site in excess of ten (10).
 4. A letter from the Jackson County Health Department together with percolation tests and test analysis, with respect to the suitability of the land included in the development 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.
- B. Standards for Approval. Upon receipt of all required copies of the final condominium plan or plat 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 plat plan or condominium plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements:

1. All roads both public and private shall be paved with hot asphalt mix and constructed to the then existing Jackson 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 street is defined as one which is not reasonably anticipated to be extended within the following ten (10) years.
3. All surface waters shall be adequately drained within the development 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 development.
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 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. Storm water disposal methods proposed for the development must be adequate to insure 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 lot or building site, out-lot or land within the development 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. Such isolation may be avoided and direct access to a public street or highway be satisfied and accomplished through a dedicated easement for ingress and egress, and all public utilities, shown upon the plan, which easement shall be of suitable width of not less than twenty (20') feet assuring permanent access to such lot, out-lot or parcel of land.
8. Indicate the location of proposed street lights.
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 four feet in width, four (4") inches in depth, upon a two-inch (2") minimum sand base with expansion joints set at a minimum of fifty (50') feet; sidewalks built across driveways shall be constructed of concrete six (6") inches depth.
10. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot or building site proposed to be included within the development.

- C. Approval. If the Township Board determines that the preliminary plat plan or preliminary condominium 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 plan which shall confer upon the proprietor for a period of two (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 two (2) year period may be extended in the discretion of the Township Board upon application by the proprietor.

SECTION VII
FINAL APPROVAL OF FINAL CONDOMINIUM
PLAN/PLAT PLAN (STEP 3 APPROVAL)

- A. Submission. Every person, firm or corporation which shall hereafter submit a proposed final plat or condominium development plan to the Township Board for final approval shall also submit the following relevant data and fees:
1. An abstract of title or title insurance policy showing merchantable title in the proprietor of the proposed final plat or site condominium.
 2. Evidence that all requirements imposed by the Township Board at the time of the preliminary approval have been incorporated into the proposed final plan/plat.
 3. A fee equal to the sum of \$500.00 for up to ten (10) lots or building sites. For those developments in excess of ten (10) lots or building sites, the fee shall be \$500.00 plus \$50.00 per lot or building site in excess of ten (10).
 4. A letter from the Jackson County Health Department confirming that construction of septic tank, dry well or tile field area has been completed as shown on the proposed plat/site condominium plan.
- B. Standards for Approval. The Township Board shall review the proposed final plat or site condominium plan and grant

final approval if it determines that all of the following have been satisfied:

1. All monuments required to be placed in the plat or condominium project have either been placed or a cash or equivalent deposit has been made with the Township and a Deposit Agreement executed by the proprietors.
2. All roads, 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 plat or 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 flood plains are involved in the proposed plat or condominium project, then such flood plains 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 Plat or Master Deed or contemporaneously with the recording of the Master Deed.
5. All utilities servicing the plat or condominium project have been installed and water and sanitary sewer mains have been stubbed to the lot line or building site line or a cash or equivalent deposit has been made with the Township Board in an amount sufficient 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 Plat or 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 twelve (12') feet wide, usually six (6') feet dedicated from each lot or parcel except side lot easements three (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 an 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 plat or condominium project complies with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
9. That the Plat or Master Deed is executed by all required owners has been properly recorded and has been filed with the Township before issuance of any building permits.

SECTION VIII
FAILURE TO COMPLETE 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 developer 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.

SECTION IX
AMENDMENT

All amendments to the plat or condominium plan shall be submitted for review and approval under Sections V, VI and VII, above.

SECTION X
SUBDIVISION LOT DIVISION

After a plat has been recorded, platted lots may thereafter be partitioned or divided with the approval of the Township Board into not more than four (4) parts, provided that the resulting lots or parcels or combinations of two (2) or more divided lots shall comply with the minimum lot size and width requirements in the Tompkins Township Zoning Ordinance and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this Ordinance, and also to public utilities necessary or required to service such lots, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Land Division Act and all applicable Township Ordinances.

SECTION XI
VARIANCE PROCEDURE

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 or plat projects 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.

SECTION XII
SANCTIONS

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall be deemed a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which Tompkins Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. Nothing herein contained shall prevent the Tompkins Township Board or a public official or private citizen from taking such additional lawful action as is necessary to restrain or

prevent any violation of this Ordinance, the Michigan Land Division Act or the Michigan Condominium Act.

SECTION XIII
SEVERABILITY

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

SECTION XIV
REPEAL

All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

SECTION XV
EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication, after adoption.

Melanie Curran, Clerk
TOMPKINS TOWNSHIP