

**ARTICLE XVIII
SUBDIVISIONS & CONDOMINIUM PROJECTS**

Section 18.1 PURPOSE & INTENT

- A. The purpose of this Article is to set forth the procedures and standards for review and approval, approval with conditions, or denial of subdivisions as they relate to this Zoning Ordinance and is adopted pursuant to authority of the Land Division Act, P.A. 288 of 1967, as amended and the Condominium Act, P.A. 59 of 1978 as amended.
- B. Subdivisions are subject to a multi-step local, county and state approval process. Physical improvements to the land to be subdivided are authorized by a final preliminary plat approval as provided in Public Act 288 of 1967 and sale of lots are permitted only after final plat approval. Additional requirements are provided in this Article and other pertinent sections of this Ordinance.
- C. Pursuant to authority conferred by Section 141 of the Condominium Act (MCLA 559.241), Public Act 59 of 1978, as amended, all condominium projects and condominium subdivisions must be approved by the Platte Township Planning Commission.
- D. All subdivisions, condominium projects and condominium subdivisions shall go through the site plan review requirements of Article 14.

Section 18.2 SUBDIVISION OF LAND

- A. No person may subdivide his land except in accordance with all of the provisions of Public Act 288 of 1967. In particular, no person may create more lots than permitted under the land division provisions of Sections 108 and 109 of the Land Division Act, being Public Act 288 of 1967 as amended, unless and until a final preliminary plat of the subdivision has been approved.
- B. The Benzie County Register of Deeds may not record a plat of any subdivision within the Township's jurisdiction unless the final plat has been approved under this Ordinance and as required under Michigan law.

Section 18.3 PRE-APPLICATION PROCESS – SKETCH PLAN

The utilization of pre-application procedures for pre-preliminary plats as provided in this Section is not required by statute. Its use is entirely at the discretion of the subdivider. The subdivider is encouraged to use the procedure because of the advantages to the subdivider as identified in the purposes outlined in this section.

- A. Purpose:

1. To provide guidelines for the subdivider concerning development policies of the Township.
2. To acquaint the subdivider with the platting procedures and requirements of the Township Board, Planning Commission and other agencies.
3. To provide the Planning Commission and other affected agencies with general information concerning the proposed development.
4. Acceptance of the sketch plan does not assure acceptance of the preliminary plat.

B. Requirements:

1. Pre-Preliminary Plat or Sketch Plan - the plan shall show the subdivision's entire development scheme in schematic form including the area for immediate development, and shall include the following:
 - a. General layout of streets, blocks and lots in sketch form.
 - b. Existing conditions and characteristics of the land on and adjacent to the site including the subdividers total land holdings, buildings and land uses adjacent to the site.
 - c. Any general area set aside for schools, parks and other community facilities.
2. Engineering Letter: A letter from a licensed surveyor concerning the general feasibility of the land for subdividing.
3. Ownership: The Township Board and Planning Commission may require such proof of ownership of the land proposed to be subdivided as they deem necessary.
4. Environmental Assessment: An analysis of any environmentally sensitive areas or threat to any endangered species of flora or fauna.

C. Procedure:

1. The subdivider may submit three (3) copies of the pre-preliminary plat to the Zoning Administrator.
2. The Zoning Administrator will review the plan and may also require that copies of the pre-preliminary plat be submitted to other affected public agencies for review.

3. The Zoning Administrator shall present a copy of the pre-preliminary plat to the Planning Commission at the next scheduled meeting along with a written report on the project.
4. The Planning Commission shall inform the subdivider or his agent of the Township's development policies and make appropriate comments and suggestions concerning the proposed development scheme.
5. The Planning Commission may hold a public hearing on the proposed plat, unless said plat has been the subject of a previous public hearing as a zoning change request.
6. The Planning Commission shall inform the Township Board of the results of the review of the pre-preliminary plat.

Section 18.4 CONDOMINIUM SUBDIVISION PLAN

A. This section requires site plan review of condominium subdivisions to ensure that condominium projects comply with this Zoning Ordinance and all other applicable ordinances. Condominium projects may be approved as provided by this section, in any Zoning Districts.

B. Except for allowable bonus lots, the overall density of the condominium project shall not be higher than the underlying Zoning District allows. The total acreage of the project, divided by the minimum lot size of the underlying Zoning District, equals the basic number of building sites permitted. Compliance with required front, side and rear yards, shall be determined by measuring the distance from the equivalent front, side or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building footprint or envelope.

C. All dedicated public roadways in site condominium subdivisions shall meet the requirements of the Benzie County Road Commission. All private roads shall meet the requirements of Section 3.24.

D. Preliminary Condominium Subdivision Plan: All condominium projects shall require preliminary condominium development plan approval by the Planning Commission prior to conducting any on-site improvements.

1. Twelve (12) copies of the preliminary Condominium Subdivision plan and other required documentation shall be submitted to the Zoning Administrator at least twenty-one (21) days before a meeting of the Planning Commission. The Planning Commission shall study the plan and shall either approve or disapprove the preliminary plan. The information and drawings must be clearly marked "Preliminary Condominium Subdivision Plan".

2. Any significant changes in the preliminary Condominium Subdivision plan, once it has been approved, must be submitted to the Planning Commission for approval in compliance with this Section.
3. The following information shall be included in the preliminary condominium development plan:
 - a. A site plan in accordance with Article XIV. In particular the following information is essential:
 1. Location and size of condominium units, limited common areas, general common areas, sidewalks, landscaping features, signs, and utilities.
 2. Street and utility specifications and sectional diagrams.
 - a. If a condominium is proposed to have private streets, the Site Plan Review Committee shall require that the private streets be developed to the standards contained in Section 3.24 of this Ordinance.
 - b. A storm drainage and storm water management plan shall be submitted, including all lines, swales, drains, basin, and other facilities.
 3. Existing and projected topographical contours shall be depicted at a minimum of two (2) foot intervals.
 4. A copy of the proposed Master Deed and restrictions with proposed use and occupancy restrictions and a description of all common elements highlighted.
 - b. A Condominium Subdivision plan in accordance with the requirements of Section 66 of the Condominium Act, P.A. 59 of 1978.

Documented proof of review by the Benzie County Road Commission, the Benzie-Leelanau District Health Department, the Michigan Department of Transportation, and the Michigan Department of Environmental Quality.

4. In its review of the preliminary Condominium Subdivision plan, the Planning Commission may consult with the Zoning Administrator, an attorney, engineer, the appropriate fire chief, planner, or other appropriate officials and persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project. Any costs incurred may be charged to the applicant pursuant to the provisions of Article 14.

5. Approval of the preliminary Condominium Subdivision plan shall authorize the construction of necessary site improvements. Construction of buildings and structures shall not be permitted until a final Condominium Subdivision plan has been approved by the Planning Commission.
6. The Condominium Subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
7. All condominium projects and condominium subdivisions which consist in whole or in part of condominium units which are building sites shall be marked with monuments the same as is required under the Land Division Act; Public Act 288 of 1967, as amended for subdivisions.

E. Final Condominium Subdivision Plan: Twelve (12) copies of the final Condominium Subdivision plan and other required documentation shall be submitted to the Planning Commission which shall either approve or disapprove the final Condominium Subdivision plan. The information and drawings must be clearly marked "final Condominium Subdivision plan."

1. No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed condominium project except those necessary to complete a final Condominium Subdivision plan as approved by the Planning Commission, including any conditions of approval and other applicable requirements of local, state, or federal laws and regulations.
2. No zoning permits shall be issued for a condominium project until a final Condominium Subdivision plan has been approved by the Planning Commission, all conditions to commencement of construction have been met, and all applicable approvals or permits from appropriate township and state review and enforcement agencies have been obtained for the project.

F. Final Approval: The office of the County Register of Deeds shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act prior to the issuance of any building permits. The master deed must ensure that the Township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision, that all private roads will be properly maintained, that snow

removal will be provided, and that there is adequate access and set up area for emergency vehicles. Responsibility for the maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated in the recorded master deed.

1. Approval of the final Condominium Subdivision plan shall not constitute approval of expandable or convertible portions of a condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards, and requirements of this section.
2. Any significant change proposed in connection with a condominium project for which the final Condominium Subdivision plan has previously been approved by the Planning Commission shall be subject to review as required for the original application as provided by this section.
3. All provisions of the condominium project or condominium subdivision plan which are approved by the Planning Commission shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes (including expansion or conversion of a condominium project to include additional land) to the approved condominium project or condominium subdivision plan shall be subject to review and approval by the Planning Commission as an amendment to a planned unit development, subject to the procedures provided for in this Ordinance.

G. Fees: Fees for the review of Condominium Projects or Condominium Subdivisions shall be established from time to time by resolution by the Township Board of Trustees.