

## **ARTICLE 13 CONDOMINIUM DEVELOPMENT**

### **13.1 LEGAL AUTHORITY**

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 reviewed and approved or disapproved by the Planning Commission.

### **13.2 PROCEDURE**

Prior to recording of the master deed, required by Section 72 of the Condominium Act, the condominium development shall undergo site plan review and approval by the Planning Commission in accordance with Article 14 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand or convert a condominium project in the Township.

### **13.3 CONSULTATION**

In determining whether to approve a condominium development plan, the Planning Commission shall consult with the Zoning Administrator, the Township Planning Consultant and the Township Attorney regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

### **13.4 GENERAL REQUIREMENTS**

#### **13.4.1 Compliance with Federal, State and Local Laws**

All condominium projects shall comply with all applicable Federal, State and local laws and ordinances.

#### **13.4.2 Required Content**

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

- a) a survey plan of the condominium development
- b) a flood plain plan, when appropriate
- c) a detailed site plan showing the location, size, shape, area and width of all condominium units
- d) a utility plan showing all sanitary sewer, water, and storm sewer lines and easements for the installation, repair and maintenance of all utilities
- e) a street construction and maintenance plan for all private streets within the proposed condominium subdivision

- f) a storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities, when appropriate.

#### **13.4.3 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, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures

#### **13.4.4 Private Roads**

All private roads in a condominium subdivision shall comply with the specifications of the County Road Commission and the Township Private Road Ordinance.

#### **13.4.5 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.

#### **13.4.6 Relocation of Boundaries**

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the Zoning District in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the condominium bylaws and recorded as part of the master deed.

#### **13.4.7 Condominium Units**

Individual condominium units shall comply with all regulations of the Zoning District in which it is located and shall be approved by the Zoning Administrator.

#### **13.4.8 Performance Guarantees**

As a condition of approval of the site plan, the Planning Commission may require a deposit by the developer to make improvements shown upon the site plan and to insure completion of filing requirements.

## **13.5 CONDOMINIUM SUBDIVISIONS**

### **13.5.1 Compliance Of Condominium Lot**

For the purposes of these Regulations, each condominium lot in a condominium subdivision shall be considered as a single lot and shall comply with all regulations of the Zoning District in which it is located. In a condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from boundaries of a condominium lot. These requirements shall be made part of the bylaws and recorded as part of the master deed.

### **13.5.2 Layout and Design**

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

## **13.6 CONDOMINIUM DEVELOPMENT WITHOUT SUBDIVISION OF LAND**

Condominium development not involving condominium lots within a condominium subdivision shall comply with all regulations of the Zoning District in which it is located.

## **13.7 MOBILE HOME CONDOMINIUM PROJECT**

Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local and State laws, ordinances and regulations. Such developments shall be located only in a Zoning District that provides for Mobile Home Parks.

## **13.8 ADDITIONAL FILINGS REQUIRED**

Subsequent to the recording of the master deed, bylaws and deed restrictions, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- a) One (1) mylar copy and five (5) prints of the as-built condominium plans.
- b) Two (2) copies of the recorded master deed, bylaws and deed restrictions with all pertinent attachments.
- c) Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Upon fulfillment of all requirements, the developer shall apply to the Township Clerk for release of performance guarantees.