

ARTICLE 20
CONDOMINIUMS

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Sec. 20-01 Intent

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New condominium projects and conversion condominium projects shall conform to the requirements of this Ordinance and all other applicable regulations of the Township and the Condominium Act, P.A. 59 of 1978, as amended. Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing the zoning, site and building requirements of the Township. It is the intent to regulate site condominium projects and other condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures within the following sections shall apply.

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Sec. 20-02 General

The following regulations shall apply to condominium projects:

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(a) **Lot.** For all purposes of this Ordinance, each condominium lot or unit lot shall be considered the equivalent of a platted lot of record as defined in this Ordinance and shall comply with all applicable regulations for the zoning district in which it is located. The relocation of the boundaries or any other change in the dimensions of a condominium lot or unit lot shall be considered an amendment to the condominium documents of the project and the related site plan.

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(b) **Computation.** Any area within a public or private road right-of-way shall not be included in the computation of the minimum area of a condominium lot or in determination of dwelling density for a site.

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(c) **Dwelling Unit.** In the case of a condominium project in which the condominium units are intended for single family residential purposes, not more than one (1) single family dwelling unit shall be proposed or constructed on a condominium lot, nor shall any dwelling unit be located on a condominium lot with any other principal use.

(d) **Setback Requirement.** Yard setback requirements as specified in each district shall be measured from the perimeter of the condominium lot to the appropriate part of a structure.

5 (e) **Utility Connections.** Each condominium unit shall be separately connected to any available community or public water supply and/or sanitary sewer system. This requirement may be waived by the Township Board for cause upon recommendation of the Township Engineer.

10 (f) **Relocation of Lot Boundaries.** Relocation of condominium lot boundaries, if allowed in the condominium documents, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of this Ordinance.

15 (g) **Resulting Lots.** Each condominium lot formed by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of this Ordinance.

20 (h) **Road Requirements in Condominium Projects.** All condominium projects shall require direct access and direct connection to a public road from the project site. Public roads within a condominium project shall conform to the requirements and specifications established by the Livingston County Road Commission for road design and maintenance. Private roads shall conform to the requirements of *Section 16-04*. Shared drives must conform to the requirements of *Section 16-03*.

25 (i) **Stormwater.** Stormwater detention and retention ponds shall be included as general common elements within the condominium and shall not be included within individual lots. Where the ponds are not part of a County drainage district, the master deed shall establish a mechanism for long term
30 maintenance of the ponds by the condominium association.

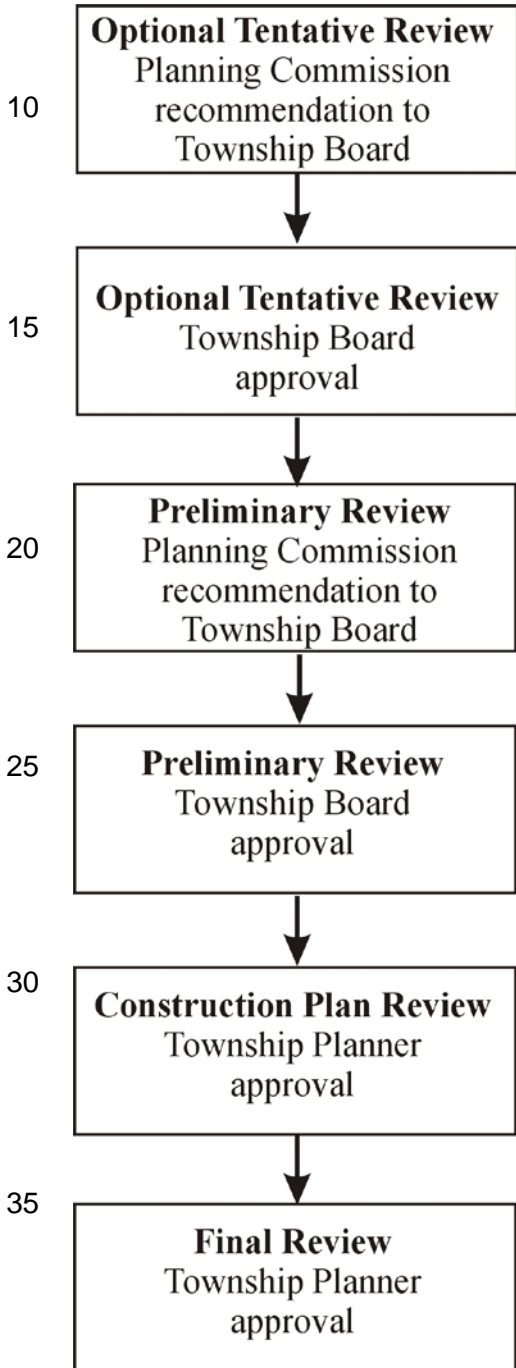
(Ord. #231, 12/27/05)

Sec. 20-03 Condominium Plan Review Process

35 (a) **Optional Tentative Review.** A developer of a condominium may seek an optional tentative condominium site plan review prior to the forwarding of the ten (10) day notice of proposed action as required in Section 71 of the

Condominium Act. A tentative approval may be beneficial to the developer of a site condominium as it parallels a tentative preliminary plat. Based upon the design requirements and requirements set forth in this Ordinance, the Planning Commission shall review and make a recommendation to the Township Board for an optional tentative condominium site plan. The Board shall tentatively approve, subject to conditions, or deny the site plan.

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(1) **Effect of Denial.** A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this or other Township Ordinances. A Township Board motion of denial shall specify the reasons for the denial and those requirements which are not met.

(2) **Effect of Tentative Approval.** A tentative approval shall confer upon the developer the approval of unit sizes, unit orientations, and road layout only. All required additional information must be submitted and reviews processed. A tentative preliminary site plan approval shall be valid for one (1) year from the date of approval.

(b) **Preliminary Review.** Prior to recording of the master deed of the condominium project, as required by Section 72 of the Condominium Act, each condominium project shall receive a preliminary condominium site plan approval from the Township Board.

Based upon the design requirements and requirements set forth in this Ordinance, the Planning Commission shall review and make a recommendation to the Township Board for a preliminary condominium site plan. The Board shall preliminarily approve, preliminarily approve subject to conditions, or deny the site plan.

(a) **Effect of Denial.** A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this or other Township Ordinances. A Township Board motion of denial

shall specify the reasons for the denial and those requirements which are not met.

5 (b) **Effect of Approval.** A preliminary approval shall mean that the site plan for a condominium project meets the requirements of this Ordinance. Subject to any conditions imposed by the Township Board as part of its motion of approval, a preliminary approval assures the applicant that the project and site plan shall receive final approval if:

10 a. The applicant meets the requirements as stated in *Section 20-09* for Final Site Plan Approval.

b. All other governmental approvals are obtained.

15 c. No substantive negative comments are received from any governmental agencies or public utilities during the required notice period.

20 d. All Federal, State, and local laws and Ordinances are met. All site condominium projects shall require the review and approval or comments from the following agencies prior to final site plan review by the Township:

25 1. The Livingston County Road Commission if any part of the project includes or abuts a county road.

2. The Livingston County Drain Commissioner.

30 3. Michigan Department Health and/or the Michigan Department of Environmental Quality shall approve the extension of the water and sewer utilities.

A preliminary condominium site plan approval shall be valid for a period of two (2) years from the date of Township Board approval.

35 (c) **Construction Plan Review.** After preliminary site plan approval, a complete set of construction plans must be submitted to the Township for review. Construction plans will not be considered for review until the applicant receives Township approval of the preliminary site plan. The Township

Planner shall forward the construction plans to the Township Engineer and other Township consultants or agencies as deemed necessary for review.

5 Based on the review comments and recommendations of the Township Engineer and other review agencies, the Township Planner shall approve or not approve the construction plans. The reasons that the construction plans are not approved will be given to the applicant.

10 Upon receiving Township approval of the construction plans and final review plans and documentation as outlined below, applicable permits for construction may be issued by the Building Official following payment of the required fees. Construction plan approval shall be valid for a period of two (2) years from the date of Township approval of the construction plans. The applicant is required to obtain the soil erosion and sedimentation control permit from the Livingston Drain Commissioner and other applicable agency permits before starting construction.

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20 (d) **Final Review.** Prior to the Township assigning parcel identification numbers to each unit in the condominium development, a condominium project shall receive final condominium site plan approval from the Township Planner. The final site plan drawings shall be Exhibit B Drawings to the Master Deed meeting the requirements of Condominium Act, Public Act 59 of 1978, as amended.

25 The applicant will be required to provide a performance guarantee to the Township to cover the costs of all site improvements included in the approved construction plans that are not completed at the time of final site plan approval. The performance guarantee shall meet the requirements of **Section 23-08**.

30 A final site plan approval shall be valid for a period of two (2) years from the date of approval.

(Ord. #231, 12/27/05) (Ord. #250, 5/27/11)

35 **Sec. 20-04 Optional Tentative Plan Submission Requirements**

Application for a tentative condominium site plan review may be provided to the Zoning Official at least thirty (30) days in advance of a meeting for which a

review is scheduled. The tentative review will allow a developer to receive a limited approval for unit lot sizes, unit lot orientation, and road layout only. The following information must be included on, or attached to a tentative condominium project site plan:

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(a) **Ownership Interests.** All persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).

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(b) **Proposed Use.** The proposed use of the condominium project (for example: residential, commercial, or industrial).

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(c) **Density.** The total acreage of the condominium site, acreage set aside for roads, number of condominium units to be developed on the subject parcel, and density computation on a unit per acre basis.

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(d) **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) as to private ownership or proposed dedication to the public.

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(e) **Road Layout.** The tentative location of existing private and public roads adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new condominium project.

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(f) **Unit Lot Orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation/park areas.

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(g) **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention and/or detention areas.

(h) **Natural Features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams, and water drainage areas. Acreage of wetland areas and open space.

Sec. 20-05 Preliminary Site Plan Submission Requirements

5 A preliminary site plan for a condominium project shall be provided to the Zoning Official at least thirty (30) days in advance of a meeting for which a review is scheduled. The site plan may be reviewed and processed concurrently with the notice required to be given the Township pursuant to Section 71 of the Condominium Act. The following information shall be included on, or attached to a preliminary condominium project site plan:

10 (a) **Tentative Site Plan Data.** All information required for the optional tentative site plan review in *Section 20-04* above shall be submitted. If tentative approval was received, the information must be updated with any changes clearly delineated.

15 (b) **Landscaping.** Proposed landscape screening, including greenbelt and berms, and screening walls and a maintenance plan detailing maintenance responsibilities.

20 (c) **Condominium Regulations.** All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments, and enforcement of condominium regulations. These items shall be physically incorporated as part of the site plan through detail sheets attached with the
25 plan.

(d) **Common Areas Shown.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.

30 (e) **Condominium Documents.** All condominium documents must be provided for review by the Township Attorney.

35 (f) **Additional Information.** The following additional information must be submitted for Township review:

- (1) Cross sections of roads, drive aisles, and paved area.

(2) Preliminary approval by the county health department and drain commissioner of proposed septic, sanitary, storm, and/or water system locations.

5 (3) All condominium documents as defined in this Ordinance.

(4) All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of 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 the structures.

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Sec. 20-06 Final Site Plan Submission Requirements

The developer or proprietor may request final approval by submitting to the Township the following items:

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(a) **Revised Plan.** A revised, dated condominium plan incorporating all of the changes, if any, required for preliminary approval.

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(b) **Approvals or Comments.** Verification of all required State and County approvals or comments pursuant to *Section 20-08*.

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(c) **Section 71 Comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act.

(d) **Condominium Documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium site plan.

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Sec. 20-07 Project Requirements

The following requirements are applicable to condominiums:

(a) **Single Family Site Condominiums.** Single family site condominium units and unit lots shall be subject to all dimensional and area requirements for lots

and other Township design requirements for the zoning district in which they are located as stated in each district, and other requirements of this Ordinance. These regulations shall be applied by requiring that the minimum area of condominium unit and the surrounding limited common element be, at least equal to the minimum lot area and lot width requirements for lots of record in the district in which the project is located. The area that the condominium unit encompasses for the principal building and the surrounding limited common element shall incorporate, at a minimum the equivalent of the minimum yard setback requirements as defined within this Ordinance and shall meet all the dimensional requirements of a lot for the zoning district in which it is located.

(b) **Commercial, Office, or Industrial Site Condominiums.** Commercial, office, or industrial site condominium projects shall be subject to all requirements applicable to the zoning district in which they are located. These regulations shall be applied by requiring that minimum area of the site condominium unit and a surrounding limited common element be at least equal to the minimum area and width requirements for the district in which the project is located. The uses contained in a commercial, office, or industrial site condominium project must be appropriate as allowed uses of the underlying zoning district.

(c) **Subdivision Requirements.** The substantive requirements for roads, sidewalks, utilities, storm drainage and subdivision lot layout and design as set forth in the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967, as amended, MCLA 560.101 et.seq., and *Chapter 17 Subdivision Regulations* of the Township Code, are intended to apply to all site condominium projects.

(d) **Conversion Condominium.** All conversion condominium projects shall be subject to the provisions of this Ordinance and shall require site plan approval by the Planning Commission prior to the occupancy of any converted condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The Planning Commission will review the site plan for a condominium conversion as a new site plan and may modify any previous site plan approval. Approval of a conversion condominium site plan shall be subject to site plan requirements and review of the Planning Commission.

- (e) **Public Utilities.** All condominium projects will be required to connect to public utilities at the time of construction, if available. If public utilities are not available at the time of construction the development must be designed to accommodate future connection to the system upon availability.

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Sec. 20-08 Monuments Required

All site condominium projects shall be marked with monuments as follows:

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- (a) **Required.** Monuments shall be placed in the ground according to the following requirements but it is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the roads.

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- (b) **Construction.** All 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.

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- (c) **Location.** Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads 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 roads and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.

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- (1) If the required location of a monument is inaccessible, or if 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.

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- (2) 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.

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- (3) All required monuments shall be placed flush with the surrounding grade where practicable.

5 (d) **Condominium Unit.** Each condominium unit corner 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 markers approved by the Township Engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

10 (e) **Timing.** The Township Board, on recommendation of the Township Engineer, may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, following the date of final site plan approval, on the condition that the applicant deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the applicant selects, in an amount approved by the Township. Such cash, certified check or irrevocable bank letter of credit shall be returned to the applicant upon receipt of a certificate by
15 a surveyor that the monuments and markers have been placed as required within the time specified.

(Ord. #243, 8/1/08)

20 **Sec. 20-09 Post Construction Documents**

(a) It shall be the responsibility of a developer or applicant of a condominium project to furnish the Township, through the Building Official, the following items:

25 (1) One (1) copy of the recorded master deed.

(2) One (1) copy of all restrictive covenants.

30 (3) Two (2) copies of an "as built survey" sealed by a licensed professional engineer, landscape architect or registered planner.

35 (4) One (1) eighteen by twenty-four inch (18" x 24") and one (1) eleven by seventeen inch (11" by 17") drawing of the site plan sealed by a professional engineer, registered landscape architect, or registered planner.

(5) One (1) CD containing digital files that are compatible with the Township's geographic information system software (AutoCADD). Acceptable data formats are DXF or DWG. Digital files shall contain

5 information which references either government corners or existing public
right-of-way intersections in distance and direction from the project area.
Any digital files which are not created 1:1 shall include appropriate scale
information. Feature or element information within the digital files shall
be isolated by both feature groups (files) and layers/levels. Any other
information provided within the digital files shall be layer isolated and
shall include a written description of both the layer name and the
information contained on the layer(s). Digital information provided to the
Township shall be delivered in a format compatible with the Windows NT
operating system.

(b) The above documents must be submitted prior to the issuance of any
certificate of occupancy to any structure within the condominium project.

15 (c) The developer or applicant must also furnish one (1) copy of the site plan
sealed by a professional engineer, registered landscape architect or registered
planner on a drawing sheet of at least thirteen by sixteen (13" x 16") inches
with an image not to exceed ten and one-half by fourteen (10 1/2" x 14")
inches to the Livingston County Register of Deeds.

20 (Ord. #231, 12/27/05) (Ord. #250, 5/27/11)

Sec. 20-10 Temporary Occupancy

25 The Township Board, upon recommendation from the Township Building
Official, may allow occupancy of a condominium unit before all required
improvements are installed, provided that a bond is submitted sufficient in amount
and type to provide for the installation of all remaining improvements without
expense to the Township before the expiration of the Temporary Occupancy
30 Permit.

Sec. 20-11 Condominium Plan Revision

35 If the condominium subdivision plan as required by the Condominium Act is
revised, the final site plan shall be revised accordingly and submitted for review
by the Township Board prior to the issuance of any additional building permit. A
new condominium site plan review, consistent with the procedures of these
regulations, shall be required for any major change to an approved site plan as
defined by the requirements stated in *Article 18*.

Sec. 20-12 Amendment of Condominium Documents

5 An amendment to any condominium document that affects the preliminary or
final site plan, or any conditions of the preliminary or final site plan approval
shall be approved by the Township Board prior to the issuance of a building
permit. The Township Board may require a new site plan review of the amended
10 site plan, if, in its sole opinion, such changes in a document require significant
changes to an approved site plan.