

## ARTICLE 13

### CONDOMINIUM REGULATIONS

#### Section 13.01 Purpose.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance and the Condominium Act (P.A. 59 of 1978, as amended). Condominium projects shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's site development standards. The intent of this Article is to ensure that condominium subdivision (site condominium) subdivisions are developed in compliance with all applicable standards of this Ordinance and the Land Division Act (P.A. 288 of 1967, as amended), except that the review procedures of this Article and Ordinance shall apply.

It is the intent of this Article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a traditional subdivision under the Land Division Act (P.A. 288 of 1967, as amended), except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.

#### Section 13.02 Condominium Unit Requirements.

The following regulations shall apply to all condominium units:

##### A. Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with the use and zoning district standards of this Ordinance:

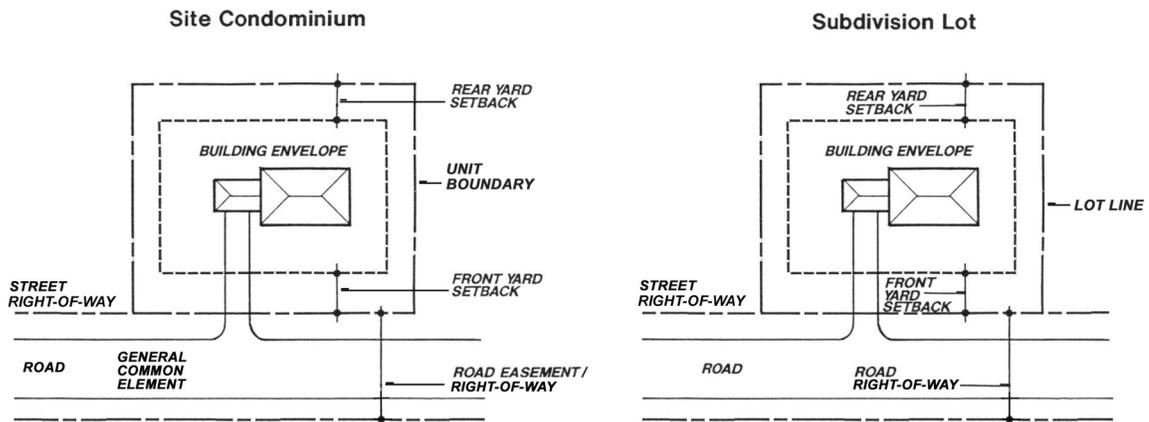
1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.
2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of

existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance and the applicable zoning district.

3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform with all requirements of this Ordinance for the zoning district.

**B. Condominium Unit or Site Condominium Lot.**

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as referenced in the Land Division Act (P.A. 288 of 1967, as amended), and shall comply with the dimensional standards of the zoning district.



**Site Condominium Unit/Subdivision Lot Comparison**

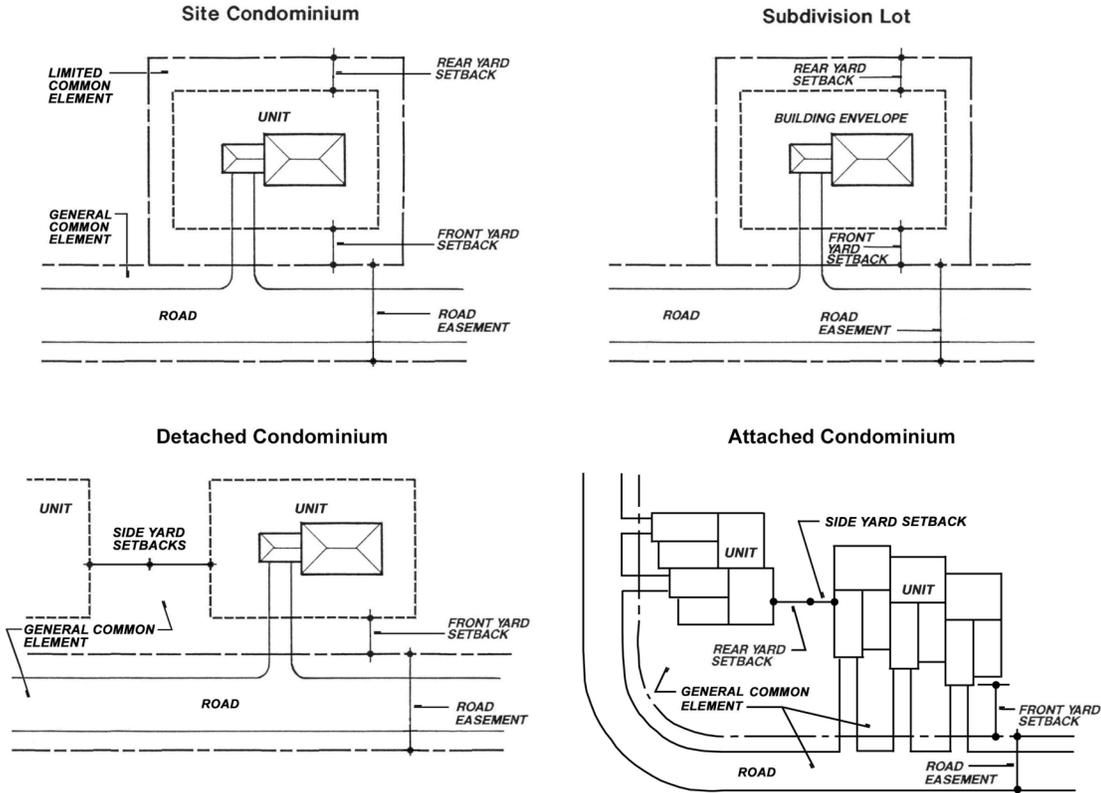
**C. Area Computation.**

The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

**D. Relocation of Lot Boundaries.**

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 4 (Dimensional Standards), and shall be subject to the review procedures specified in Section 12.01E (Site Plan Review Procedure).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of Article 4 (Dimensional Standards) or shall be placed into common areas within the project.



## Condominium Terminology

### Section 13.03 Review Requirements.

A condominium project shall be subject to the site plan review procedures specified in Section 12. 01E (Site Plan Review Procedure), and the following:

#### A. Conceptual Review.

To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Zoning Administrator, other Township officials, and designated Township consultants to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans for formal review.

1. Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum

information required by Section 13.04A (Conceptual Condominium Plan Requirements).

2. Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of an initial plat investigation, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

**B. Condominium Site Plan 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 be subject to review and approval of a condominium site plan by the Planning Commission. The plan shall include all information required by Section 13.04B (Condominium Site Plan Requirements).

The Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Section 12.01E (Site Plan Review Procedure), and the standards for approval specified in Section 12.01P (Standards for Site Plan Approval). For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

**C. Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

**D. Condominium Construction Plans.**

When detailed construction or engineering plans are required by the Township, county or other agency with jurisdiction, such plans shall be reviewed by the Township in accordance with Section 12.01G (Construction Plans). The plan shall include all information required by Section 13.04C (Condominium Construction Plan Requirements).

For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as referenced in the Land Division Act (P.A. 288 of 1967, as amended).

**Section 13.04 Required Plan Information.**

**A. Conceptual Condominium Plan Requirements.**

The following information shall be included with a conceptual condominium site plan:

1. **Ownership interest.** Declaration of 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 (e.g. fee owner, option holder, lessee or land contract vendee).
2. **Proposed use.** The proposed use(s) of the condominium project.
3. **Density.** The total acreage of the condominium site, acreage set aside for road rights-of-way, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
4. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) for private ownership or dedication to the public.
5. **Road layout.** The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
6. **Unit lot orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
7. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
8. **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. The gross land area of all wetland areas and proposed open space dedications shall be provided.

**B. Condominium Site Plan Requirements.**

The following information shall be included with a condominium site plan:

1. **Site plan information.** All information required for a site plan review, as specified in Section 12.010 (Required Information for Site Plans). For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
2. **Condominium restrictions.** All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
3. **Common areas defined.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.

4. **Documents.** The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township Attorney review.
5. **Additional information.** The following additional information shall be submitted for Township review:
  - a. Cross sections of roads, driveways, sidewalks, and other paved areas.
  - b. Details of any proposed sanitary, storm, and water system improvements.
  - c. All condominium documents as defined in this Ordinance.
  - d. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

**C. Condominium Construction Plan Requirements.**

The following shall be submitted to the Township as part of any construction or engineering plans for a condominium project:

1. **Revised plan.** A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.
2. **Outside agency approvals.** Verification of all required state and county approvals or comments pursuant to Section 13.03C (Outside Agency Permits or Approvals) above.
3. **Section 71 comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended).
4. **Condominium documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan (Exhibit B).

**Section 13.05 Project Standards.**

The following standards are applicable to condominiums:

**A. Use Standards.**

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

**B. Subdivision Requirements.**

The substantive requirements for roads, utilities, storm drainage, lots, and other improvements necessary to serve the development, as referenced in the Land Division Act (P.A. 288 of 1967, as amended), shall apply to all condominium subdivision (site condominium) projects.

**C. Setbacks.**

The setback requirements of the underlying zoning district, as specified in Article 4 (Dimensional Standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot or road right-of-way line to the nearest part of the structure or building envelope.

**D. Utility Connections.**

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems, where such services are available. Private well or septic services shall conform with county and state requirements, and proof of permits and approvals for such facilities shall be provided to the Township.

**E. Roads and Access.**

The internal circulation system shall provide adequate means of access and circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned public and private roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Roads shall be designed to meet the engineering standards of the Township or Gladwin County, as applicable.
2. **Sidewalks and pedestrian paths.** To provide access to all common areas and uses, the Planning Commission may require any of the following pedestrian facilities to be provided within and through a condominium development:
  - a. Minimum five (5) foot wide concrete sidewalks along interior and perimeter roads serving a condominium development.
  - b. Paved pedestrian paths constructed of asphalt, crushed limestone or similar durable materials.
  - c. Where required, such paths shall include logical connections to and extensions of pedestrian paths outside of the condominium project.
3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares

and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. A traffic impact study may be required by the Planning Commission, per Section 7.12 (Traffic Impact Studies).

**F. Infrastructure and Other Site Improvements.**

Drainage and utility facilities and improvements shall meet or exceed applicable Township, county, and state requirements. All utilities must be installed underground. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the Planning Commission.

**Section 13.06 Monuments.**

All condominium subdivision (site condominium) projects shall be clearly marked with monuments as follows:

**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 re-established by reference to monuments along the sidelines of the roads.

**B. Construction.**

Monuments shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and 36 inches long, and completely encased in concrete at least four (4) inches in diameter.

**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.

1. **Reference.** If the required location of a monument is inaccessible or locating a monument would be impractical, it is sufficient to place a reference monument nearby, with the precise location clearly indicated on the plans and referenced to the true point.

2. **Steel rods.** If a monument point is required to be 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.
3. **Set at grade.** All required monuments should be placed flush with the surrounding grade where practicable.

**D. Condominium Unit Corners.**

Each site condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half (1/2) inch in diameter, or other markers approved by the Township Engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

**E. Timing.**

The Zoning Administrator, upon recommendation of the Township Engineer, may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits a performance guarantee with the Township Clerk in an amount sufficient to cover the costs for placing such monuments and markers, subject to the requirements of Section 1.09 (Fees and Performance Guarantees).

The period shall not exceed 365 days after the date of condominium construction plan approval. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to forfeiture of the performance guarantee, and completion of the placement under the direction of the Zoning Administrator.

**Section 13.07 Post Construction Requirements.**

**A. Document Submittals.**

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Zoning Administrator:
  - a. One (1) copy of the recorded Master Deed and all restrictive covenants;
  - b. Two (2) copies of the project site plan and an "as built survey," sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the Township; and
  - c. One (1) copy of the project site plan and an "as built survey" in an electronic format acceptable to the Township.
2. The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.

3. The developer or proprietor shall also record all condominium documents and exhibits with the county Register of Deeds office in a manner and format acceptable to the county.

**B. Plan Revisions.**

If the condominium construction plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the Township for review and approval in accordance with Section 12.01N (Revisions to Approved Site Plans).

**C. Amended Documents.**

Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission and Township Attorney for review and approval.

**D. Condominium Site Plan Expiration.**

Condominium site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the Township for review. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

**E. Rescinding Approval of a Condominium Site Plan.**

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 12.01M (Rescinding Site Plan Approval).