

**CHAPTER 13A**  
**CONDOMINIUMS AND SITE CONDOMINIUMS**

**Section 13A.1 Description, Purpose and Scope.** Tracts of land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that these developments will not adversely affect the occupants thereof, other properties or the Township.

- (b) This chapter covers both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for Township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

**Section 13A.2 Definitions.** For purposes of this chapter, the following words and phrases are defined as follows:

- (a) "Building envelope" means an area of land within which a condominium unit may be constructed and used and which complies with the minimum lot area and the minimum lot width requirement of the zoned district in which the condominium unit is located.
- (b) "Condominium unit" means a condominium established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a condominium unit shall be deemed to be a dwelling, if for residential use, or shall be deemed to be a building or portion thereof, if for an approved nonresidential use.
- (1) In the case of an attached condominium, the minimum requirements of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and described, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.
- (2) The building envelope surrounding a two-unit condominium building must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for duplexes in the zoned district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached

condominium units must comply with the minimum lot area requirement, the minimum lot width requirement and the minimum building setback requirements for multi-family dwelling units in the zoned district in which the building is located.

- (3) In the case of a detached condominium, the applicable provisions of this Ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established, so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.
- (c) "Site condominium" means a condominium development consisting of not less than two site condominium units established in compliance with the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended.
- (d) "Site condominium plan" means the plans, drawings and information prepared for a site condominium as required by of the Condominium Act and as required by this chapter for review by the Planning Commission and the Township Board.
- (e) "Site condominium unit" means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) and with other applicable laws, ordinances and regulations, a site condominium unit shall be considered to be the equivalent of a "lot."
- (f) Except as otherwise provided by this chapter, words or phrases shall have the meanings as defined in the Condominium Act.

### **Section 13A.3 Condominium Approval Required.**

- (a) No improvements for a condominium or a site condominium may be commenced until approval has been given in accordance with this chapter.
- (b) Condominiums and site condominiums shall comply with applicable state statutes, in addition to compliance with this chapter and other applicable provisions of this Ordinance.
- (c) If condominium approval or site condominium approval is requested in connection with an application for approval of a planned unit development, then the condominium or site condominium shall be reviewed in accordance with the applicable planned unit development requirements, including the procedures therefore.

**Section 13A.4 Application for Condominium or Site Condominium Approval.** An application for condominium or site condominium approval shall include the following information:

- (a) A condominium plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:
- (b) The information required for site plan review under Chapter 13 of this Ordinance.
- (c) Layout and dimensions of each condominium unit, and the building envelope for such unit.
- (d) Approval or tentative approval of the proposed design and location of the entrance to the site condominium from the County Road Commission or Michigan Department of Transportation.
- (e) The use and occupancy restrictions and maintenance provisions for all general and limited common elements, and the locations thereof, that will be included in the master deed.
- (f) A storm water drainage plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.
- (g) A utility plan showing the location of all water and sewer lines, if any, and easements for the installation, repair and maintenance of utilities.
- (h) A narrative describing the overall objectives of the proposed site condominium.
- (i) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- (j) A street construction, paving and maintenance plan for all streets within the proposed site condominium.
- (k) A description and summary of all proposed phases of the condominium development.
- (l) Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed condominium.

**Section 13A.5 Procedures for Review of Preliminary Condominium Plans.**

- (a) The application and 12 copies of the preliminary plan for the condominium or the site condominium, together with the required application fee and zoning escrow deposit, shall be submitted to the Township.
- (b) Upon a determination that the preliminary plan is complete, the application and the plan shall be forwarded for consideration by the Planning Commission.

- (c) After reviewing the preliminary condominium or site condominium plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and stating its recommendations thereon.
- (d) The Planning Commission shall recommend to the Township Board whether the condominium or site condominium shall be approved, denied, or approved with conditions.

**Section 13A.6 Procedures for Review of Final Condominium or Site Condominium Plans.**

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township 12 copies of a final site condominium plan which complies with the requirements of this chapter and the recommendations of the Planning Commission.
- (b) The final condominium or site condominium plan shall incorporate all of the recommendations, if any, made by the Planning Commission in its review of the preliminary plan; provided, however, that if any of the Planning Commission's recommendations are not included in the final plan, the applicant shall clearly specify in writing which recommendations have not been included, and the reasons for which the recommendations were not included.
- (c) The final condominium or site condominium plan, together with any written statement by the applicant as to the non-inclusion of Planning Commission recommendations, shall be forwarded by the clerk to the Township Board.
- (d) After receiving the final condominium or site condominium plan, the recommendations of the Planning Commission and any written statements by the applicant, the Township Board shall review, and shall by resolution approve, deny or approve with conditions the final plan in accordance with the standards in Section 13A.7.
- (e) The resolution of the Township Board approving, denying or approving with conditions the final site condominium plan may include conditions required to assure compliance with the requirements of this chapter and other conditions of approval specified for site development plans under the terms of the site plan review chapter. The Township Board resolution may also include terms and conditions required to assure compliance with other Township ordinances, state laws and regulations of other agencies.
- (f) All terms and conditions included by the Planning Commission and Township Board in their respective approval of a site condominium shall be incorporated in the recorded Master Deed, or shall otherwise be reflected in the final site condominium plan, when recorded as a part of the Master Deed.

**Section 13A.7 Standards for Approval of Condominiums and Site Condominiums.** A condominium or site condominium shall comply with all of the following requirements:

- (a) The plan shall satisfy the standards and requirements for site plan approval in Chapter 13 of this Ordinance.
- (b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layouts and design, or other aspects of the proposed condominium or site condominium, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.
- (c) Each condominium or site condominium unit and each building envelope adjacent to a condominium unit or units shall comply with all applicable provisions of this Ordinance, including minimum lot area; minimum lot width; required front, side and rear yards; maximum building height; and other applicable land use requirements in this Ordinance.
- (d) If a condominium is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the County Road Commission.
- (e) Private streets may be permitted to provide access to and throughout a site condominium:
  - (1) All private streets shall comply with Section 4.20 of this Ordinance.
  - (2) Provisions in the master deed and condominium bylaws shall obligate the developer and/or owner's association to assure that all the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times.
- (f) The condominium or site condominium shall be served by approved private water supply wells, septic tanks and drain fields or a private community sanitary sewer system and/or community water supply system, if public water and sanitary sewer facilities are not available; if such public facilities are available, they shall be connected to serve the condominium or site condominium.
- (g) Street lights may be required in any condominium or site condominium and if so, they shall be installed in accordance with the outdoor lighting requirements of this Ordinance.
- (h) Sidewalks may be required to be installed in condominiums and site condominiums, in accordance with standards and specifications specified in the resolution of approval of the condominium or site condominium.

**Section 13A.8 Construction in Compliance with Approved Plan.** No buildings or structures in the condominium or site condominium shall be built nor shall any other site improvements be made except in compliance with the final condominium or site condominium plan as approved by the Township Board, including all conditions of approval.

**Section 13A.9 Completion of Improvements.**

- (a) No building permit or occupancy permit for a condominium or site condominium unit in an approved condominium development shall be issued until construction of all required improvements has been completed and approved by the Township, or unless acceptable security for the completion of such improvements has been provided, to the satisfaction of the Township.
- (b) Upon completion of all required improvements, a complete as-built plan for all required improvements in the development shall be promptly submitted to the Township, to the attention of the Township clerk.

**Section 13A.10 Expandable or Convertible Condominium Developments.** Approval of a final condominium or site condominium plan shall not constitute approval of expandable or convertible portions of a condominium or site condominium unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

**Section 13A.11 Revisions of Approved Final Condominium or Site Condominium Plan.**

- (a) Changes to a condominium or site condominium for which a plan has been approved are subject to this section.
- (b) Any change which constitutes an exempt change shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be submitted to the Township zoning administrator; provided, however, that the zoning administrator shall determine whether the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:
  - (1) A change in the name of the condominium or site condominium, in the name of a street within the site condominium or in the name of the developer.
  - (2) Any other change in the condominium or site condominium which, as determined by the zoning administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of the land, buildings or structures in or proposed for the condominium or site condominium.
- (c) Any change which constitutes a minor change shall be reviewed and approved by the zoning administrator, but in the discretion of the administrator, any such minor change may be referred for decision by the Planning Commission. A minor change means a minor change in the site configuration, design, layout or topography of a

condominium or site condominium (or any portion thereof), including any change that will result in:

- (1) A decrease in the number of site condominium units;
  - (2) A reduction in the area of the building envelope for any site condominium unit, provided that the reduction does not result in the building envelope comprising less than the required minimum lot area or having yard sizes less than the minimum required yards specified for the zoned district in which the site condominium is located.
  - (3) A reduction of less than 10 percent in the total combined area of the general common elements of the condominium or site condominium, provided that such reduction, in the case of a condominium or site condominium in a planned unit development, does not result in less permanently preserved open space than required by the applicable planned unit development district under the terms of this Ordinance.
  - (4) A reduction in the total combined area of the limited common elements of the condominium or site condominium.
  - (5) Any other minor variation in the site configuration, design, layout, topography or other aspect of the condominium or site condominium and which, as determined by the zoning administrator, does not constitute a major change.
- (d) Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of condominiums. Major change means a major change in the site configuration, design, layout or topography of a condominium or site condominium (or any portion thereof), including any change that could result in:
- (1) An increase in the number of condominium or site condominium units.
  - (2) Any other change in the site configuration, design, layout, topography, or other aspect of the condominium or site condominium which is subject to regulation under this Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a condominium or site condominium unit, and which is determined by the zoning administrator to constitute a major change in the condominium or site condominium.

**Section 13A.12 Incorporation of Approved Provisions in Master Deed.** All provisions of an approved condominium or site condominium plan shall be incorporated by reference in the master deed for the condominium or site condominium. The Master Deed shall be reviewed by the Township attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this chapter and the Township's approval of the condominium or site condominium. A copy of

the master deed as recorded with the county register of deeds shall be provided to the Township promptly after recording.

**Section 13A.13 Approval Effective for One Year.** Approval of a final condominium or site condominium plan by the Township Board shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the condominium or site condominium commences within such period of one year and is diligently pursued thereafter. If construction or development of the condominium or site condominium has not commenced during such one-year period, such period of time may be extended by the Township Board in its discretion, for up to two additional periods of one year each, if such an extension is applied for during a current period of approval.