

## **ARTICLE 12 CONDOMINIUMS**

### **SECTION 12.01 Intent**

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

### **SECTION 12.02 Review requirements**

In order to ensure compliance with this Ordinance, all condominium developments shall follow the site plan review process, including developments consisting solely of single family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required in Article 8 Site Plan Review, all applicants for condominium site plan review shall submit the following information.

- A. Copy of the proposed condominium master deed and all amendments.
- B. A copy of the proposed condominium subdivision plan as defined in Article 2 (at the time of final engineering approval).
- C. A copy of the proposed condominium association by-laws and organizational articles.

### **SECTION 12.03 Zoning ordinance standards**

#### **A. Lot Size**

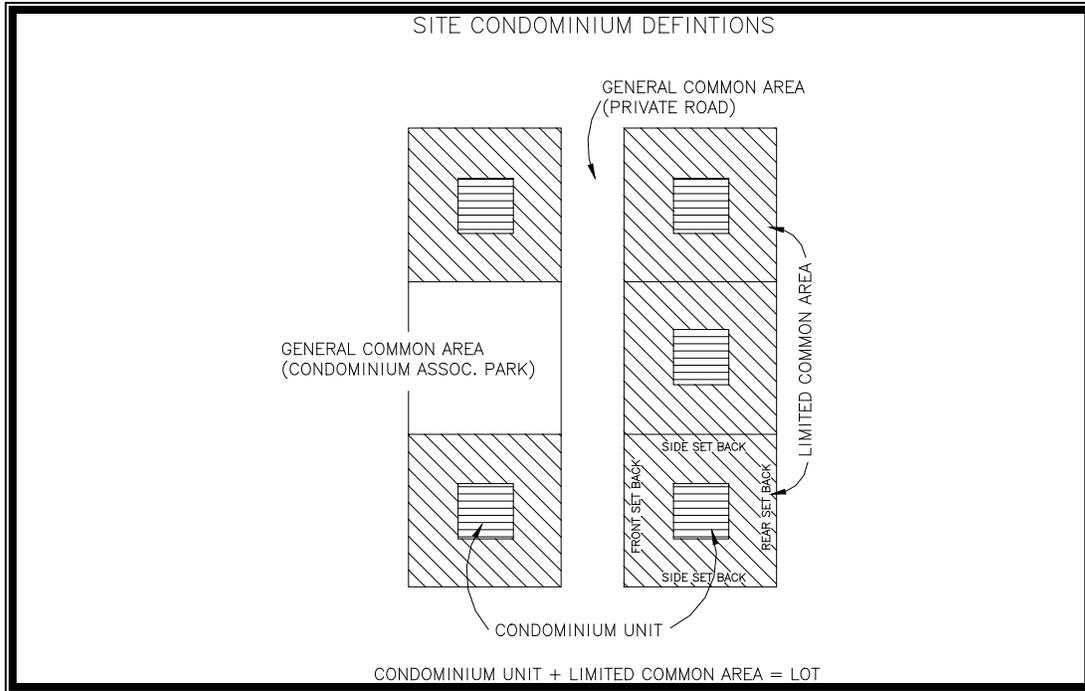
In conventional condominium development, as defined in Article 2, the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site, just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common elements are considered equivalent to a "lot", and must meet the minimum lot size requirements for the zoning district in which the parcel is located.

#### **B. Setbacks**

In conventional condominium development, as defined in Article 2, the buildings must be set back from the sites boundaries as required in the zoning district where the parcel is located. For site condominium developments the setbacks shall be from the outer edge

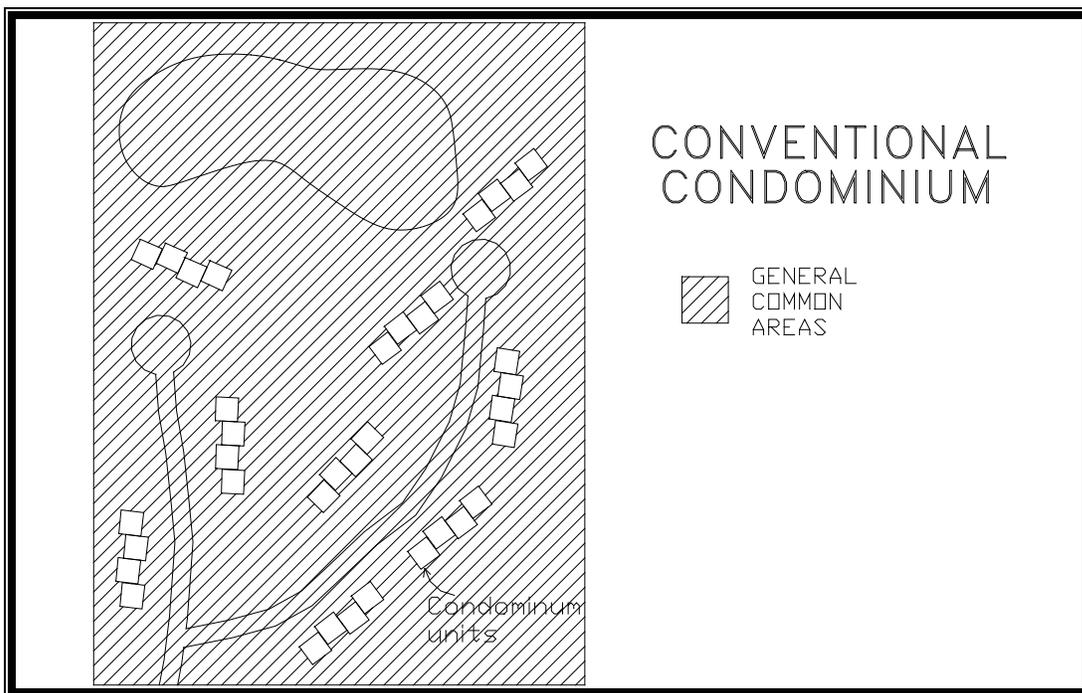
of the "lot" consisting of a condominium unit and their associated limited common elements, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.

**Figure 12 - 1**



(See definition - Article 2)

**Figure 12 - 2**



(See definition - Article 2)

### **SECTION 12.04 Condominium design requirements**

Conventional and site condominium developments shall comply with all applicable design standards in this Ordinance. Infrastructure, including streets, utilities and sidewalks shall comply with the Fenton Township Infrastructure Standards adopted by the Township Board.

### **SECTION 12.05 Survey requirements**

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, (PA 59 of 1978). Site condominiums shall comply with the following requirements which are intended to ensure that monumentation is equivalent to the monumentation requirements of a subdivision plat:

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel at least half ( $\frac{1}{2}$ ) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- D. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the site plan and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least half ( $\frac{1}{2}$ ) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this Ordinance shall be monumented in

the field by iron or steel bars or iron pipes at least half ( $\frac{1}{2}$ ) inch diameter and eighteen (18) inches long, or other markers approved by the Township.

- H. The Township Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition the proprietor deposits with the Township cash, certified check, or irrevocable bank letter of credit payable to the Township, whichever the proprietor selects, in an amount not less than one hundred (100) dollars per monument and not less than four hundred (400) dollars in total, except that lot corner markers shall be at the rate of not less than twenty five (25) dollars per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed within the time specified as required. If the proprietor defaults, the Township shall promptly require a surveyor to locate the monuments and markers as certified on the site plan, as required by this Ordinance. The Township shall be reimbursed for the cost of such work by the proprietors deposits. Additionally, in the event the Township incurs costs in excess of the amount deposited, such costs will be charged against the proprietor.

#### **SECTION 12.06 Recorded master deed**

Prior to issuance of a building permit, the applicant shall provide the township with a copy of the recorded master deed, including all amendments and attachments along with two (2) copies not to exceed 11" x 17" and two (2) copies at least 24" x 36" of the condominium plan (Exhibit B). The Zoning Administrator shall review these documents to ensure that they comply with the approval granted by the Planning Commission. The applicant shall also provide a digital copy of the drawing in a format designated by the Township.