

CHAPTER 1290 Condominiums

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CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

1290.01 DEFINITIONS.

As used in this chapter:

- (a) CONDOMINIUM ACT means Public Act 59 of 1978, as amended.
- (b) CONDOMINIUM SUBDIVISION means and shall be equivalent to the term "subdivision" as used in this Zoning Code and the Village Subdivision Control Ordinance. If no Village Subdivision Control Ordinance is in effect, the term shall be equivalent to the term "subdivision" as used in the Subdivision Control Act (Public Act 288 of 1967, as amended.)

(c) CONDOMINIUM SUBDIVISION PLAN means the site, survey, and utility plans, floor plans and sections, as appropriate (if buildings are proposed), showing existing and proposed structures and improvements, including the location thereof on the land. The condominium subdivision plan shall show the size, location, area and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

(d) CONDOMINIUM UNIT means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

(e) CONTRACTIBLE CONDOMINIUM means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

(f) CONVERTIBLE AREA means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with the chapter and the Condominium Act.

(g) EXPANDABLE CONDOMINIUM means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.

(h) MASTER DEED means the condominium document recording the condominium project as approved by the Village, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan.

(i) SITE CONDOMINIUM means a subdivision of land created and recorded pursuant to the Condominium Act and the provisions of this chapter, containing two or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements.

(j) STREET means a public thoroughfare which affords traffic circulation and a principal means of access to abutting property, including an avenue, place, way, drive, land, boulevard, highway, road and other thoroughfare, except an alley. In the case of a site condominium, as defined and as regulated by this chapter, the principal means of access to abutting units of ownership shall be considered a street, provided it is constructed and maintained to meet the same standard for public streets within the Village, as established by the Village. Said streets within a site condominium must be dedicated to the public.

(Ord. 2000-8. Passed 5-8-00.)

1290.02 REQUIRED INFORMATION.

Concurrently with notice required to be given to the Village pursuant to Section 71 of Public Act 59 of 1978 (the Condominium Act), as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information:

- (a) The name, address and telephone number of:
 - (1) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - (2) All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
 - (3) The developer or proprietor of the condominium development.
- (b) The legal description of the land on which the condominium development will be developed, together with appropriate tax identification numbers.
- (c) The acreage content of the land on which the condominium development will be developed.
- (d) The purpose of the development (for example, residential, commercial, industrial, etc.).
- (e) The approximate number of condominium units to be developed on the subject parcel.

(Ord. 2000-8. Passed 5-8-00.)

1290.03 INFORMATION TO BE KEPT CURRENT.

The information shall be furnished to the Village Building Official and shall be kept updated until such time as a certificate of occupancy has been issued.

(Ord. 2000-8. Passed 5-8-00.)

1290.04 SITE PLANS FOR NEW PROJECTS.

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Section 1270.04. In addition, the Village shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.

(Ord. 2000-8. Passed 5-8-00.)

1290.05 SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS.

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 1270.04.

(Ord. 2000-8. Passed 5-8-00.)

1290.06 REVIEW OF REQUIRED DOCUMENTS; FEES.

The condominium development developer or proprietor shall furnish the Building Official with the following: one copy of the recorded Master Deed, one copy of all restrictive covenants, and two copies of an "as-built" survey. The "as-built" survey shall be reviewed by the Village Building Inspector for compliance with Village ordinances. Fees for such review shall be established by resolution of the Village Council. (Ord. 2000-8. Passed 5-8-00.)

1290.07 MONUMENTS.

(a) Site Condominium Projects. All condominium developments which consist, in whole or in part, of condominium units which are residential, commercial, or industrial building sites, mobile home sites or recreational sites shall be marked with monuments as provided in this subsection.

- (1) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and thirty-six inches long and completely encased in concrete at least four inches in diameter.
- (2) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound 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. 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 condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

- (3) If the required location of a monument is in an inaccessible place or where 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.
- (4) If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
- (5) All required monuments shall be placed flush with the ground where practicable.
- (6) All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches long and one-half inch in diameter, or other approved markers.
- (7) The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Village office cash or a certified check, or irrevocable bank letter of credit to the Village of Caseville, whichever the proprietor selects, in an amount to be established by the Village Council, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor confirming that the monuments and markers have been placed as required within the time specified.

(b) All Condominium Projects. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of paragraph (a)(1) hereof. (Ord. 2000-8. Passed 5-8-00.)

1290.08 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS REQUIRED.

All condominium developments shall comply with Federal and State statutes and local ordinances. (Ord. 2000-8. Passed 5-8-00.)

1290.09 OCCUPANCY PRIOR TO COMPLETION OF IMPROVEMENTS.

The Village Building Inspector may allow occupancy of the condominium development before all improvements required by this chapter are installed, provided that cash, a certified check or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit, without expense to the Village. (Ord. 2000-8. Passed 5-8-00.)

1290.10 SITE PLAN REVIEW.

(a) Review Procedures. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Village Council following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Village Council, the Planning Commission shall consult with the Village Zoning Administrator/Building Inspector and the Village Attorney regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and this Village Zoning Code. The review process shall consist of two steps:

- (1) Preliminary plan review. In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Caseville Village Zoning and the Master Plan. Plans submitted for preliminary review shall include information specified in paragraph (b)(1) to (4) hereof of the submission requirements as set forth below.
- (2) Final plan review. Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by paragraph (b)(1) to (8) hereof of the submission requirements as set forth below. Such plans shall be reviewed by the Village Zoning Administration/Building Inspector, and the Village Attorney. Further, such plans shall be submitted for review and comment to all applicable local, County, and State agencies as may be appropriate, and as determined by the Planning Commission. The Village Council may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comment on said plans.

(b) Exhibits Required. In addition to the requirements of Section 66 of the Condominium Act and the requirements for site plans contained in Section 1270.04 of this Zoning Code, all plans for site condominium projects presented for approval shall contain the following information:

- (1) A survey of the condominium subdivision site.
- (2) A survey or drawing delineating all natural features on the site, including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands, and woodland areas.
- (3) The location, size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
- (4) A generalized plan for the provision of utilities and drainage systems.
- (5) A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- (6) A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to the Village for repair and maintenance of all utilities.
- (7) A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision.
- (8) A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.

(c) Application of Zoning District Regulations. A site condominium development, whether intended for residential, commercial, or industrial use, shall be subject to all of the requirements and standards of the applicable zoning district in which the development is located.

(d) Design Layout and Engineering Standards. The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this chapter. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to at least all minimum requirements of the general specifications and typical cross sections, including bituminous or concrete paving standards, as set forth in the Plat Development and Street Construction Manual, as amended, issued by the Huron County Road Commission.

- (1) Location, arrangement and design of streets.

A. The street layout shall provide for the continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided, or conform to a plan for a neighborhood unit drawn up by the developer, and adopted by the Planning Commission.

- B. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - C. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - D. Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land, such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
 - E. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the condominium subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Whenever there exists adjacent to the tract to be developed a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
 - F. Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.
- (2) Right-of-way and pavement widths.
- A. Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY WIDTH</u>	<u>PAVEMENT WIDTH</u>
All types of streets	66 feet	24 feet
Cul-de-sacs	75-foot radius	45-foot radius

- B. No on-street parking shall be allowed unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.
 - C. The minimum length for cul-de-sac streets shall be 140 feet. The maximum length for cul-de-sac streets shall be 1,000 feet.
 - D. Access to streets across all ditches shall be provided by the proprietor in accordance with the Huron County Road Commission's specifications and procedures for driveway installation.
 - E. The Village may require that all or a portion of the streets be dedicated as public streets. All streets which are not dedicated to the public shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The Master Deed shall contain adequate mechanisms to insure that streets will be properly maintained. Such provisions shall be reviewed and approved by the Village Zoning Administrator and the Village Attorney.
- (3) Easements.
- A. The location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet wide and six feet from each proposed condominium unit site.
 - B. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
 - C. Easements six feet in width, three feet from a condominium unit site, shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company)".

(e) Condominium Units. Condominium units within site condominium developments shall conform to the following standards:

- (1) The lot size, width, depth and shape in any site condominium shall be appropriate for the location and type of development contemplated.
- (2) Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of this Zoning Code for the district in which the site condominium is proposed.
- (3) Condominium units situated on corners in residential condominium subdivisions shall be at least ten feet wider than the minimum width permitted by this Zoning Code. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.
- (4) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall be considered a maximum.
- (5) Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with this Zoning Code.
- (6) Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in this Zoning Code for lots.
- (7) Side condominium unit lines shall be at right angles or radial to the street lines.
- (8) Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
- (9) Condominium units shall have a front-to-front relationship across all streets, where possible.
- (10) Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit, provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

(f) Blocks.

- (1) The maximum length for blocks shall not exceed 1,300 feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
- (2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(g) Natural Resources. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the provision of adequate barriers, where appropriate, shall be required.

(h) Sidewalks. Sidewalks shall be installed in all single-family detached site condominium developments pursuant to all provisions under Section 1260.09(39). Sidewalks shall be a minimum of five feet in width along both sides of collector and minor streets and six feet in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Notwithstanding the above, in instances where the average width of condominium units is greater than or equal to sixty-five feet, sidewalks along internal streets shall not be required.

(i) Utilities.

- (1) Storm drainage. An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the Zoning Administrator, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Village Council may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the Village when, in the opinion of the Zoning Administrator, dedication of the same would be in the best interest of the Village.

- (2) Sewage disposal. When a proposed site condominium is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by the Department of Public Works Supervisor, shall be installed in such a manner as to serve all condominium units. Where a public sewer system is not available, on-site sewage disposal systems may be employed, provided that they are approved by the Huron County Health Department. The Village Council may require that all sanitary sewers be installed within the public rights-of-way or within the general common elements and dedicated to the Village when, in the opinion of the Village Council, dedication of the same would be in the best interest of the Village.
- (3) Water supply. When a proposed site condominium is located within, adjacent to, or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, as approved by the Department of Public Works Supervisor, such facilities shall be constructed in such a manner as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of a public water supply system, a private water supply system shall be provided by the developer as regulated by the Huron County Health Department. The Village Council may require that all water lines and appurtenances connecting to the public water supply system be installed within the public rights-of-way or within the general common elements and dedicated to the Village when, in the opinion of the Village Council, dedication of the same would be in the best interest of the Village.
- (4) Requirements for underground wiring. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the utility company and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not

constitute a detriment to the health, safety and general welfare of the public, or the design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately-held property shall be protected by easements granted by the proprietor.

(j) Street Names and Signs. For the purpose of insuring proper response by emergency vehicles, road name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the Village of Caseville. Street names shall be designated in a manner so as not to duplicate or be confused with pre-existing streets within the Village or the postal zone.

(k) Street Lighting. For the purpose of protecting public safety, street lights meeting the standards of the Village of Caseville and the public utility providing such lighting shall be installed and maintained within the condominium development at all street intersections. The condominium association shall be responsible for the full cost of operation of streetlights.

(l) Final Documents. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Village a copy of the site plan on a mylar sheet of at least thirteen inches by sixteen inches, with an image not to exceed ten and one-half inches by fourteen inches.
(Ord. 2000-8. Passed 5-8-00.)

1290.11 BUILDING RESTRICTIONS IN COMMERCIAL, R-1 AND R-M ZONING DISTRICTS.

In the Commercial, R-1 and R-M Zoning Districts, not more than one single-family structure shall be constructed on a lot. In the R-M Zoning District, not more than one single-family or one two-family structure shall be placed on a lot. In the case of a site condominium where no subdivision of land under Public Act 288 of 1967 (the Subdivision Control Act) has taken place and where the land therefor remains as one lot or parcel, this restriction shall not apply; however, in this instance, not more than one single-family or two-family dwelling shall be constructed upon an individual unit of ownership within a site condominium development. No residential dwelling shall be erected in Industrial Districts except for sleeping quarters for a watchman or caretaker, as an accessory use to the principal use, except as a special use authorized by the Planning Commission.
(Ord. 2000-8. Passed 5-8-00.)

1290.12 LOT FRONTAGE.

Any lot created after the effective date of this chapter shall maintain frontage upon a public street or public highway for not less than the minimum required width of the lot, except that in the case of a site condominium which has been approved by the Village, a dwelling unit may be constructed upon an individual unit of ownership that has the required frontage upon an approved street, regardless of whether said street has been dedicated to the County or remains under the ownership and control of the condominium association.
(Ord. 2000-8. Passed 5-8-00.)