

SITE CONDOMINIUM REGULATIONS

SECTION 1. PURPOSE

This article is intended to provide to condominium projects within the Township, establish regulations to guide development of such projects in a manner similar to comparable development allowed within the Township in compliance with Zoning Ordinance, and to establish development standards and required information to assure compliance with Township Ordinances.

1. Orderly growth and harmonious development of the community as planned in the Township Master Plan;
2. Adequate traffic circulation and safety through coordinated street systems in relation to the County and State paved road system, future development, public services and facilities;
3. Development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present resident of the Township;
4. Adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing planned paved roadways;
5. Development designed to assure minimum negative impact on the natural environment including, but not limited to wetlands, surface waters, ground water, flora and fauna of the community.

SECTION 2. DEFINITIONS

In addition to the terms defined in the Township Zoning Ordinance and the Sub-division Control Regulations, the following terms shall have the meanings as shown in this section.

Terms defined in the Condominium Act, in addition to the terms defined herein, shall have the meanings as defined therein:

1. Building Site: The condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot; when "Lot" is used as a reference in the Zoning Ordinance, the regulation shall also refer to the building site.
2. Condominium Act: Public Act 59 of the 1978 Public Acts of the Michigan Legislature as amended (Section 559 101 et.seq. Of the Michigan Compiled Laws).
3. Condominium Plan: The drawings and information prepared in compliance with the Zoning Ordinance which display the proposed site layout, survey and utility plans, floor plans, and sections, as appropriate, showing the existing and proposed structures and improvements including the location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location and approximate size of common elements.

4. Condominium Project: A plan or project consisting of not less than two (2) condominium units, if established and approved in conformance with the Condominium Act.
5. Condominium Subdivision Plan: Shall mean the same as the Condominium Plan.
6. Condominium Unit: The portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term "lot" as used in Township Ordinances.

SECTION 3. REQUIRED INFORMATION

Concurrently with notice required to be given the township pursuant to Section 71 of Public Act of 1978, as amended (MCL 559.171), a person, firm or corporation intending to develop a condominium project shall provide approved the following information with information with respect to the project.

1. The name, address and telephone number of:
 - a. All persons, firms or corporations with an ownership interest in the land of which the condominium project shall be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects, or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
2. The legal description of the land on which the condominium project will be developed, together with appropriate tax identification numbers, and a survey of the entire condominium project.
3. The acreage content of the land on which the condominium project will be developed.
4. The purpose of the project (for example: residential, commercial, industrial, etc.).
5. The number of condominium units to be developed on subject parcel.
6. The community water system to be installed.
7. The community septic system to be installed.
8. The parking area and spaces to be provided.
9. The ingress and egress to be provided.
10. Class "B" Site Plan including building envelope.
 - a. Showing building envelope inside unit.

SECTION 4. CURRENT INFORMATION

All information shall be furnished to the Zoning Administrator and shall be kept updated until such times as a Certificate of Occupancy has been issued.

SECTION 5. SITE PLANS - NEW PROJECTS - MASTER DEED, AND ENGINEERING AND INSPECTIONS

Prior to the recording of the Master Deed required by Section 72 of the Condominium Act, as amended (MCL 559.108), the condominium project shall undergo Class "B" Site Plan review and approval by the Planning and Zoning Commission. In addition, the Township requires appropriate engineering plans and inspections prior to the issuance of any Certificate of Occupancy.

SECTION 6. MASTER DEED, RESTRICTIVE COVENANTS AND "AS BUILT" SURVEY TO BE FURNISHED

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following:

- One copy of the recorded Master Deed;
- One copy of all restrictive covenants;
- Two copies of an "as built survey".

The "as built survey" shall be reviewed for compliance with Township Ordinances. Fees for these reviews shall be established by resolutions of the Township Board in addition to those otherwise required by Township Ordinances.

SECTION 7. MONUMENTS REQUIRED - SITE CONDOMINIUM PROJECTS

All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this Section.

1. Monuments shall be located in the ground and made according to the following requirements, but 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 project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project, at all intersection lines of street and at the intersection of the lines of street with the boundaries of the condominium project and at the intersection of alleys 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 all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements.
4. If the required location of a monument is an inaccessible place, or where the location of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise locations thereof be clearly indicated on the plans and referenced to the true point.
5. 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.
6. All required monuments shall be placed flush with the ground where practicable.

7. All unit corners 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 other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk, cash or a certified check, or irrevocable bank letter or credit running to the Township, whichever the proprietor selects, in an amount set by resolution of the Township Board. Such cash, certified check, or irrevocable bank letter or credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 8. MONUMENTS REQUIRED - ALL CONDOMINIUM PROJECTS

All condominium projects shall be marked at their boundaries with monuments meeting the requirements stated above.

SECTION 9. STATE AND COUNTY APPROVAL

The developer or proprietor of the condominium project shall provide proof that state and county permits have been received for the fresh water system for the proposed project and the wastewater disposal system for the proposed project.

SECTION 10. TEMPORARY OCCUPANCY

The Zoning Administrator shall allow occupancy of the condominium project in phases, but not before all improvements required by this Ordinance are install in the phase to be occupied, provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements in the rest of the project.

SECTION 11. STREET STANDARDS, SITE PLAN SUBMITTAL, INSPECTIONS

All streets located within a Condominium Project shall be constructed and paved in accordance with the standards and specifications of the County Road Commission for public roads, and the Township Subdivision Control regulation. All condominium roads shall be designated in the Master Deed as common elements of the Condominium Project, or a combination of Condominium Projects, or an association that includes the proposed Condominium Project Owners. Where standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the Master Deed, and a copy of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet twenty-four by thirty-six (24 x 36) inches with an image not-to-exceed eight and one-half by fourteen (8 1/2 x 14) inches.

Prior to issuance of a Final Certificate of Occupancy by the Township, The Township Engineer and/or Building Inspector shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, for compliance with all applicable Township Ordinances.

SECTION 12. PENALTY

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five-hundred (\$500) dollars or by imprisonment in the county jail for a period of time not to exceed ninety (90) days or by both fine and imprisonment, plus actual costs of prosecution.

ORDINANCE # 19

The foregoing Ordinance offered by Board Member L. Johnson, Supported by Board Member D. Behrend.

Upon roll call vote, the following voted "Aye": L. Johnson, J. Edwards, R. Wilhelmsen, D. Behrend, B. Guy.

"Nay": 0

Absent: 0

The Chair declared adopted on date of publication 09/29/1997.

CERTIFICATE

I, Lewis L. Johnson, duly elected and acting Clerk of Morton Township, hereby clarify that the preceding resolution was offered by the Township Board of said Township at the Regular Meeting of said Board, held on September 9, 1997, of said members as here-in-before set forth; that said resolution was ordered to take effect on date of publication, September 29, 1997.

Lewis L. Johnson

Lewis L. Johnson, Clerk