

1.2301 CONDOMINIUM SUBDIVISION APPROVAL

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978 ,as amended, all condominium subdivision plans must be approved by the Planning and Zoning Commission.

1.2302 DEFINITIONS

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Subdivision Control Act, P.A. 288 of 1967, and the Manlius Township Subdivision Control Ordinance.

- a. "Condominium Act" means Act 59 of 1978, as amended.
- b. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in the Zoning Ordinance and the Subdivision Control Act of 1967.
- c. "Condominium subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, 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. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- f. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

- h. “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 this Ordinance and the Condominium Act.
- i. “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 Ordinance and the Condominium Act.
- j. “Front yard setback” shall be equal to the distance between the front yard area line and the condominium dwelling.
- k. “Lot” shall mean the same as “Homesite” and “Condominium Unit.”
- l. “Master deed” means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- m. “Rear yard setback” shall be equal to the distance between the rear yard area line and the condominium dwelling.
- n. “Side yard setback” shall be equal to the distance between the side yard area line and the condominium dwelling.

1.2303 CONDOMINIUM PROJECTS

The following regulations shall apply to all condominium projects within the Manlius Township.

- 1.2303.1 Initial Information: Concurrently with notice required to be given Manlius Township pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
 - 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 project 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 or registered land surveyors associated with the project.

3. The developer or proprietor of the condominium project.

b. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

c. The acreage content of the land on which the condominium project will be developed.

d. The purpose of the project (for example, residential, commercial, industrial, etc.).

e. Approximate number of condominium units to be developed on the subject parcel.

f. Whether or not a community water system is contemplated.

g. Whether or not a community septic system is contemplated.

1.2303.2 Information to be Kept Current: The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Section 1.2805.

1.2303.3 Site Plans - New Projects Master Deed, and Engineering and Inspections:

a. Prior to recording to the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Article XIV of this Ordinance.

b. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney and registered civil engineer retained by the Township regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

1.2304 CONDOMINIUM SUBDIVISION PLAN – REQUIRED CONTENT

1.2304.1 All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act and the following:

- a. A survey plan of the condominium subdivision.
- b. A floodplain plan, when appropriate.
- c. A site plan showing the location, size, shape, area and width of all condominium units.
- d. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
- e. A street construction, paving and maintenance plan or all private streets within the proposed condominium subdivision.
- f. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.

1.2305 SITE PLANS – EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Article XIV of this Ordinance.

1.2305.1 Master Deed, Restrictive Covenants and “As Built” Survey to be Furnished.

- a. The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an “as built survey.” The “as built survey” shall be reviewed by the Zoning Administrator or registered civil engineer retained by the Township for compliance with Township ordinances. Fees for this review shall be established by resolution of the Township Board.

1.2306 MONUMENTS REQUIRED – SITE CONDOMINIUM PROJECTS:

1.2306.1 All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites shall be marked with monuments as provided in this subsection:

- a. 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 side lines of the streets.
- b. All monuments used shall be made of solid iron or steel bars at least one-half (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 condominium project; at the intersection lines of the streets and at the intersection of the lines of streets 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 the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- d. If the required location of monument is 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 by clearly indicated on the plans and referenced to the true point.
- e. 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 dept of at least eight (8) inches.
- f. All required monuments shall be placed flush with the ground where practicable.
- g. 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.
- h. 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 of credit running to the Township, whichever the proprietor selects, in an amount not less than twenty-five dollars (\$25.00) per monument and not less than one hundred dollars (\$100.00) in total. 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 as required within the time specified.

1.2307 MONUMENTS REQUIRED – ALL CONDOMINIUM PROJECTS

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 1.2306.1b. above.

1.2308 EASEMENT OF UTILITIES

The condominium subdivision plan shall include all necessary easements granted to the Manlius Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipe lines, mains, conduits and other installations of a similar character (hereinafter collectively called “public structures”) for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to such easement, and excavating and refilling ditches and trenches necessary for the location of such public structures.

1.2309 PRIVATE STREETS

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the Allegan County Road Commission. In addition, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete.

1.2310 ENCROACHMENT PROHIBITED

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

1.2311 RELOCATION OF BOUNDARIES

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator,

and this requirement shall be made part of the bylaws and recorded as part of the master deed.

1.2312 SUBDIVISION OF CONDOMINIUM UNITS

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

1.2313 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAW

All condominium projects shall comply with Federal and State Statutes and local ordinances.

1.2313.1 State and County Approval: The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

1.2314 TEMPORARY OCCUPANCY

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond 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 Township.

1.2315 CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND APPROVAL

All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of the Manlius Township Subdivision Control Ordinance. The requirements of final plat approval in Section 4.3 shall not apply to condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township Clerk to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the planning and Zoning Commission. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Subdivision Control Act.