

**ARTICLE 35**  
**Site Condominiums**

**§ 170-35.1. Intent**

The intent of this Article is to provide regulatory standards for site condominiums similar to those required for platted subdivision. Site condominiums are permitted in the State of Michigan by Public Act 59 of 1978, as amended (MCL 559.101 et seq.), and are subject to state and federal regulations and the requirements of this chapter.

**§ 170-35.2. Applicability of regulations**

- A. Site condominium projects shall comply with all dimensional requirements of Article 18, Schedule of Regulations for the zoning district which it is located. Applicable standards shall be applied in the same manner as they would be applied to platted lots in a subdivision.
- B. All other applicable requirements of this chapter shall apply.
- C. Sewer, water, storm drainage, other utility services, and roads shall conform to the design, layout and improvement standards described in Chapter 152, Subdivision Control.
- D. Private roads and access points shall meet the road design, construction, and maintenance requirements of Article 28, Private Roads.

**§ 170-35.3. Utilities**

The site condominium plan shall grant utility easements, or the right of access to utility easements, as required to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

**§ 170-35.4. Review procedures**

The project must be reviewed by the Planning Commission and approved by the Township Board according to the following procedure:

- A. The plans shall be prepared in accordance with the provisions of this article, including all appropriate information identified on the site plan application. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible to begin the review process.
- B. A site condominium plan and private road is approved by the township board, upon a recommendation from the planning commission, in accordance with the following sequence.
- C. Concept plan review.
  - (1) The applicant shall submit a concept plan, with information listed in Section 35.5 Site Condominium Submittal Requirements, for review by the Planning Commission. The Planning Commission shall forward a written recommendation to the Township Board to approve, approve with conditions or deny the concept plan and private road.
  - (2) The Township Board shall consider the recommendation of the Planning Commission, review the concept plan and approve, approve with conditions or deny the concept plan. All conditions imposed by the Planning Commission shall be resolved prior to approval of the concept plan by the Township Board.
- D. Final site plan review.
  - (1) Following submittal of the concept plan to applicable outside agencies, the applicant shall revise the plan, if required, and submit a final site plan to the Planning Commission. The final site plan submittal shall include all review letters that have been obtained from outside agencies.
  - (2) The Planning Commission shall review the final site plan, along with comments by outside agencies, and shall forward a written recommendation to approve, approve with conditions or deny the final site plan to the Township Board.
  - (3) If major modifications to the site plan are required as a result of outside agency review, the site plan shall be resubmitted for concept plan review. A determination of a major modification shall be made by the Township and follow the requirements outlined in Article 33, Site Plan Review, for modifications to approved plans.
  - (4) The final site plan must include all information listed in Section 35.5 General Site Condominium Submittal Requirements.

- E. The applicant shall submit the approved final site plan to those outside agencies with review or permit authority over the project. Agency reviews shall include, but are not be limited to, the Wayne County Department of Public Services, Wayne County Department of the Environment and Michigan Department of Environmental Quality. If outside agency review comments result in modifications to the site layout, grading, detention location or other similar changes, the plan may be referred back to the planning commission to confer compliance with the design intent of the original approval.
- F. Construction plan review. The Township Engineer shall review construction plans, establish any necessary bonding requirements and confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities, shall be submitted in accordance with the requirements of this article. Final master deed shall be submitted in accordance with § 170-35.11.

G. Amendments

- (1) Proposed amendments to an approved condominium site plan shall be submitted to the Township Planning Department for a determination of whether such amendments constitute a major or minor modification to the approved site plan. Minor amendments require an administrative review. Major amendments require a new concept plan submission.
- (2) Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or location of drainage facilities, encroach into areas that were identified as being preserved, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation, ~~or~~ that increase the density or intensity of the project or modify any condition of site plan approval. Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads, the size or location of approved drainage facilities or other changes which do not increase traffic volumes, alter circulation or increase the intensity or density of a project. The determination of whether a proposal constitutes a major or minor amendment shall be made by the Township Planning Department.

**§ 170-35.5. General site condominium submittal requirements**

In addition to the site condominium application and required fee, the information identified on the application checklist shall be submitted to the planning department in order to initiate the site plan review process. The proposed site plans shall identify the applicable submittal items identified in the table below and comply with the applicable standards contained in this chapter.

A. Concept plan submittal requirements

<b>General Information</b>
Proof of ownership or authorization from the land owner to submit the development proposal
The legal description of the property
A site location map
Professional seal, signature, address and phone number of professional(s) involved in preparation of the plan
Dimensions of project boundaries
<b>Existing Site Information</b>
Site analysis map depicting slopes, drainage courses, water bodies, natural features and sight distance limitations
Existing and proposed property lines within 200' of the proposed site
Zoning district classification for all parcels within and adjacent to the site
Existing buildings or other structures on or within 100' of the proposed site
Boundaries of wetlands regulated by the MDEQ (established by a qualified wetland consultant)
Topography drawn at two (2') foot intervals or less for the subject site and a general description of topography within 100' of the site, topography shall be based on U.S.C. and G.S. Datum
<b>Lot Information</b>
Number, dimensions and square footage of each lot
Identify limits of ownership, general common elements and limited common elements
Identify front, side and rear yard setbacks (i.e., building envelopes)
Dimension distances from a shoreline or wetland boundary
Conventional plan alternative (for lot clustering option)
<b>Streets</b>
Traffic impact study, if applicable, per Article 32 of the Zoning Ordinance (Impact Assessment)
Name, location and right-of-way/easement widths of existing or proposed public or private streets in or within 250' of the proposed site
Proposed street names
Connection to adjoining street system
<b>Lighting</b>
Street light locations and fixture detail
Lighting information per Article 21 of the Zoning Ordinance (Lighting Standards)
<b>Landscape &amp; Woodlands Replacement</b>
A landscape plan illustrating greenbelts, street trees, detention and other applicable landscape requirements
Limits of grading identified
Identify all trees 8" DBH or greater by size, common and botanical name and general condition
Table identifying trees by number, species and size and whether they are to remain, be removed or be transplanted
Woodland replacement trees shall be graphically distinguished from landscape requirements
<b>Utilities</b>
General layout of water and sanitary lines
General plans for stormwater

General plans for storm drainage
<b>Non-Motorized Circulation</b>
Locations of proposed sidewalks, bike paths, and similar facilities
<b>Miscellaneous</b>
Proposed location and detail of mail box clusters (if provided)
Proposed entrance features including walls, signs or lighting

**B. Final site plan submittal requirements**

Typical elevations, design guidelines or pattern book for home design
Detailed engineering plans
Street design details including curve radii, cross sections, gradients, distance, etc.
Documentation of dedication or reservation
Location and sizes of sewer lines, or location of septic fields for sewage disposal by a method approved by the Wayne County Health Department or the MDNR - Utility information shall be shown for the plat, plus 200' outside of the plat.
Location and sizes of water lines, or location of wells for proposed water supply by a method approved by the Wayne County Health Department - Utility information shall be shown for the project and for a distance 200' outside of the project.
Location, sizes, and other information on existing and underground utilities - Utility information shall be shown for the project, plus 200' outside of the project.
Planned Unit Development (PUD) Agreements and Open Space Community Development Agreements, if applicable
Master deed and bylaws

**§ 170-35.6. Boundary relocation**

The relocation of boundaries between adjoining condominium units as defined and restricted in Section 148 of the Condominium Act (MCL 559.148), is only permitted if expressly permitted by the condominium documents, and shall conform to all setback requirements of Article 18, Schedule of Regulations, for the district in which the project is located. The request shall be submitted to the Township Board for review and approval. The applicant shall be responsible for modifying the bylaws and master deed to reflect changes approved by the Township and for recording the new documents with the Wayne County Register of Deeds.

**§ 170-35.7. Subdivision of unit sites**

Subdivision of condominium unit sites or lots is permitted subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval and shall be made as part of the bylaws and recorded as part of the master deed. The applicant shall be responsible for modifying the bylaws and master deed to reflect changes approved by the Township and for recording the new documents with the Wayne County Register of Deeds.

**§ 170-35.8. Water and wastewater**

The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and wastewater disposal.

**§ 170-35.9. Master Deed & bylaws**

The master deed and bylaws shall be reviewed for compliance with the applicable township requirements and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage ways and the cost to periodically clean out such drainage ways to keep them functioning as intended in the approved drainage plan. The master deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform with Township, county and state laws and regulations. The master deed shall also include any variances granted by Township, county or state authorities and include a hold harmless cause from these variances. Master deeds submitted to the Township for review shall not permit contraction of the condominium, whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements, without resubmission of the master deed and bylaws to the Township Board for review and approval. Fees for these reviews shall be as established, from time to time, by the Township Board. The bylaws and master deed must be approved by the Township Board.

**§ 170-35.10. As-built plan and occupancy**

After completion of all site improvements, the developer shall submit an as-built plan. The Chief Building Official shall allow occupancy of the project upon verification that all improvements have been properly installed. The Chief Building Official may allow occupancy of the project before all required improvements are installed, provided that a financial performance guarantee is given to the Township in the form of cash, irrevocable unconditional bank letter of credit (so long as the terms and conditions of such letter of credit are acceptable to the township) or other similar instrument acceptable to the township. The financial guarantee shall provide for the installation of improvements. The performance guarantee shall provide for the improvements. The requirement of Chapter 58, Article VII shall apply to such performance guarantee.

**§ 170-35.11. Consolidated master deed and final site plan**

Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a recorded copy of the bylaws and master deed. A site plan shall be provided on a Mylar sheet of at least 24 inches by 36 inches.

**§ 170-35.12. Survey and monument requirements for site condominiums**

- A. Monuments shall be set at all boundary corners and deflection points and at all road right of-way or private road easement intersection corners and deflection points. Unit irons shall be set at all condominium unit corners and deflection points of condominium lot lines.
- B. The Township Engineer may grant a delay in the setting the required monuments or irons up to one (1) year, on condition that the petitioner deposit cash, a certified check or an irrevocable bank letter of credit payable to the Township in an amount to be determined by the Township based on the actual cost to set the monuments and irons. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor, registered in the State of Michigan, that the monuments and irons have been set as required. If the developer defaults, the Township shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the financial guarantee.
- C. Road rights-of-way and private road easements shall be described separately from individual condominium units, and shall be accurately delineated by bearings and distances on the condominium plan and the final site plan. Road rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The petitioner shall dedicate any required easements to the Township for all public water and sanitary sewer lines and appurtenances.

**§ 170-35.15. Compliance with other statutes and ordinances**

All condominium projects shall comply with federal, state and local laws, statutes and ordinances.