

**SECTION 5.17 - - SITE CONDOMINIUMS**

**SECTION 5.17.1 - - PURPOSE**

Pursuant to authority conferred by the Condominium Act, Act 59 of 1978, as amended, all condominium Plats must be approved by the Village of Grass Lake Planning Commission. A site plan shall be required For all site condominium projects. Each condominium unit shall be located within a zoning district that Permits the proposed use.

**SECTION 5.17.2 - - DEFINITIONS**

The following definitions shall apply in the construction and application of this section:

**1. Area Line**

Front Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The front yard area line is the area line which runs most nearly parallel with the street or private road which provides access to the condominium lot.

Rear Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The rear yard area line is the area line lying opposite of the front yard area line.

Side Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The side yare area lines are those area lines which are neither front or rear yard area lines.

2. **Building Envelope** - The principal structure intended for a building site, together with any attached accessory structures, e.g. in a residential development, the building envelope would refer to the house and any attached garage.
3. **Condominium Lot** - The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
4. **Condominium Plan** - 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 plan shall show the size, location, area, vertical boundaries, and volume of 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 the common elements.
5. **Condominium Unit** - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
6. **Contractible Condominium** - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. **Convertible Condominium** - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Expandable Condominium** - 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.
9. **Lot** - The same as "Condominium Lot".

10. **Master Deed** - The condominium documents recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.

11. **Setback** - The distance between the front, rear, or side yard area line and the portion of the condominium dwelling closest to that area line.

Front Yard Setback - The distance between the front yard area line and the condominium dwelling.

Rear Yard Setback - The distance between the rear yard area line and the condominium dwelling.

Side Yard Setback - The distance between the side yard area line and the condominium dwelling. (Amended, effective September 27, 1999.)

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**SECTION 5.17.3 - CONDOMINIUM PLAN - REQUIRED CONTENTS**

1. All condominium 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 flood plain 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 Village of Grass Lake for installation, repair, and maintenance of all utilities.
  - E. A street construction, paving, and maintenance plan for all private roads within the proposed condominium subdivision.
  - F. A storm drainage and stormwater management plan, including all lines, swales, basins, and other facilities.
2. **Easements for Utilities** - The condominium plan shall include all necessary easements granted to the Village of Grass Lake for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, 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 said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
3. **Private Streets** - If a condominium development is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and other applicable standards and requirements of the Village of Grass Lake for a dedicated public street.
4. **Encroachment Prohibited** - Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by-laws and recorded as part of the master deed.
5. **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 by-laws and recorded as part of the master deed.
6. **Subdivision of Condominium Units** - All individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the by-laws and recorded as part of the master deed.
7. **Condominium Subdivision Layout, Design, and Approval** - All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design, layout, and improvements standards of Section 5.2 (Site Plan Review and Approval) of the Village of Grass Lake Zoning Ordinance. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Village of Grass Lake if required by the Planning Commission 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 plan by the Planning Commission.

**SECTION 5.17.4 CONDOMINIUM SUBDIVISION APPROVAL - ADDITIONAL REGULATIONS**

The following regulations shall apply to all condominium projects within the Village of Grass Lake:

1. **Initial Information** - Concurrently with notice required to be given the Village of Grass Lake pursuant to Section 71 of Public Act 59 of 1978, as amended, 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 the 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 in the subject parcel.
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 the Village of Grass Lake Zoning Ordinance.
3. **Site Plans - New Projects, Master Deed, and Engineering and Inspections** - Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559, 108), the condominium project shall undergo site review and approval pursuant to Section 5.2 of the Village of Grass Lake Zoning Ordinance. In addition, the Village shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
4. **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 Section 5.2 of the Village of Grass Lake Zoning Ordinance.
5. **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 (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 for compliance with Village Ordinances. Fees for this review shall be established by resolution of the Village Council.

6. **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 subsection:
  - 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 Condominium project, if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
  - B. All monuments used shall be made of solid iron or steel bars at least one-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 condominium project; at the intersection lines of 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 common elements.
  - D. If the required location of a 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 be 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 ( $\frac{1}{2}$ ) 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 final ground elevation 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 ( $\frac{1}{2}$ ) inch in diameter or other approved markers.
  - H. The Grass Lake Planning Commission 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 Village Clerk cash or a certified check, or irrevocable bank letter of credit turning to the Village of Grass Lake, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars 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. (Amended, effective January 4, 2016)
7. **Monuments Required - All Condominium Projects** - All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 5.17.4 (F), above.

8. **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 waste water disposal system for the proposed project.
9. **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 Village of Grass Lake. Zoning Compliance Permits shall be issued only in accordance with Section 6.4 of the Village of Grass Lake Zoning Ordinance (Zoning Compliance Permits).
10. **Single Family Detached Condominiums** - Single family detached condominiums shall be subject to all requirements and standards of the applicable R-1, R-2 and OS-1 zoning districts including minimum floor area requirements and minimum lot size. For the purpose of computing density, the number of units per gross acre shall not exceed 4.4 units per acre in the R-1 District, 5.4 units per acre in the R-2 District, and 1 unit per acre in the OS-1 District. {Amended, effective June 6, 1996}

There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (70) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, thirty-five (35) foot rear yard, and eight (8) foot side yard can be met.

This distance shall be measured from the outside limits of a building envelope to the outside limits of its constituent limited common area.
11. **Multiple Family, Commercial, and Industrial Condominiums** - Two-family, multiple-family, commercial, and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted or conditional uses, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, density, and the setback requirements of the Ordinance for the District in which the project is located.
12. **Site Plan** - After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the Village a copy of the site plan on a photographic hard copy, laminated photostatic copy, or mylar sheet of at least twelve by sixteen (12 x 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 x 14) inches. (Effective January 7, 1994).

#### **SECTION 5.18 – PRIVATE ROADS**

All new streets shall be constructed to Village engineering standards and dedicated to the Village. Private roads serving more than one lot shall not be allowed. (Amended, effective May 20, 2009.)