

ARTICLE 37

CONDOMINIUM REGULATIONS

SECTION 37.01. Purpose

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act (P.A. 59 of 1978, as amended). Each condominium project shall be reviewed in a manner consistent with equivalent projects within the development district.

Pursuant to the authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's development standards. The intent of this Article is to ensure that condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and the Commerce Charter Township Code, except that the review procedures of this Article and Ordinance shall apply.

It is the intent of this Article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act (P.A. 288 of 1967, as amended) and the Commerce Charter Township Code, except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.

SECTION 37.02. Condominium Unit Requirements

The following regulations shall apply to all condominium units:

A. Types of Permitted Condominium Units

The following types of condominium units shall be permitted under this Article, subject to conformance with the development district standards of this Ordinance:

1. Single-family detached units. Condominium projects in any residential district shall comply with all setback, height, coverage, and area restrictions in the same manner as those standards would be applied to platted lots in a subdivision. Single family detached condominiums shall be subject to all requirements and standards of the applicable R-1A, R-1B, R-1C and R-1D Districts, including minimum floor area requirements.

In the case of a site condominium project, not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit in a site condominium may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.

2. Attached residential or multiple-family residential units. Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform to all requirements of this Ordinance and the applicable development district.
3. Non-residential condominium units. A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district.

B. Condominium Unit or Site Condominium Lot

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Commerce Charter Township Code, and shall comply with the dimensional standards of the development district.

C. Area Computation

The minimum area of the site condominium unit shall be equivalent to the minimum lot area and lot width requirements for the development district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

D. Relocation of Lot Boundaries

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of the development district in which the lot is located and shall be subject to the review procedures specified in Article 35 (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of the zoning district or shall be placed into common areas within the project.

SECTION 37.03. Review Requirements

A condominium project shall be subject to the site plan review procedures specified in Article 35 (Site Plan Review), and the following:

A. Conceptual Review

To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Planning Director and other Township officials to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans for formal review.

1. Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum information required by Article 37 (Conceptual Condominium Plan Requirements).
2. Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of a pre-preliminary plat review, as specified in the Commerce Charter Township Code.

B. Condominium Site Plan Review

Prior to recording of the Master Deed of the condominium project as required by the Condominium Act, (P.A. 59 of 1978, as amended), each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission and the Township Board. The plan shall include all information required by Article 37 (Condominium Site Plan Requirements).

The Planning Commission and Township Board shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Article 35 (Site Plan Review Procedure), and the standards for approval specified in Article 35 (Standards for Site Plan Approval).

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as specified in the Commerce Charter Township Code

C. Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

D. Condominium Construction Plans

When detailed construction or engineering plans are required by the Township, county, or other agency with jurisdiction, such plans shall be reviewed by the Township in

accordance with Article 35 (Construction Plans). The plan shall include all information required by Article 37 (Condominium Construction Plan Requirements).

For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as specified in the Commerce Charter Township Code.

SECTION 37.04. Required Plan Information

A. Conceptual Condominium Plan Requirements

The following information shall be included with a conceptual condominium site plan:

1. Ownership interest. Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
2. Developer. Identification of the developer, if different from the owner.
3. Proposed use. The proposed use(s) of the condominium project.
4. Density. The total acreage of the condominium site, acreage set aside for road rights-of-way or easement, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
5. Circulation. The vehicular and pedestrian circulation system planned for the proposed development, including the designation of roads for dedication to the public.
6. Road layout. The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
7. Unit lot orientation. The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
8. Drainage. Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
9. Natural features. Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.
10. Sidewalks. The location of sidewalks along both sides of the roads throughout the development, which shall be in the road right-of-way, one foot off the right-of-way line.

B. Condominium Site Plan Requirements

The following information shall be included with a condominium site plan:

1. Site plan information. All information required for a site plan review, as specified in Article 35 (Required Information for Site Plans). Additionally, for condominium subdivision (site condominium) developments, all information required for preliminary plat approval per the Commerce Charter Township Code shall be provided on the condominium subdivision plan.
2. Condominium restrictions. All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
3. Common areas defined. Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.
4. Documents. The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township Attorney review.
5. Additional information. The following additional information shall be submitted for Township review:
 - a. Cross sections of roads, driveways, shared driveways, sidewalks, and other paved areas.
 - b. Details of any proposed sanitary, storm, and water system improvements.
 - c. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; 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.

C. Condominium Construction Plan Requirements

The following shall be submitted to the Township as part of any construction or engineering plans for a condominium project:

1. Revised plan. A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.

2. Outside agency approvals. Verification of all required state and county approvals or comments pursuant to Article 37 (Outside Agency Permits or Approvals) above.
3. Notice of proposed action. Pursuant to Michigan Public Act 59 of 1978, as amended (Condominium Act) not less than ten (10) days before taking reservations under a preliminary reservation agreement for a unit in a condominium project, recording a master deed for a project, or beginning construction of a project which is intended to be a condominium project at the time construction is begun, whichever is earliest, a written notice of the proposed action shall be provided to each of the following:
 - a. The Charter Township of Commerce.
 - b. The Road Commission for Oakland County and the Oakland County Water Resource Commissioner.
 - c. The Michigan Department of Environmental Quality.
 - d. The Michigan Transportation Department.
4. Condominium documents. Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium subdivision plan (Exhibit B).

SECTION 37.05. Project Standards

The following standards are applicable to condominiums:

A. Use Standards

Uses within a condominium project shall be regulated by standards of the district where the project is located.

B. Subdivision Requirements

All design standards and requirements for roads, sidewalks, utilities, storm drainage, and subdivision lots specified in the Land Division Act (P.A. 288 of 1967, as amended), the Commerce Charter Township Code, and Article 6 (Dimensional Standards) shall apply to condominium subdivision (site condominium) projects.

C. Setbacks

The setback requirements of the underlying district, as specified in Article 6 (Dimensional Standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot, road right-of-way line, or road easement to the nearest part of the structure or building envelope.

D. Utility Connections

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems.

E. Roads and Sidewalks

The internal circulation system shall provide adequate means of vehicular and non-vehicular circulation, subject to the following:

1. **Roads.** The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Internal roads and road rights-of-way shall be designed to meet the requirements of the Road Commission for Oakland County residential road design standards and shall be dedicated to the Road Commission for Oakland County.
2. **Sidewalks and pedestrian paths.** To provide access to all common areas and uses, minimum five (5) foot wide concrete sidewalks shall be provided along both sides of all interior and perimeter roads serving a condominium development. Pedestrian access and circulation shall be further subject to the following:
 - a. Additional pedestrian paths of concrete, asphalt, crushed limestone or similar material approved by the Planning Commission may be provided for secondary pedestrian access and circulation within and through the site.
 - b. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable.
 - c. The Planning Commission may approve alternative sidewalk locations or may waive the sidewalk requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.
3. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require a traffic impact study.

SECTION 37.06. Monuments

All condominium subdivision (site condominium) projects shall be clearly marked with monuments as prescribed by the rules of the state of Michigan.

The Township Board may waive the placing of any of the required monuments and markers for a reasonable time period, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash, certified check, or irrevocable bank letter of credit for the benefit

of the Charter Township of Commerce, whichever the proprietor selects, in an amount not less than 125% of the cost of installation, as determined by the Township Engineer. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 37.07. Post Construction Requirements

A. Document Submittals

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Building Director:
 - a. One (1) copy of the recorded Master Deed and all restrictive covenants, as approved by the Township Engineer, Township Attorney and Planning Commission;
 - b. Two (2) copies of the project site plan and an “as built survey,” for all utilities including but not limited to natural gas, telephone, electrical, cable, television, municipal water, storm sewers and sanitary sewers as provided in Commerce Charter Township Code. The as-built plans shall contain a statement certifying that all utilities are placed in conformance with the as-built plans. The statement shall be sealed by a Registered Professional Engineer prior to acceptance by the Township; and
 - c. One (1) copy of the project site plan and an “as built survey,” as specified above, in an electronic format acceptable to the Township.
2. The Building Director may withhold the issuing of any certificate of occupancy for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Building Director to do so.
3. The developer or proprietor shall also record all condominium documents and exhibits with the County Register of Deeds office in a manner and format acceptable to the County and deliver proof of such recording to the Township.

B. Temporary Occupancy

The Building Director may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a performance guarantee is submitted sufficient in amount (not less than 125% of the value of the improvement) to provide for the installation of improvements without expense to the Township before the expiration of the Temporary Occupancy Permit.

C. Plan Revisions

If the condominium subdivision plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the

Township for review and approval in accordance with Article 35 (Revisions to Approved Site Plans).

D. Amended Documents

Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission and Township Board for review and approval, prior to the issuance of a building permit.

E. Condominium Site Plan Expiration

Condominium site plans shall expire 365 days after the date of approval, or the life of the Building Permit obtained pursuant to the approved site plan, whichever is longer. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

F. Rescinding Approval of a Condominium Site Plan

Condominium site plan approval may be rescinded by the Planning Commission and Township Board upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Article 35 (Rescinding Approval of Site Plans).