

ARTICLE 18

CONDOMINIUM DEVELOPMENT STANDARDS

Sec. 18.01 Purpose

The intent of this Article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

Sec. 18.02 Definitions

The definitions contained in *ARTICLE 28 DEFINITIONS* are intended to make comparison possible between the definitions of the Zoning Ordinance and the *City of Fenton Subdivision Regulations* (Fenton Code of Ordinances Section 30-1 et seq.)

Sec. 18.03 Application and Authority

The following review process shall apply to all condominium projects within the City:

- a. Concurrently with notice required to be given to the city pursuant to Section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the City Clerk the following information with respect to the projects:
 1. All names, address and telephone numbers of:
 - (a) The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
 - (b) All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
 - (c) The developer or proprietor of the project.
 2. The legal description of the land including tax identification numbers.
 3. The total acreage.
 4. The intended use.
 5. The number of units to be developed.
 6. A copy of the proposed master deed.
- b. Condominium projects shall contain all information required by the Condominium Act.
- c. The information shall be filed with the Building Official/Zoning Administrator at the time the information is filed with the City Clerk, and shall be kept current.
- d. In addition to the requirements of this Article, any applicable requirements of *ARTICLE 13 PLANNED UNIT DEVELOPMENT OVERLAY STANDARDS*, *ARTICLE 16 SITE PLAN REVIEW*, and the *Subdivision Regulations* must be met.

Sec. 18.04 Approval of Plans

All condominium plans must be approved by the Planning Commission following the same process identified for site plan review in the City of Fenton Zoning Ordinance. In making determination, the Planning Commission shall consult with the Building Official/Zoning Administrator, city attorney, and the City Engineer regarding the

adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act.

Sec. 18.05 Streets and Necessary Easements

- a. Condominium projects shall comply with all public and private street requirements found in the *Fenton Code of Ordinances*. Streets in condominium developments which connect to public streets shall dedicate the project street to the public.
- b. The condominium plan shall include all necessary easements granted to the city for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter called public structures) for the purpose providing public utilities, including, but not 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.

Sec. 18.06 Setbacks and Boundaries

- a. The setback requirements for condominium buildings shall be in accordance with the requirements of *ARTICLE 15 SCHEDULE OF REGULATIONS* unless otherwise modified by the Planning Commission as part of planned unit development (PUD). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.
- a. The relocation of boundaries as defined in *Section 148 of the Condominium Act* shall conform to all setback requirements of this chapter for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.

Sec. 18.07 Common Elements

After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

Sec. 18.08 Encroachment

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

Sec. 18.09 Subdivision of Unit Sites

Subdivision of condominium unit sites is permitted with Planning Commission approval, contingent upon the submission of an amended 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.

Sec. 18.10 Conformance with Subdivision Regulations

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established in the *City of Fenton Subdivision Regulations*.

Sec. 18.11 Residential Recreational Area

Any residential condominium comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area in accordance with *Section 2.28 Residential Recreational Area*.

Sec. 18.12 Water and Waste Water

The condominium project shall comply with and meet all Federal, State and County standards for a domestic water system and waste water disposal.

Sec. 18.13 Expansion and Conversion

Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the Planning Commission.

Sec. 18.14 Master Deed

The project developer shall furnish the Building Official/Zoning Administrator with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this chapter and the *City Code of Ordinances* and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the city 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 re-submittal of the master deed to the city for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the City Council.

Sec. 18.15 As-Built Plan and Occupancy

Submission of an as built plan of a condominium unit is required prior to occupancy. The Building Official/Zoning Administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the City Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the City. The amount of the bond shall be determined by the City Engineer.

Sec. 18.16 Final Bylaws, Consolidated Master Deed, and Site Plan

Upon approval of the development furnish the city a copy of the bylaws and consolidated master deed shall be furnished to the City. The site plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

Sec. 18.17 Compliance with Other Statutes and Ordinances

All condominium projects shall comply with Federal, State and City laws, statutes and ordinances.

Sec. 18.18 Violation and Penalty

Any violation of the terms and conditions of this article shall constitute a misdemeanor punishable, upon conviction, by a sentence of not to exceed ninety (90) days in jail or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment, in the discretion of the court.

