

Article XX

SITE CONDOMINIUMS OR CONDOMINIUM SUBDIVISIONS

20.0 PURPOSE

The purpose of this Section is to set forth the standards for review of the site condominiums or condominium subdivisions in all Zoning Districts, to provide adequate standards for the master deed, deed restrictions, utility systems, public and private roads, site layout and design, and to achieve compliance with all regulations of the Condominium Act and this Ordinance.

20.1 CONDOMINIUM DEFINITIONS

CONDOMINIUM DOCUMENTS ? The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws, which affect the rights and obligations of a co-owner in the condominium.

CONDOMINIUM LOT ? The land in a condominium unit, together with land in the adjacent and appurtenant limited common element, if there is such a limited common element.

CONDOMINIUM SUBDIVISION PLAN ? The drawings and information prepared in accordance with Section 66 of the Condominium Act.

CONDOMINIUM UNIT ? The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

CONSOLIDATING MASTER DEED ? The final amended master deed for a contractible or 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.

CONTRACTIBLE CONDOMINIUM ? A condominium project containing condominium units some or all of which were occupied

before the filing of a notice of taking reservations under Section 7 of the Condominium Act.

EXPANDABLE CONDOMINIUM ? A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

MASTER DEED ? The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

NOTICE OF PROPOSED ACTION ? The notice required by Section 71 of the Condominium Act, to be filed with the City of Fennville and other agencies.

SITE CONDOMINIUM ? A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

20.2 APPROVAL REQUIRED

Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums or condominium subdivisions shall be approved by the Planning Commission and City Commission. In determining whether to approve a site plan for a site condominium, the Planning Commission and City Commission may consult with the Zoning Administrator, City Attorney, City Engineer and others as deemed appropriate by the Planning Commission and City Commission regarding the adequacy of the master deed, deed restrictions, utility systems and roads, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

20.3 GENERAL REQUIREMENTS

- A. The provisions of Article XVIII shall also apply to all Site Condominiums processed under this Article XX, except where the provisions included in Article XVIII are in conflict with provisions of Article XX or which are in conflict with Public Act 59 of 1978, as amended, ? The Condominium

Act,? in which case(s) the provisions of Article XX and The Condominium Act shall prevail.

- B. No construction, grading, work or other development shall be done on a site once the site plan review and application has been filed until a final site plan has been approved, except with the express permission of the Planning Commission and City Commission. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan therefore has been approved by the Planning Commission and City Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
- C. If a building, structure, or use to be placed on a condominium lot which requires site plan approval under Article XIX herein, a site plan for that building, structure, or use shall be approved in accordance with Article XVIII herein, before a certificate of zoning compliance may be issued.
- D. The city of Fennville Planning Commission and City Commission have the authority to review and approve or deny preliminary and final site plans for site condominiums.
- E. Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with Article XVIII and Article XX, provided, however that preliminary and final site plans shall not be combined for site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the City Clerk and a second dimensionally stable copy shall be recorded with the Allegan County Register of Deeds.
- F. Each condominium unit shall be located with a zoning district that permits the proposed use.
- G. For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium with any other principal structure or

use, except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.

- H. Each condominium lot shall be connected to public water and sanitary sewer facilities, where available, or shall have a well, septic tank, and drain field approved by the County Health Department, where public water and sanitary sewer services are not available. The well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed, except in a PUD district, in which this requirement may be waived by the City Commission as part of its approval of the PUD rezoning petition/application.
- I. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made part of the bylaws and recorded as part of the master deed.
- J. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made part of the condominium bylaws and recorded as part of the master deed.
- K. All information required by this Ordinance shall be updated and furnished to the Zoning Administrator until applicable certificated of zoning compliance have been issued, as provided in Article XXI, herein.

20.4 PRELIMINARY SITE PLAN REQUIREMENTS

- A. A preliminary site plan shall be filed for approval at the time of a Notice of Proposed Action is filed with the City of Fennville. In the event a Notice of Proposed Action regarding a site condominium is filed with the Clerk, the Clerk, upon receipt of the notice shall transmit the preliminary site plan drawings to

the City Planning Commission and City Commission. However, no action is to be taken until the Planning Commission and City Commission review the site plan drawings.

- B. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
- C. The preliminary site plan shall include all information required in Article XVIII, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time a site plan application, the location and dimensions of condominium lots and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.
- D. All items required in Section 18.1,B of Article XVIII are to be completed and presented at the time of the preliminary site plan submission.

20.5 FINAL SITE PLAN REQUIREMENTS

- A. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
- B. A final site plan for any phase of development shall not be filed for review by the Planning Commission and City Commission unless a preliminary site plan has been approved by the Planning Commission and City Commission and is in effect.
- C. A final site plan shall include all information required by Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required by Section 18.1,C of Article XVIII, herein, except in the case of a development that consists only of condominium lots and not building or other structures at the time of site plan application, the location and dimensions of condominium lots rather that individual buildings, and required yards shall be shown on the site plan.
- D. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department and the Michigan Department of Environmental

Quality. The Planning Commission and City Commission shall not approve a final site plan until all County and State agencies required to review the condominium subdivision plan have approved that condominium subdivision plan.

20.6 REVISION OF CONDOMINIUM SUBDIVISION PLAN

If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission and City Commission before any building permit may be issued, where such permit is required.

20.7 PUBLIC AND PRIVATE ROADS

All roads within a site condominium shall be dedicated as public roads to the City of Fennville and shall be developed to the design, construction, inspection, and approval and maintenance requirements of the City of Fennville. Each condominium lot shall have frontage abutting a public road as required by the regulations of the particular zoning district in which the condominium lot is located.

20.8 AMENDMENTS TO MASTER DEED OR BYLAWS

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission and the City Commission before any building permit may be issued, where such permit is required. The Planning Commission and the City Commission may require its review of an amended site plan if, in their opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

20.9 RELATION TO SUBDIVISION ORDINANCE

All site condominiums shall conform to the plan preparation requirements, design, layout, improvement standards, and the financial guarantee requirements of the City of Fennville Subdivision Control Ordinance, (Ordinance No. 178), as amended, all of which are incorporated herewith by reference. The standards and requirements

of the Subdivision Control Ordinance, including financial guarantees, which apply, to lots in a subdivision, shall also apply to condominium lots. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance or the Subdivision Control Act.

20.10 DEVELOPMENT AGREEMENT

The Planning Commission and the City Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and City Commission and the City of Fennville, incorporating the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Allegan County.

20.11 ASSOCIATION AUTHORIZATION

Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

20.12 MONUMENTS

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. No building permits shall be issued until monuments are set.

The Zoning Administrator may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the City of Fennville, in an amount as determined from a firm bid by a surveyor. 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, within the time specified. If the developer defaults, the City Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans using the funds from the security deposit.

20.13 EASEMENTS AND RIGHTS-OF-WAY

Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate easements to the appropriate public authority for all public water, sanitary sewer and storm sewer drainage lines and appurtenances.

20.14 DESIGN SPECIFICATIONS

All improvements for public utilities and streets in a site condominium shall comply with the design specifications as adopted by the Fennville City Commission and any amendments thereto.