

## ARTICLE X: CONDOMINIUM AND SITE CONDOMINIUM

### Section 1001 Purpose

- A. The purpose of this section is to provide for the review and approval process for all **condominium** and **site condominium** projects within the City.

### Section 1002 General Requirements

- A. Each applicant shall comply with the following general requirements:
6. The applicant shall pay a reasonable fee, determined by the City Commission, prior to submitting a **condominium subdivision plan** for review.
  7. No construction, grading, work or other development shall be done upon the land intended to be **used for a site condominium** until a **final condominium subdivision plan** has been approved, except with the express permission of the **Planning Commission**. This requirement shall include contractible, conversion, and **expandable site condominiums**.
  8. A required **site plan** for **building, structure, or use** to be placed on a **condominium unit** requires **site plan** approval under Article VI **Site Plan Review** before a **zoning compliance permit** may be issued.
  9. The **Planning Commission** shall have the authority to review and approve or deny preliminary and final **condominium subdivision plan** based on whether or not the plan complies with the provisions of this Ordinance.
  10. Each **condominium unit** shall be located in a zoning **district** that permits the proposed **use**.
  11. For the purpose of this Article, each **site condominium unit** 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 **condominium units**, no more than one single **structure** shall be located on a **condominium unit**, nor shall a **dwelling unit** be located on a **condominium unit** with any other **principal structure or use**. Required **setbacks** shall be measured from the boundaries of a **condominium unit**. **Ground floor coverage** and **floor area ratios** shall be calculated using the area of the **condominium unit**.
  12. Relocation of boundaries between adjoining **condominium units**, if permitted in the **condominium** documents and as provided in Section 48 of the **Condominium Act**, shall comply with all regulations of the zoning **district** in

which it is located and shall be approved by the **Zoning Administrator**. These requirements shall be made a part of the bylaws and recorded as part of the **master deed**.

13. Each **condominium unit** that results from a **subdivision** of another **condominium unit** if such **subdivision** is permitted by the **condominium** documents and as provided in Section 49 of the **Condominium Act**, shall comply with all regulations of the zoning **district** in which it is located and shall be approved by the **Zoning Administrator**. These requirements shall be made part of the **condominium** bylaws as part of the **master deed**.
14. Revisions to the final, approved **condominium subdivision plan** shall be submitted for review and approval or denial by the **Planning Commission**.
15. Any amendment to a **master deed** or bylaws that affects the approved preliminary or final **condominium subdivision plan** shall be reviewed and approved by the **Planning Commission**. The **Planning Commission** may require review of any amended **condominium subdivision plan** if in its opinion such changes in the **master deed** or bylaws require corresponding changes in the approved **condominium subdivision plan**.
16. The **Planning Commission** may require as a condition of approval that the applicant enter into a development agreement incorporating the terms and conditions of final **condominium subdivision plan** approval and record the same with the Alger County Register of Deeds.
17. All **streets** and roads proposed for any **site condominium** shall at a minimum conform to the standards and specifications promulgated by the City of Munising for construction of roads in **single-family residential subdivisions**.
18. Monuments shall be set in accordance with the **Condominium Act** and all other state rules and regulations. The **Planning Commission** may grant a delay in the setting of required monuments 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 any irrevocable bank letter of credit in an amount determined by resolution of the City Commission. Such deposit shall be returned to the developer upon receipt of a certificate by a registered surveyor that monuments and irons have been set as shown on the **condominium subdivision plan**. 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 subdivision plan**, at a cost not to exceed the amount of the security deposit.
19. All right-of-way and utility easements shall be described separately from individual **condominium lots**. The rights-of-way and utility easements shall be

separately described for their individual purpose, such as; access, roadway, or location, installation, maintenance and replacement of public utilities. Utilities placed within the road rights-of-ways are subject to the requirements imposed by the City of Munising, Alger County Road Commission and/or State of Michigan.

20. All **condominium** projects shall comply with applicable federal and state statutes and local ordinances.

#### Section 1003 Application and Approval Process

- B. The application process shall consist of a pre-application conference, review and approval of a preliminary **condominium subdivision plan** and approval of final **subdivision plan**.
- C. Before submitting any formal documents for approval of a **condominium subdivision plan**, the applicant shall meet with the **Zoning Administrator** for a pre-application conference. It shall be the responsibility of the **Zoning Administrator** to contact and invite appropriate officials to such a meeting, including a representative of the **Planning Commission**. The general outline of the proposed **site condominium**, evidenced by sketch plans, will be reviewed at the meeting. The applicant will present the proposal to the **Planning Commission**.
- D. The requirements for a Preliminary **Condominium subdivision plan** are:
  1. A preliminary **condominium subdivision plan** shall be filed for approval with the **Planning Commission**.
  2. The preliminary **condominium subdivision plan** shall include all land that the developer intends to include in the **site condominium** project.
  3. The preliminary **condominium subdivision plan** shall include information required in Section 66 of the **Condominium Act**. The preliminary **site plan** shall also include all information required in Article VI herein, except in the case of a development that consists only of **condominium units** and not **buildings** or other structures at the time of submittal. In such case, the location and dimensions of **condominium units** rather than individual **buildings** and required **yards** shall be shown on the preliminary **condominium subdivision plan**.
  4. A final **condominium subdivision plan** for any phase of development shall not be filed nor reviewed by the **Planning Commission** unless a preliminary **condominium subdivision plan** has been approved by the **Planning Commission** and is in effect.
- E. The requirements for a Final **Condominium subdivision plan** are:

1. A final **condominium subdivision plan** shall be filed for review for each phase of development shown on the approved preliminary **condominium subdivision plan**.
2. A final **condominium** plan shall include all information required in Section 66 of the **Condominium Act**, and the **master deed** and bylaws. The final **condominium subdivision plan** shall also include all information required in Article XI herein, except in the case of a development that consists only of **condominium units** and not **buildings** or other structures at the time of **site plan** application. In such case, the location and dimensions of **condominium units** rather than individual **buildings** and required **yards** shall be shown on the final **condominium subdivision plan**.
3. The applicant shall provide proof of approvals by all local, county and state agencies having jurisdiction over the improvements in the **site condominium** development, including but not limited to the county drain commissioner, county road commission, and the district health department. The **Planning Commission** shall not approve a final **site plan** until each county and state agency having such jurisdiction has approved that portion of the final **site plan** that is subject to its jurisdiction.