

**ARTICLE 28.00  
SINGLE FAMILY SITE CONDOMINIUM  
DEVELOPMENT STANDARDS**

**Section 28.01           PURPOSE**

The purpose of this Article is to recognize that conventional single family developments, traditionally developed under the platting process, Act 218 of Public Acts of 1967 as amended (Subdivision Control Act) can now be developed pursuant to Act 59 of Public Acts of 1978 as amended (Condominium Act). Article 28.00 is intended to set standards for developments in a single family residential district which will provide projects with the same physical attributes and features as a traditional subdivision, maintain the same checks and balances to protect the public health, safety and welfare while permitting the construction of the single family development under the Condominium Act as site condominiums .

**Section 28.02           DEFINITIONS**

**Section 28.02.1       BUILDING ENVELOPE**

Building envelope shall mean the ground area occupied or to be occupied by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g., house and attached garage.

**Section 28.02.2       BUILDING SITE**

Building site shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counter-part of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

**Section 28.02.3       SITE CONDOMINIUM**

Site condominium shall mean a condominium project developed under Act 59 of the Public Acts of 1978, as amended, which does not otherwise qualify under ARTICLE 22.00 R.U.D. RESIDENTIAL UNIT DEVELOPMENTS of this Ordinance, and which is not other wise developed in a manner permissible under existing single family zoning.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

**Section 28.03            APPLICATION**

Application for approval shall be made by the owner or their designated and authorized agent on a form prescribed for this purpose by the Township, of any tract where the Single Family Site Condominium is contemplated. The application shall be accompanied by a fee as indicated in the Schedule of Fees adopted by the Township Board and the information indicated in Section 28.05 and 28.06 of this Ordinance and such other information which shall permit the Planning Commission to make a determination concerning the purpose and requirements of this Ordinance.

**Section 28.04            APPROVAL**

The Single Family Site Condominium Plan review process shall be a two step procedure. Each step shall be considered a separate and distinct process. The two steps shall be as follows:

**Section 28.04.1            TENTATIVE SINGLE FAMILY CONDOMINIUM SITE PLAN APPROVAL**

The Planning Commission shall review the reports of the Planning Consultant and Engineering Consultant, along with all Tentative Single Family Condominium Site Plan submissions as required in Section 28.05 of this Ordinance. The Commission shall insure compliance with the requirements of this Ordinance and the provisions of this Article. Tentative Single Family Condominium Site Plan approval shall confer approval of the proposed layout and general landscape areas and shall establish any conditions necessary for granting Final Single Family Condominium Site Plan approval. Tentative approval shall not constitute Final Single Family Condominium Site Plan approval.

**Section 28.04.2            FINAL SINGLE FAMILY CONDOMINIUM SITE PLAN APPROVAL**

The Planning Commission shall require and review all pertinent detail and construction drawings and written approvals and recommendations from all authorities having jurisdiction, (such as Monroe County Road Commission, Department of Natural Resources, Michigan Department of Transportation, etc.), insure that all conditions of the Tentative Single Family Condominium Site Plan approval have been met and receive recommendation for approval from the Township Engineer after his review of construction drawings for the proposed water, storm and sanitary system, the proposed grading for the project and paving and the Fire Chief after his review of fire protection systems and compliance with the Township Fire Prevention Ordinance.



## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

- Section 28.05.9 A map of the entire area scheduled for development, including future street rights-of-way, if the proposed Single Family Condominium is a portion of a larger holding intended for subsequent development.
- Section 28.05.10 Ten (10) copies of the proposed protective covenants and deed restrictions, or state in writing that none are proposed.
- Section 28.05.11 Layout, numbers and dimensions of lots, including building setback lines.
- Section 28.05.12 Indication of parcels of land intended to be dedicated or set aside for public use or for the common use of property owners in the site condominium project. The site plan shall show the exact location of all floodplain areas.
- Section 28.05.13 Location of any existing and proposed sanitary sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed site condominium project, including the location dimensions of easements thereof.
- Section 28.05.14 Contours shall be drawn on the Tentative Single Family Condominium Site Plan at five (5) foot intervals where slope is greater than ten (10) per cent and two (2) foot intervals where slope is ten (10) per cent or less. Topography to be based on U.S.G.S. datum.
- Section 28.05.15 A site report, if the proposed site condominium project is not to be served by public water and sewer systems, as described in the rules of the State Department of Public Health. The applicant shall also furnish three (3) copies of the results of tests of soil percolation certified by a registered professional engineer or registered land surveyor, said percolation tests to be sufficient in number to be representative of the entire area embraced in the proposed site plan, and a minimum of three (3) tests per acre. Whenever, by the construction plans for proposed improvements or otherwise, it is indicated that the grade of any lot will be altered in any substantial degree from its grade existent at the time the Tentative Single Family Condominium Site Plan is submitted, said percolation tests shall be made at the final grade contemplated upon completion of said improvements of filling or excavation operations; provided, that if a lot is to be filled, percolation tests shall be submitted at both the original grade and the final grade. At the option of the applicant, if provided in writing, the submission of percolation tests, as to the lots so affected, may be deferred to a date later than submission of the Tentative Single Family Condominium Site Plan but no later than submission of the Final Single Family Condominium Site Plan.

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

Section 28.05.16 The proprietor shall submit preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements. The engineering plans shall contain sufficient detail to enable the Township Engineer to make preliminary determination as to conformance of the proposed improvements to applicable Township and Monroe County Road Commission regulations and standards.

### **Section 28.06 APPLICATION INFORMATION FOR FINAL SINGLE FAMILY CONDOMINIUM SITE PLAN APPROVAL**

Application for Final Single Family Condominium Site Plan approval shall contain the following information :

Section 28.06.1 A list of all such authorities as required by Sections 113 through 119 of the Subdivision Control Act to the Township Clerk, certifying that the list shows all authorities as required.

Section 28.06.2 Complete metes and bounds description of the site condominium project boundary.

Section 28.06.3 Submit all approved copies of site plan from each of the required authorities to the Township Clerk, after all necessary approvals have been secured.

Section 28.06.4 Copy of the receipt from the Township treasurer that all fees have been paid.

Section 28.06.5 Final Engineering Construction Plans for all improvements to be constructed in connection with the proposed site plan in accordance with Township Construction Standards.

### **Section 28.07 PROCEDURES FOR TENTATIVE SINGLE FAMILY CONDOMINIUM SITE PLAN APPROVAL**

The approval process for Tentative Single Family Condominium Site Plan shall be in accord with the following procedures:

Section 28.07.1 The Township Clerk shall refer the Tentative Single Family Condominium Site Plan to the Township Building Official for placement on the agenda of the next regular meeting of the Planning Commission.

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

Section 28.07.2 The Planning Commission shall review the Tentative Single Family Condominium Site Plan and the comments of the Township Planner and Engineer, and if the site plan meets all requirements, shall find all conditions have been satisfactorily met and recommend tentative approval of the Tentative Single Family Condominium Site Plan.

Section 28.07.3 If the Tentative Single Family Condominium Site Plan does not meet all requirements, the Planning Commission shall notify the proprietor of its disapproval by letter, giving its reasons and the earliest date for re-submission of the site plan and additional information required. The Township Board shall receive a report of the findings by the Planning Commission and its recommendation for disapproval.

Section 28.07.4 The Township Board, at their next regular meeting after receiving the recommendation from the Planning Commission, shall review said Tentative Single Family Condominium Site Plan and within 90 days of filing shall tentatively approve the Tentative Single Family Condominium Site Plan or disapprove said site plan. The Township Board shall record their approval on the plan and return one (1) copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.

Section 28.07.5 The proprietor, upon receiving tentative approval from the Township Board, shall submit for approval or rejection, the Tentative Single Family Condominium Site Plan to all authorities as required by Sections 113 to 119 of the Subdivision Control Act, Act 288, Public Acts of 1967, including:

- Section 28.07.5(a) Monroe County Road Commission
- Section 28.07.5(b) Monroe County Drain Commissioner
- Section 28.07.5(c) Michigan Department of State Highways
- Section 28.07.5(d) Michigan Department of Conservation
- Section 28.07.5(e) Michigan Water Resources Commission
- Section 28.07.5(f) Michigan Health Department

**Section 28.08 PROCEDURES FOR FINAL SINGLE FAMILY CONDOMINIUM SITE PLAN APPROVAL**

The approval process for Final Single Family Condominium Site Plan shall be in accord with the following procedures:

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

- Section 28.08.1        Within twenty (20) days, consider and review the Final Single Family Condominium Site Plan and the comments of the other approving authorities, and approve it if the proprietor has met all conditions laid down for approval of the Tentative Single Family Condominium Site Plan.
- Section 28.08.2        Instruct the Township Clerk to promptly record on the copy of the Final Single Family Condominium Site Plan to be returned to the Proprietor the approval or rejection with reasons for such rejection.
- Section 28.08.3        No construction of improvements shall be commenced by the applicant until he has all of the following:
- Section 28.08.3(a)    Received notice of final approval of Final Single Family Condominium Site Plan by the Township Board.
  - Section 28.08.3(b)    Entered into a site condominium development agreement with the Township for construction of all required site condominium project improvements.
  - Section 28.08.3(c)    Deposited with the Township a performance guarantee and cash escrow as required under Article IV, Section 406 {17.066} of the Subdivision Ordinance.
- Section 28.08.4        Repealed September 25, 2001 by Zoning Ordinance No. 200-43.
- Section 28.08.5        Section 3.08 of Ordinance XXIII, Procedure, will not be required; however, this will not release the owner from obtaining reviews and approvals from other local, County or State agencies that may have jurisdiction over proposed improvements of the condominium development.
- Section 28.08.6        Section 3.11 of Ordinance XXIII, Final Plat Procedure, will not be required. Prior to the issuance of building permits the applicant shall submit to the Township three copies of the proposed Master Deed Exhibit A and six copies of the proposed Master Deed Exhibit B drawings and any additional documentation to be recorded with the Register of Deeds. This information will be reviewed by the Township Planner, Engineer and Attorney to insure compliance with the approved final plan. Fees normally collected for Final Plat review will apply to this review process.

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

In situations where the applicant must file amendments to the Master Deed, as in the case of project phasing, these amendments shall also be submitted as indicated above for review and approval prior to the issuance of any building permits for construction covered by the amendment.

### **Section 28.09 DESIGN STANDARDS**

Single Family Site Condominiums shall be designed to meet the minimum standards outlined in Article IV Design Standards For Subdivision Planning of the Subdivision Control Ordinance Charter Township of Frenchtown, Michigan Ordinance 107 effective April 11, 1975, as amended.

### **Section 28.10 REQUIRED IMPROVEMENTS**

In order to provide healthful, clean and desirable living conditions, the developer shall install improvements that are enumerated in Article IV, Section 407 "REQUIRED IMPROVEMENTS" of the Subdivision Control Ordinance Charter Township of Frenchtown, Michigan Ordinance 107 effective April 11, 1975, as amended.

### **Section 28.11 REGULATIONS**

The following regulations shall apply to single family site condominium projects:

Section 28.11.1 Each building site shall front on and have direct access to a public street, or onto a private street that complies in all respects to the Design and Construction Standard enumerated in Article IV, of the Subdivision Control Ordinance Charter Township of Frenchtown, Michigan Ordinance 107 effective April 11, 1975, as amended. The Commission shall review the feasibility of permitting private streets. In making their determination the Commission shall determine the overall effect of keeping the streets private on the circulation of the general area now and in the future, the ability to maintain said roads, and the issue of liability for owner's governmental immunity.

Section 28.11.2 There shall be compliance with all requirements of the Schedule of Regulations, and other provisions of the Frenchtown Charter Township Zoning Ordinance with the understanding that reference to "lot" in such regulations shall mean and refer to "building site" as defined in this Section, and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "building envelope" as defined under this Section. In the review of a site condominium, it is recognized that it may not be feasible to precisely apply traditional definitions and measures applicable to developments. However, the review of plans submitted under this Section shall be accomplished with the

## **FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Subdivision Control Ordinance Charter Township of Frenchtown, excepting the procedural requirements that have been altered by this Article.

Section 28.11.3 Prior to the issuance of building permits for units, the applicant shall demonstrate approval by Township, County and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage and other utilities. As to the phase in which the unit is located, prior to the issuance of a building permit, the Building Official shall determine that all improvements such as roads, water supply, sewage disposal, storm drainage and other utilities have been completed in accordance with approved plans. Prior to issuance of a building permit within a given phase, the applicant shall comply with those requirement of performance guarantees contained Section 406 of Article IV, of the Subdivision Control Ordinance Charter Township of Frenchtown, Michigan Ordinance 107 effective April 11, 1975, as amended, for any required improvement that is not completed.

Section 28.11.4 With respect to each building envelope, within 90 days following final inspection of the improvement, the applicant shall submit to the Building Official an "as built" survey which complies with the requirements of MCL 560.125 -.126; MSA 26.430(125) - (126), including dimensions between each improvement and the boundaries of the building site, and distance of each improvement from any wetland, floodplain and/or floodway. Monuments shall be located in the ground in accordance with the requirements MCL 560.125; MSA 26.430 (125).

Section 28.11.5 The fees for all reviews shall be as established by the Frenchtown Charter Township Board.

Section 28.11.6 Any proposed amendment of a master deed which would involve any change in subject matter reviewed or reviewable under this Section shall be reviewed and approved by the Planning Commission prior to recordation.

### **Section 28.12 VARIANCE**

Section 28.12.1 The Township Planning Commission may recommend to the Township Board a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provisions or requirements is impracticable. The Planning Commission shall only recommend variances that it deems necessary or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall

**FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200**

take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed site condominium project, and the probable effect of the proposed site condominium project upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds, after a Public Hearing:

- Section 28.12.1(a) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases, the applicant shall first state their reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
  
- Section 28.12.1(b) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
  
- Section 28.12.1(c) That such variance will not violate the provisions of this Ordinance related to: purpose and intent of the zoning district in which the project is being developed, specific relationships of building to open space and yards is maintained consistent with the zoning district in which the project is being developed, and all applicable State Acts.
  
- Section 28.12.1(d) The Planning Commission shall include its findings and the specific reasons therefor in its report of recommendation to the Township Board and shall also record its reasons and actions in its minutes.
  
- Section 28.12.1(e) That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Land Use Plan of the Township.