

**WINDSOR CHARTER TOWNSHIP  
EATON COUNTY, MICHIGAN  
ORDINANCE NO. 25. AMENDMENT**

AN ORDINANCE TO ADD TO ORDINANCE NO. 25,  
THE SAME BEING AN ORDINANCE TO PROVIDE  
FOR THE ESTABLISHMENT OF ZONING DISTRICTS,  
A SECTION 6.10 ENTITLED "SITE CONDOMINIUMS,"  
AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE CHARTER TOWNSHIP OF WINDSOR, EATON COUNTY, MICHIGAN,  
ORDAINS:

**Section 1. Addition of Section 6.10. Site Condominiums.**

Ordinance 25, the Windsor Charter Township Zoning Ordinance is hereby amended by the addition of the following Section 6.10:

Sec. 6.10 Site Condominiums.

6.10.1 Purpose. The purpose of this section is to ensure that plans for site condominium developments within Windsor Charter Township proposed under the provisions of the Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended, shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Michigan Land Division Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this section to ensure that such development is in conformance with the requirements of this Zoning Ordinance, as amended; the Windsor Charter Township Subdivision Control Ordinance, as amended; and other applicable Township Ordinances, and County, State and Federal regulations.

6.10.2 Operating Definitions and Development Terms.

A. **Building Envelope:** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

**B. Building Site or Lot:** The building envelope and the limited common area together in a site condominium development is considered the functional equivalent of a standard subdivision “lot”.

**C. Condominium Act:** The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.

**D. Condominium Building or Structure:** The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structures; e.g., in a residential development, the condominium structure would refer to the house and any attached garage.

**E. Condominium Project or Site Condominium Subdivision Project:** A condominium project developed under Public Act 59 of 1978, as amended, consisting of more than one (1) condominium unit which is not subject to the provisions of the Subdivision Control Act 288 of 1967, as amended.

**F. General Common Elements/Areas:** “General Common Elements” means the land area other than the limited common areas of the site condominium development that are held in common by all co-owners and used for parks, streets, open space or other common activities.

**G. Limited Common Elements/Areas:** “Limited Common Elements” means a portion of the general common elements reserved in the master deed for the exclusive use of less than all of the co-owners and used for landscaping, vehicle parking areas, driveways or dwelling unit(s).

**H. Master Deed:** The condominium documents recording the condominium project, to which are attached as exhibits and incorporated by reference the bylaws for the project, the condominium subdivision plan for the project, and all other information required by Section 8 of the Michigan Condominium Act.

**I. Manufactured Housing Condominium Project:** A condominium project in which manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

**J. Setback – Front, Side and Rear Yard:** Distance measured from the respective front, side and rear yard boundary lines associated with the building lot to the respective front, side and rear of the condominium structure/building envelope.

**K. Site Condominium Unit:** A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

**L. Condominium Documents:** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner of the condominium.

**M. Condominium Subdivision Plan.** The drawings and information prepared in accordance with Section 66 of the Condominium Act.

**O. Conversion Condominium:** A condominium project containing condominium units, some or all of which were occupied before filing of a Notice of Taking Reservations under Section 7 of the Condominium Act.

**P. Expandable Condominium:** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

**Q. Notice of Proposed Action:** The notice required by Section 7 of the Condominium Act to be filed with Windsor Charter Township and the appropriate agencies of Eaton County.

6.10.3 Approval Required. All proposals to divide property other than according to the Land Division Act must go through the Windsor Charter Township Zoning Ordinance Site Plan Review process. In determining whether to approve a site plan for a site condominium, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Eaton County Drain Commissioner, and Eaton County Road Commissioner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. A Special Use Permit may be required for a site condominium project where the provisions of particular sections of this Ordinance identify the need for such a permit.

6.10.4 General Requirements.

A. No construction, grading, work, or other development shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, except with express permission of the Planning Commission. No permits for erosion or sanitary sewage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the

Planning Commission and is in effect. This requirement shall include contractible, conversion and expandable site condominiums.

B. A building, structure or use to be placed on a condominium lot requires preliminary and final site plan approval by the Planning Commission according to the provisions of this section before a certificate of zoning compliance may be issued.

C. The Planning Commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.

D. Each site Condominium unit shall be located within a zoning district that permits the proposed use and can include commercial, industrial or residential buildings.

E. The building envelope and the limited common area together in a site condominium development is considered the functional equivalent of a standard subdivision "lot." The total of these site condominium lots shall not cover more than seventy-five percent (75%) of the total land area in the site condominium development, thereby leaving a minimum of twenty-five percent (25%) for general common area.

F. The site condominium developments must meet the use and dimensional requirements of the zoning district in which they are located.

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 it is located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. 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 have a water and sewage disposal system approved by the appropriate County and/or State agencies.

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 a 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 a 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 Township and the applicable certificates of zoning compliance must be approved prior to the issuance of the building permits.

#### 6.10.5 Preliminary Site Plan Requirements.

A. A preliminary site plan shall be filed for approval with the Planning Commission on or before the time the notice of proposed action is filed with the Zoning Administrator.

B. The preliminary site plan shall include all land that the developer intends to include in the site condominium project and prepared in accordance with the following requirements. Fifteen (15) copies of the sited plan shall be submitted to the Township. The preliminary plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:

i. The name of the project, the name and address of the developer, the name, address and seal of a registered surveyor or engineer preparing the plan, and a description of the property to be developed.

ii. A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area, including existing zoning of abutting areas.

iii. North arrow, scale, contour intervals, and legend, when appropriate.

iv. Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.

v. Where appropriate, establish flood plain contours and elevations adjusted to USGS datum.

vi. The location of all existing streets, lots, plats, public utilities, drains (including tile lines), streams or bodies of water on or abutting the property.

vii. The lot lines, intended layout, and intended use of the entire property owned or represented by the developer. The following shall be included:

- (a) Street and sub-street right-of-way – location, width and curve radii.
- (b) Proposed street names.
- (c) Boundaries of all limited common elements, general common elements and building envelopes.
- (d) Building site lines, site line dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten (10) square feet.

viii. The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.

xi. The locations and tentative sizes of proposed sanitary sewers, storm sewers, and catch basins, water mains, culverts, bridges, ponding areas, ponds and lagoons.

x. Statements regarding:

- (1) Intent to utilize private water or sewerage facilities;
- (2) Zoning density and lot size requirements;
- (3) Zoning requirements for front, side, and rear yards;
- (4) Size and type of street(s);
- (5) Intent to install gas, sidewalks, street lights and shade trees;
- (6) Use of rivers, streams, creeks, lakes or ponds.

xi. The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the Master Deed.

#### 6.10.6 Final Site Plan Requirements.

A. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission and is in effect.

B. A final site plan shall be filed for review by the Planning Commission for the total site condominium project or for each phase of development shown on the approved preliminary site plan.

C . In addition to the provisions of this section of the Ordinance, the final site plan shall also meet the requirements of Section 6.8 of the Windsor Charter Township Zoning Ordinance.

D. A final site plan shall include all information required in Section 66 of the Condominium Act and the master deed and bylaws. The final site plan shall also include all information required in Section 6.8 of the Windsor Charter Township Zoning Ordinance. (EXCEPTION: In the case of a site plan application for a site condominium project that consists only of condominium lots with no buildings or other structures, the locations of and the dimensions of condominium lots, setbacks and required yards shall be shown on the final site plan.

E. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements in the site condominium development, including, but not limited to, the Eaton County Drain Commissioner, Eaton County Road Commission, and the Eaton County 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.

6.10.7 Revision of Site Condominium Subdivision Plan. If the site condominium subdivision plan is revised, the final site plans shall be revised accordingly and submitted for review and approval by the Planning Commission before any building permit may be issued, where such permit is required.

6.10.8 Streets and Roads. All streets and roads, whether public or private, proposed for any site condominium, shall be developed with the minimum design, construction, inspection, approval and maintenance requirements of the Windsor Charter Township Zoning Ordinance and the Eaton County Road Commission.

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

6.10.10 Nothing in this section shall be construed as requiring a site condominium to obtain plat approval.

6.10.11 Development Agreement. The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with

Windsor Charter Township, incorporating the terms and conditions of final site plan approval and record the same in the Office of the Register of Deeds for Eaton County.

6.10.12 Construction Located in General Common Element. 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.

6.10.13 Monuments and Lot Irons. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Zoning Administrator may not 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 Township Clerk cash, a certified check or an irrevocable bank letter or credit running to Windsor Charter Township in an amount as determined from time to time by resolution of the Township Board of Trustees. 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 Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans at a cost not to exceed the amount of the security deposit.

6.10.14 Rights-of-Way and Utility Easements. All rights-of-way and utility easements 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 and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. The developer shall dedicate to the appropriate agency all easements for utilities. All public streets shall be dedicated to the County of Eaton, and shall be constructed in accordance with the standards of the Eaton County Road Commission. Water, sewer and electrical easements may be placed within streets, subject to the standards and approval of the Eaton County Road Commission.

6.10.15 Improvements. All improvements in a site condominium shall comply with the design specifications as adopted by Windsor Charter Township and/or the appropriate Eaton County agency and any amendments thereto from time to time.

**Section 2. Severability.** The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of the Ordinance shall not be affected thereby.

**Section 3. Repealer.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon its adoption and publication as required by law.