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Repealed by Ord #42  
1-12-98

MANCHESTER TOWNSHIP  
ORDINANCE NO. 37

AN ORDINANCE TO AMEND ORDINANCE NO. 9 ENTITLED: "AN ORDINANCE ESTABLISHING ZONING DISTRICTS WITH MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

THE TOWNSHIP BOARD OF MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN ORDAINS:

Section 1. Article II, Section 2.02 - Definitions is amended by adding the following definitions:

**CONDOMINIUM ACT** - Act 59, Public Acts of 1978, as amended.

**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 in the condominium.

**CONDOMINIUM LOT** - The land in a condominium unit, together with the 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 condominium convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

**CONTRACTIBLE CONDOMINIUM** - A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this ordinance and the Condominium Act.

**CONVERSION CONDOMINIUM** - A condominium project containing condominium units some or all which were occupied before the filing of a notice of taking reservations under Section 71 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 Manchester Township 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.

Section 2. Article XVII - Site Plan Review add Section 17.10 as follows:

**Section 17.10 - Site Condominium Review**

**A. Approval Required** - Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission. In determining whether to approve a site plan for a site condominium, the Planning Commission shall consult with the Zoning Inspector, Township Attorney, Township Engineer, and the Township Planner 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.

**B. Purpose** - The purpose of this section is to set forth the standards for review of site condominium developments, to provide for adequate standards for the master deed, deed restrictions, utility systems, public streets, layout and design, and to achieve compliance with all regulations of the condominium act and this ordinance. Where any interpretation or application of a general requirement of the ordinance is in conflict with the definitions of Section 2.02 the definitions of Section 2.02 shall govern the interpretation and application under Section 11.10.

**C. General Requirements**

- 1. No construction, grading, work, or other

development shall be done on a site once the site plan review application has been filed until a final site plan has been approved, except with the express permission of the Planning 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 therefor has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.

2. If a building, structure, or use to be placed on a condominium lot which requires site plan approval under Section 17.02, herein, or Subsection A above, a site plan for that building, structure, or use shall be approved in accordance with Article XVII, herein, before a certificate of zoning compliance may be issued.

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

4. Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with Article XVII, herein, provided however, that preliminary and final site plans shall not be combined for site condominiums. A dimensional stable copy of the as-built drawings shall be submitted to the Township Clerk and a second dimensional stable copy shall be recorded with the Washtenaw County Register of Deeds.

5. Each condominium unit shall be located within a zoning district that permits the proposed use.

6. 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 lot with any other principal structure or use, except in a residential cluster development. 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.

7. 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 residential cluster development, in which this requirement may be waived by the Planning Commission as part of its approval of the residential development option.

8. 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 Inspector. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

9. Each condominium lot that results from the 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 Inspector. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

10. All information required by this ordinance shall be updated and furnished to the Zoning Inspector until applicable certificates of zoning compliance have been issued, as provided in Sections 20.06 and 22.09, herein.

**D. Preliminary Site Plan Requirements**

1. A preliminary site plan shall be filed for approval at the time the notice of proposed action is filed with Manchester Township.

2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.

3. The preliminary site plan shall include all information required in Section 17.05, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of the 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.

**E. Final Site Plan Requirements**

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.

2. 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.

3. 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 in Section 22.04, herein, except in the case of a development that consists only of condominium lot and not buildings or other structures at the time of the site plan application, the location and dimensions of condominium lots rather than buildings, and required yards shall be shown on the final site plan.

4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Planning Commission shall not approve a final site plan until each County or State agency, having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

**F. 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 before any building permit may be issued, where such permit is required.

**G. Amendment 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 before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

**H. Relation to Subdivision Ordinance** - The provisions of

Ordinance Articles IV and V of the Township's Subdivision Ordinance shall apply to site condominiums and are incorporated herein by reference. In applying the design and development standards of Article IV and the improvement requirements of Article V of the Subdivision Ordinance, the standards and requirements that are intended to apply to lots in a subdivision shall apply instead 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.

**I. Development Agreement** - The Planning Commission may require, as a condition of approval, that the applicant enter into a development with the Planning Commission and the Township of Manchester, incorporating the terms and conditions of the final site plan approval, and record the same in the office of the Register of Deeds for Washtenaw County.

**J. 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.

**K. 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 lines. The Township may grant a delay in the setting of the required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Manchester Township Clerk cash, a certified check, or an irrevocable letter of credit running to Manchester Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Manchester Township Board. 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 plan, at a cost not to exceed the amount of the security deposit.

**L. 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 right 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 authority for all public water and sanitary sewer lines and appurtenances.

**M. Design Specifications** - All improvements in a site

condominium shall comply with the design specifications as adopted by the Manchester Township Board and any amendments thereto.

Section 3. **Article XVII - Site Plan Review.** Add the following subsection to Section 17.02 - Building Structures and Uses Requiring a Site Plan Review:

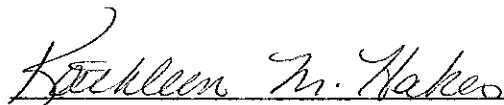
F. Any condominium development

Section 4. **Article XVII - Site Plan Review.** Add the following sentence to Section 17.04 - Planning Commission Review of Site Plan:

In the event that a Notice of Proposed action regarding a site condominium is filed with the Township Clerk upon receipt of the notice shall transmit the preliminary site plan drawings to the Washtenaw County Site Condominium Advisory Committee. The written comments of the Advisory Committee when received by the Clerk, shall be forwarded by the Clerk to the Township Planning Commission.

Section 5. This ordinance shall take effect thirty (30) days after its publication in the Manchester Enterprise.

Adopted: November 12, 1990



Manchester Township Clerk

CERTIFICATE

I, Kathleen M. Hakes, Clerk of the Township of Manchester, Washtenaw County, Michigan hereby certify that the within Ordinance of Manchester Township was duly adopted by the Township Board of the Township of Manchester at a regular meeting thereof on November 12, 1990 and that Mann, Hakes, Uphouse

Widmayer, & Macomber voted for the adoption of said Ordinance  
and no one voted against and  
that the same was published on November 21, 1990 in the  
Manchester Enterprise, a newspaper printed and published in the  
Township of Manchester, Washtenaw County, Michigan.

*Kathleen M. Nokes*

Manchester Township Clerk



