

## Section 719.98 – Condominium Subdivision Approval

A. Purpose - It is the purpose of this Section to regulate the condominium subdivision of land; to promote public health, safety, and general welfare; to further the orderly layout and use of land; to require the land be suitable for building sites, public and private improvements and that there be adequate drainage thereof; to provide for the proper ingress to and egress from buildings; to provide a procedure for condominium subdivision approval and, except as otherwise provided in this Chapter, assure that a condominium subdivision of land meets the standards and requirements of the Lenox Township Subdivision Regulations Ordinance No. 21 and any amendments to it.

### B. Definitions

As used in this Chapter, the following words, terms, and phrases are defined and, where applicable, equate words and terms utilized in the Condominium Act with words and terms used in this Chapter and Lenox Township Subdivision Regulations Ordinance No. 21, as amended.

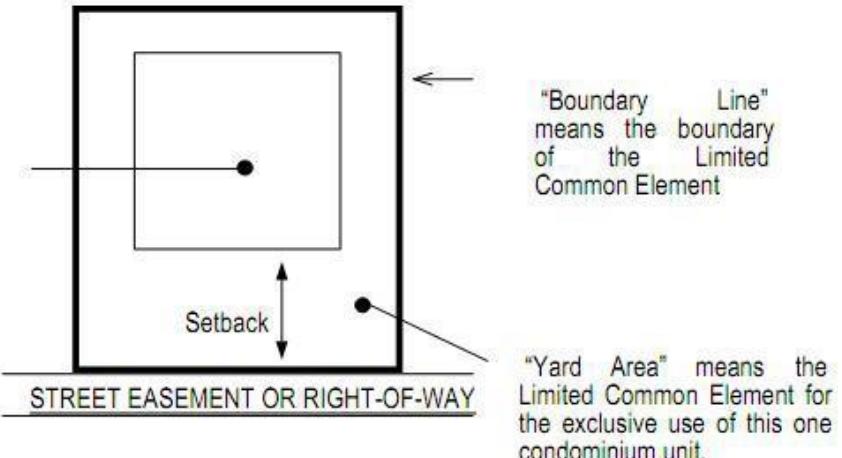
1. General Common Elements – The portion of the condominium project other than the condominium unit and limited common elements.
2. Condominium Act – Michigan Act 59 of 1978, as amended.
3. Condominium Subdivision Plan – The site, survey, and utility plans; flood plain plans; and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land. The condominium subdivision plan shall show each unit's size, location, area, and horizontal boundaries, as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements and limited common elements.
4. Condominium Unit – A portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.
5. Limited Common Elements – A portion of the common elements, reserved in the Master Deed for the exclusive use of the co-owners.

6. Condominium Building Site – The area containing the limited common elements together with its condominium unit or, where there is no fixed common element associated with each unit, the condominium unit alone shall conform to the requirements of a lot and a lot's required elements as contained in Lenox Township's Zoning Ordinance and Subdivision Regulations Ordinance.
7. Mobile Home Condominium Project – A condominium project in which mobile homes are intended to be in separate units.
8. Master Deed – A condominium document recording the condominium project as approved by the Planning Commission, which is attached as exhibits and incorporated by reference to the approved Bylaws for the project and the approved condominium subdivision plans.
9. Setback – The distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit or, where no fixed common element is provided, the distance between the nearest point on the condominium dwelling or structure and the outer boundary of the condominium unit, is the equivalent phrase for the word "setback" as contained in this Zoning Ordinance.
10. Site Condominium – The resulting subdivision of land created under the Condominium Act.
11. Subdivision Regulations – The Township of Lenox Subdivision Regulations.
12. Zoning Ordinance – The Township of Lenox Zoning Ordinance.
13. Yard Area – That Limited Common Element for the exclusive use of a single condominium unit, or where there is no limited common element associated with each unit, shall mean that area of the Condominium Unit outside the area where the structure is or will be placed.

#### C. Illustration of a Lot or Building Site

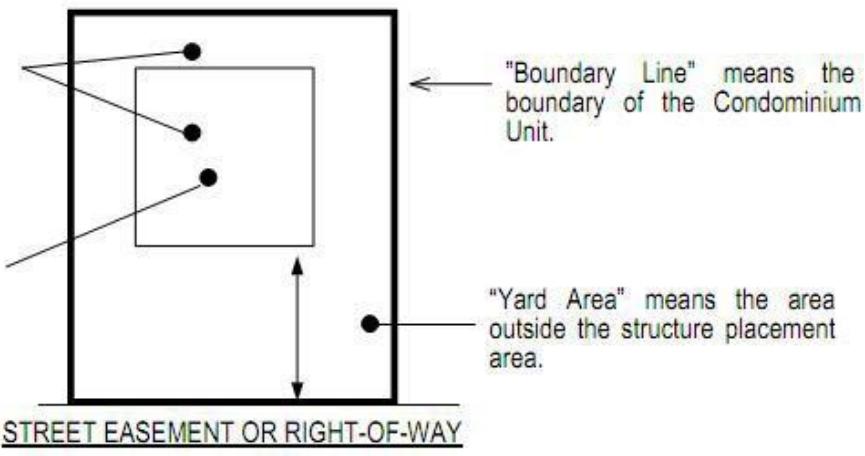
The following drawing is provided to illustrate, in general, the correlation between a lot and the elements of a lot as provided for in the Subdivision Regulations Ordinance, the Lenox Township Zoning Ordinance, and a Site Condominium Building site and its elements

"Condominium Unit" means the portion of the condominium intended for separate ownership. In this illustration, it is the area in which the structure may be erected to meet setback requirements.



"Condominium Unit" means the portion of the condominium intended for separate ownership.

"Structural Placement Area" means the area within which the structure may be erected to meet setback requirements.



#### D. Review

All site condominium development shall be submitted to the Lenox Township Planning Commission for review and approval according to the terms of this Chapter; all building sites and condominium units created from the subdivision of land under the Condominium Act shall, at a minimum, contain the required square footage, dimensions, ratios, setbacks and other requirements of a lot as provided in this Zoning Ordinance and Subdivision Regulations Ordinance.

#### E. Condominium Subdivision Plan and Document Requirements

1. All condominium subdivision applications submitted for review by the Planning Commission shall contain all required information for site plan review and shall, by applying the equivalent words or terms, conform to the plan preparation requirements, design, layout, and requirements of Chapter 709, Engineering and Construction Standards.

2. A copy of the proposed Master Deed and Bylaws shall be submitted to the Planning Commission for review.
3. All condominium subdivision plans submitted for review by the Planning Commission shall include the information required by Section 66 of the Condominium Act and the following:
  - a. A Survey Plan of the Condominium Subdivision.
  - b. A floodplain plan when appropriate.
  - c. A site plan showing all condominium units' location, size, shape, area, and width.
  - d. The boundaries of all wetlands as determined by an individual organized by the Michigan Department of Natural Resources as a Wetlands Consultant.
  - e. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair, and maintenance of all utilities.
  - f. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
  - g. A storm drainage and stormwater management plan, including all swales, drains, basins, and other facilities.
  - h. Easement for utilities. The Condominium Subdivision Plan shall include all necessary easements granted to Lenox Township to construct, operate, inspect, and maintain sewage, water, and stormwater runoff across, throughout, and under the property, subject to said easement and excavating and refilling ditches and trenches necessary for the location of such structures.

#### F. Minimum Building Separation Requirements

Where there is any ambiguity in the application of minimum setback requirements of the Zoning Ordinance to a condominium subdivision plan, the individual condominium units shall maintain the following separation

requirements between individual units and from individual units to the center of all internal project streets:

**Minimum Building Separation:**

Zoning District	Front to Center	Side to Side	Side to Rear	Rear to Rear	Side to Center	Rear to Center
AG	80'	20'	60'	100'	80'	80'
RL	70'	20'	38'	60'	70'	60
RM & RH	60'	12'	35'	60'	60'	60'
MH	(a)	(b)	(b)	(b)	(a)(b)	(a)(b)

1. The minimum setback from an individual mobile home shall be 30 feet from the edge of the planned right-of-way as designated in the Township's Thoroughfare Plan, included within the Township's Master Plan.
2. The minimum setback from an individual mobile home to the park boundary shall be 20 feet along any side or rear lot line.
3. For condominium developments in commercial and industrial districts, the Planning Commission shall specify the building separation requirements based on the zoning district's setback requirements.

**G. Encroachment Prohibited**

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the Condominium Bylaws. It shall all be recorded as part of the Master Deed. In addition, no common elements shall be permitted within the limited common elements utilized as part of the building site.

**H. Private Condominium Streets**

All private streets in the condominium subdivision shall have a paved driving surface of asphalt or concrete and meet the current standards and specifications of the Macomb County Department of Roads.

**I. Master Deeds**

The Planning Commission shall approve the Master Deed for condominium subdivisions. The Master Deed shall not be amended without the prior approval of the Lenox Township Planning Commission.

**J. Amendments and Renewals**

Any amendments or renewals to a condominium site plan, including its Master Deed, must be approved by the Planning Commission. The Planning Commission shall apply its standards in determining whether to grant a renewal or amendment to its then-existing Condominium Subdivision Ordinance.