

Village of Concord
Site Condominium Ordinance

Article 1:

Legal Basis, Short Title, and Purpose:

Section 1.1 -- Legal Basis.

This Ordinance is enacted pursuant to the statutory authority granted by Act 59 of 1978 The Condominium Act. PA 559

Section 1.2 -- Short Title.

This Ordinance shall be known and cited as “Concord Site Condominium Ordinance.”

Section 1.3 -- Purpose.

The purpose of this Ordinance is to regulate projects that involve the property arrangement of interests in real property known as a condominium, consisting of two or more “units” and “common elements” and control the division of land created under the Michigan Condominium Act within the Village in order to promote the safety, public health, and general welfare of the community. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Village regulations, and the Michigan Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Article 2:

Types of Permitted Condominium Units:

The following types of condominium units shall be permitted under this Ordinance, subject to conformance with all applicable standards of this Ordinance:

Section 2.1 -- Single-Family Detached Units.

In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), the condominium unit shall, to the extent feasible, and considering the manner in which “unit” is defined,” be interpreted to be a “lot” under this Ordinance. Thus, in this Ordinance, a site condominium unit shall be referred to as a “lot.”

Section 2.2 -- Attached Residential or Multiple-Family Residential Units.

Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance for multiple-family dwellings.

Section 2.3 -- Non-Residential Condominium Units.

A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.

Article 3:

Design and Development Standards:

Section 3.1 -- Condominium Unit or Site Condominium Lot.

For purposes of this Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Village's subdivision regulations. Such units or lots shall conform to the requirements of this Ordinance:

1. **Lots to be buildable** shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. The size, shape, and location of each lot shall have the following characteristics:
 - a. A suitable site for placing a house without excessive grading.
 - b. On site suitability for either public or individual site sewer and water facilities.
 - c. A usable area for outdoor living and other outdoor activities.
 - d. Adequate surface drainage away from the house site and outdoor living areas.
 - e. Reasonable driveway grades.
 - f. Minimal general site grading with retention of significant trees and other vegetation.
 - g. Minimal use of acute angles and odd, non-geometric shapes as part of the lot.
2. **Corner lots** shall require front yard setbacks on each adjacent street. Lots abutting mid-block cross access pedestrian way or other right-of-way shall be treated as corner Lots.
3. **Lot frontage** shall abut, by their full frontage, on a public or private road. Lots extending through a block are prohibited except where they back directly onto primary roads as defined by the master transportation plans of the Village, or county or state road authorities.
4. **Public and private roads** in a condominium development shall be developed to the standards of the Jackson County Road Commission (JCRC). Limited deviations from specific standards may be authorized for private roads only

5. **Rights-of-way.** Dedicated road rights-of-way shall be provided by the developer where necessary for new roads within the development, for changes to existing road rights-of-way mandated by the Village, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the final condominium site plan.
6. **Street names** shall be reviewed and accepted by the Jackson County Road Commission and outside agencies with jurisdiction. Roads shall have names, not merely numbers or letters. Roads shall not change direction by more than 90 degrees without a change in street name.
7. **Driveways and curb cuts** shall conform to standards of the Jackson County Road Commission (JCRC) and the standards of all Village ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.
8. **Sidewalks, pedestrian pathways, and other non-motorized transportation facilities** shall be developed and placed in compliance with applicable engineering standards of the Village, JCRC, and Michigan Department of Transportation (MDOT); and the following:
 - a. Road rights-of-way shall be sufficient to provide for sidewalks on both sides of all internal public and private roads within a condominium development.
 - b. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable. Existing and proposed sidewalks within and along the perimeter of condominium developments shall be connected to existing public sidewalks on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
9. **Natural Features.** All condominium developments shall conform to the natural features preservation requirements of this Ordinance and other applicable Village ordinances.
 - a. **Trees** shall be provided in the margins of both sides of all roads in a condominium development, and shall be placed at the minimum rate of two (2) per single-family residential lot or at a maximum distance apart of 60 feet. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

- b. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this Ordinance.

10. Exterior Lighting.

Exterior lighting within a condominium development shall conform to the applicable standards of the Village of Concord Nuisance. Street lighting, where required or otherwise provided as part of a condominium development, shall conform to the following:

1. If a new road is built, street lighting shall be required for all residential developments.
2. The Planning Commission may require street lighting for condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, OR RESEARCH, AND LABORATORY USES.
3. Street lighting shall have underground wiring, and shall be down shielded and designed to minimize glare.
4. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.
5. Required street lighting shall be installed prior to the occupancy of structures within the development.

Section 3.2 -- Non-Residential Condominium.

Condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Roads.** Roads in a non-residential condominium development shall be paved and shall be designed and constructed to adequately handle truck traffic. Roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks, and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public roads serving the development. Driveways from parking and loading areas shall intersect roads at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.

3. **Blocks.** The block size standards of this Section shall not apply to nonresidential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
4. **Lots.** Lots shall have access from internal roads within the development, or from marginal access roads. Such lots shall not open directly onto primary roads or collector roads.
5. **Sidewalks.** Sidewalks and pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.
6. **Transition buffers.** Transition buffers shall be provided along the perimeter of a non-residential condominium development as required by this Ordinance. The Planning Commission may require provision of a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas from litter, trespass, and other nuisances.
7. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

Article 4:

Water, Sewer, and Stormwater Facilities and Infrastructure:

Section 4.1 -- Stormwater Management Facilities and Infrastructure.

Developments shall provide for management of stormwater runoff from the developed site. New or expanded facilities shall be located so as to best conform to the layout of existing facilities. Drainage improvements shall conform to the Village's engineering standards and Jackson County Water Resources Commissioner requirements.

1. The stormwater drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans. Adequate provisions shall be made for proper drainage of stormwater runoff from individual lots. Drainage easements may be required to assure proper drainage.
2. The Village may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade, and outlet for said tile shall be subject to approval by the Village Engineer.
3. Where a development is traversed by a watercourse, drainageway, channel, or stream, a stormwater easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the standards of the County Water

Resources Commissioner. Wherever possible, drainage should be provided by an open channel with landscaped banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled, but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream there from. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.

4. Where topography or other conditions make inclusion of drainage facilities within road right-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots. If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.
5. Low-lying lands along watercourses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall be excluded in computing the net lot area.
6. All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Water Resources Commissioner or other state or county agencies with jurisdiction. If, in the judgment of the Water Resources Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the Water Resources Commissioner shall be provided.
7. The developer may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
8. A culvert or other drainage facility in a proposed development shall be in accordance with County Water Resource Commission standards and be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Village Engineer.
9. The effect of the development on existing downstream drainage facilities outside the development shall be reviewed by the developer with the County Water Resources Commissioner. Where it is anticipated that the additional runoff resulting from development will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.
10. Stormwater basins may be required in order to control the discharge of stormwater from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Village Engineer.

Section 4.2 -- Potable Water and Sanitary Sewage or Septic Facilities and Infrastructure.

Each condominium unit shall be connected to the Village's potable water supply and sanitary sewage treatment and disposal systems prior to occupancy, in accordance with the requirements of this Ordinance and the following:

1. **Water supply facilities and infrastructure.** Where publicly owned and operated water supply facilities are available, water supply facilities shall be installed to serve each lot. Water supply facilities shall be designed and located according to the applicable standards of the Village and any outside agencies with jurisdiction.
 - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. On-site services and private water systems shall be designed according to applicable standards of the Jackson County Environmental Health Division (JCEHD) and the Village.
2. **Sanitary sewage facilities and infrastructure.** Where publicly owned and operated sanitary sewage facilities are available, sewers shall be installed to serve each lot. All sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the Village and any outside agencies with jurisdiction.
 - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. Each lot in a development served by publicly owned and operated sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.

Article 5:

Utilities:

Section 5.1 -- Utility Easements.

The developer shall make arrangements for all necessary utility easements in accordance with the standards and specifications of the agency having jurisdiction over the utility lines or facilities, and the agency having jurisdiction over any road rights-of-way or publicly-owned property impacted by the utility installation. Such easements shall be so located as not to interfere with the use of any lot or other part of the development

Section 5.2 -- Gas, Wire, and Cable Utilities.

All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development.

1. Overhead lines may be permitted upon approval of the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the

- health, safety, general welfare, design, appearance, and/or character of the development, and only where such overhead lines are brought to the perimeter of the development.
2. This subsection shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, streetlights, and street light poles.
 3. All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review and approval before filing for final approval of the plan.
 4. Utility placement within road rights-of-way shall not conflict with other underground lines.

Article 6:

Site Condominium Project Regulations

Section 6.1 -- Regulation and Approval of Preliminary and Final Site Plans.

Pursuant to the authority conferred by the Condominium Act, preliminary and final site plans shall be regulated by the provisions of this chapter and approved by the Concord Village Planning Committee and Concord Village Council.

Section 6.2 -- General Requirements.

- A. Each condominium lot shall be located within a zoning district that permits the proposed use.
- B. Each condominium lot shall front on and have direct access to a public street or a private street approved by the Concord Village Council. Approval for a private street may be conferred by the Concord Village Council between preliminary and final site plan approval by the planning commission.
- C. For the purposes of this division, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances and/or regulations applicable to lots in subdivisions.

Section 6.3 -- Site Plan Approval Requirements.

Preliminary approval of the site plan and condominium documents by the Concord Village Planning Committee shall be required as a condition for the right to construct, expand or convert a site condominium project. Final approval of the site plan and condominium documents by the Concord Village Council shall be required as a condition for the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined. No site work or construction shall begin prior to engineering approval, required preconstruction

meeting(s), and the execution and recording of a Development Agreement between the Condominium Owner and the Concord Village Council.

Preliminary approval.

- A. A site plan pursuant to the standards and procedures set forth in this ordinance shall be submitted to the Concord Village Planning Committee for preliminary review.
- B. If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be granted by the Concord Village Planning Committee and passed on the Concord Village Council for their review.
- C. If the site plan fails to conform, the Concord Village Planning Committee or Concord Village Council shall either deny the application, or grant preliminary approval with conditions, provided that such conditions are met before final approval.

Final approval.

- A. Following preliminary approval, the applicant shall submit the condominium documents to the Village for the review by the Village Attorney and other appropriate staff and consultants. The condominium documents shall be reviewed with respect to all matters subject to regulation by the Village including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary and water facilities and utilities.
- B. Following receipt of preliminary approval, the applicant shall also submit a final site plan and engineering plans in sufficient detail for the Village, to determine compliance with applicable laws, ordinances and design standards for construction of the project. The Village shall submit engineering plans to the Village Engineer and Planner for review.
- C. Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the Village Attorney, Engineer and Planner, the site plan shall be submitted to the Concord Village Planning Committee for final review and with approval will be recommended and sent to the Concord Village Council for review and final approval.
- D. If the site plan, condominium documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the Concord Village Council.
- E. If the site plan, condominium documents and/or engineering plans fail to conform, final approval shall be denied by the Concord Village Council.

- F. In the interest of ensuring compliance with this Ordinance and protecting the health, safety and welfare of the residents of the Village, the Concord Village Council, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee for the completion of improvements associated with the proposed use.

Section 6.4 -- Information Required Prior to Occupancy.

Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Village Clerk:

1. A copy of the recorded condominium documents (including exhibits).
2. A copy of any recorded restrictive covenants.
3. A copy of the site plan on laminated photostatic copy or mylar sheet.
4. Evidence of completion of improvements associated with the proposed use, including two copies of an as-built survey.

Section 6.5 -- Revision of Site Condominium Plan.

If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Concord Village Planning Committee and Concord Village Council before any building permit may be issued, where such permit is required.

Section 6.6 -- Amendment of Condominium Documents.

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 Village Attorney, Concord Village Planning Committee and Concord Village Council before any building permit may be issued, where such permit is required. The Concord Village Planning Committee or Concord Village Council may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes.

Section 6.7 -- Condominium Site Plan Expiration.

Expiration of preliminary and final condominium site plans shall be subject to a period of nine months at which time condominium site plans will expire. Condominium constructors may return to the Village Council and request a continuance of the their Site Condominium Plan past the nine month expiration date on a case by case basis.

Section 6.8 -- Rescinding Approval of a Condominium Site Plan.

Condominium site plan approval may be rescinded by the Concord Village Planning Committee or Concord Village Council upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval.

Article 7:

Recording of Condominium Documents:

The owner(s)/developer(s) shall record all condominium documents and exhibits with the Jackson County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Village Clerk:
 - a. Three (3) copies of the recorded Master Deed, Bylaws, and any other condominium documents as required by the Condominium Act shall be transmitted to the Clerk.
 - b. The Village Clerk shall attach a certificate of approval to the copy to be sent to the applicant and the Zoning Inspector.
 - c. The Clerk's signed copy shall be placed on file at the Village office to be retained per State of Michigan retention guidelines.
 - d. The "as built" plans, sealed by a licensed professional engineer, landscape architect or similar certified professional, in digital and hardcopy formats acceptable to the Village Engineer.
2. The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.
3. A final Certificate of Occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the Jackson County Register of Deeds and the recorded document filed with the Village Clerk.