

ORDINANCE NO. 473

ORDINANCE AMENDING SECTION 617
OF ORDINANCE NO. 346

The Village of Fowlerville Ordains:

Section 1. Section 617, entitled *Condominium developments*, of Chapter 6. *General and Supplementary Regulations*, of No. 346, entitled "Zoning Ordinance of the Village of Fowlerville, Michigan" is hereby amended to read as follows:

Sec. 617. - Condominium developments.

Concurrently with notice required to be given the village pursuant to section 71 of Public Act No. 59 of 1978 (MCL 559.171), as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

1. *Required information.*

- a. The name, address and telephone number of:
 - (1) All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - (2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (3) The developer or proprietor of the condominium project
- b. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- c. The acreage content of the land on which the condominium project will be developed (acreage to be dedicated as public right-of-way shall be noted).
- d. The purpose of the project (for example, residential, commercial, industrial, etc.).
- e. Approximate number of condominium units to be developed on the subject parcel.
- f. Building floor plans, and cross section plans where applicable.
- g. Description of water system proposed.
- h. Description of wastewater treatment system proposed.
- i. A floodplain plan, when appropriate.
- j. A site plan showing the location, area and dimensions of all building envelopes, building sites (limited commons area, and general commons areas), and other requirements listed in section

66 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.166), as amended, and chapter 20 of this ordinance.

- k. Stormwater management plan, including all conduits, swales, county drains, detention basins, and other related facilities, with documentation.
 - l. Draft copies of the master deed, bylaws and other restrictive covenants.
 - m. All requirements in administrative rules 401 (R 559.401) and 402 (R 559.402) promulgated by the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), and amendments thereto shall be met.
- 2. *Streets.* All building sites shall have direct access to a public or private street right-of-way. All streets shall be constructed to standards issued by the village council.
 - 3. *Amendments; changes in project.* Amendments or changes in a condominium project, as described in section 67 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.167), as amended, shall conform to all design standards for the zoning district where the project is located and shall be reviewed in accordance with the requirements of section 2407 of this ordinance. Any changes to an approved site condominium development shall be made part of the bylaws and recorded as part of the master deed.
 - 4. *Delineation of condominium units.* All individual condominium units shall conform to the design standards for minimum lot width, lot area, and building setback requirements. The units shall be approved by the planning commission, and those requirements shall be made part of the bylaws and recorded as part of the master deed.
 - 5. *Design Requirements.* All residential condominium developments shall be required to follow the design standards (Division 4) and required improvements (Division 5) of Chapter 46, *Land Division*, Article III, *Subdivisions*, of the Village of Fowlerville Code of Ordinances.
 - 6. *Mobile home condominium project.* Mobile home condominium projects shall conform to all requirements of this ordinance and the mobile home commission rules, and shall be located only in the R-4 mobile home park district.
 - 7. *Monumentation required.* All condominium projects, which consist in whole or in part of condominium units that are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided herein.
 - a. With respect to the minimum requirements for the survey of a proposed condominium project, monuments shall be located in the ground according to the following requirements:
 - (1) Monuments consisting of iron or steel bars, or pipes not less than one-half inch in diameter and 36 inches in length

shall be placed at all major boundary corners of project area.

- (2) Monuments shall be located in the ground at all angles in the boundaries of the condominium project boundary; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the sidelines of streets and alleys; and at all angles of an intermediate traverse line.
- (3) If a location of a monument is clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof shall be clearly indicated on the survey plan of the condominium subdivision plan and referenced to the true point.
- (4) If a point required to be monumented is on a bedrock outcropping or other hard surface, a steel rod, not less than one-half inch in diameter, shall be drilled and grouted into sod material to a minimum depth of eight inches and clearly labeled on the survey plan.
- (5) All required monuments shall be placed flush with the ground, where practical, in accordance with the final grade.
- (6) All building sites shall be monumented in the field by iron or steel bars of pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
- (7) The village planning commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the village clerk, cash or a certified check, or irrevocable bank letter of credit running to the Village of Fowlerville, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$500.00 in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 2. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall be seven (7) days from and after its publication.

Carol Hill

Carol Hill, Village President

Kathryn M. Arledge

Kathryn M. Arledge, Village Clerk

REVIEWED FOR FORM:

David G. Stoker

David G. Stoker, Village Attorney

Village Council Member Bell offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member Heath, and upon being put to a vote, the vote was as follows:

Carol Hill, President
Jerry Bell, Trustee
Kathryn Heath, President Pro Tem
Mary Helfmann, Trustee
Jim Mayhew, Trustee
Jane Mills, Trustee
Scott Schultheis, Trustee

Aye
Aye
Aye
Aye
Aye
Aye
Absent

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Fowlerville this 23rd day of December, 2019.

473 I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 473 adopted by the Village Council of the Village of Fowlerville, County of Livingston, Michigan, at a regular meeting held on December 23, 2019.

Kathryn M. Arledge

Kathryn M. Arledge, Village Clerk