

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2019-Z-002

DWELLING UNIT CONDOMINIUM TEXT
AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend Waterford Township Zoning Ordinance No. 135-A ("Zoning Ordinance") by adopting regulations to recognize, define, and provide for residential condominium units that are limited to dwelling buildings or building envelopes.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Township Zoning Ordinance is amended by adding and amending definitions in Section 1-007 as follows:

A. Under the definition of Condominium Development, add a new sub-definition of Dwelling Unit Condominium to read as follows:

Dwelling Unit Condominium. A condominium where the condominium units designed and intended for separate ownership and use are limited to dwelling buildings or building envelopes.

B. Under the definition of Lot, amend the sub-definition of Condominium Lot to read as follows:

Condominium Lot. That portion of a zoning lot proposed for development in accordance with Public Act 59 of 1978, Condominium Act and designed and intended for separate ownership and use as described in the condominium master deed. For a site condominium, a condominium lot shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counterpart of a lot of record platted and developed in connection with a land development project approved in accordance with Public Act 288 of 1967, the Land Division Act. For a dwelling unit condominium, a condominium lot shall have the same meaning as for a site condominium, and for purposes of lot area, shall also include the portion of the condominium unit's undivided interest in the general common elements of the condominium development as allocated to that unit in the Master Deed.

C. Under the definition of Lot Area, add a new sub-definition of Dwelling Unit Condominium Lot Area to read as follows:

Dwelling Unit Condominium Lot Area. For a dwelling unit condominium, means the area of the condominium lot and the portion of the condominium unit's undivided interest in the general common elements of the condominium development as allocated to that unit in the Master Deed.

Section 2 of Ordinance

The Waterford Township Zoning Ordinance is amended by adding a new Footnote 11 in Section 3-901, to read as follows:

Footnote 11. For dwelling unit condominiums, the minimum lot area, width, and yard setbacks and compliance with them shall be determined as provided in Section 4-004.4.D.

Section 3 of Ordinance

The Waterford Township Zoning Ordinance is amended by amending the Table of Zoning Lot, Area, and Bulk Regulations in Section 3-900, to insert a reference to Footnote 8 for the Minimum Lot Area and Width and Minimum Yard Setbacks in the R-1A, R-1B, and R-1C Districts.

Section 4 of Ordinance

The Waterford Township Zoning Ordinance is amended by amending the Additional Regulations for Condominium Developments in Section 4-004.4 to add a new subsection D to read as follows:

SECTION 4-004. SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. - 3. [Unchanged]

4. Additional Regulations for Condominium Developments

A. - C. [Unchanged]

D. Dwelling Unit Condominiums. In recognition that the boundaries of dwelling unit condominiums will not correspond to traditional lot lines upon which the determinations of compliance with minimum lot area, width, and yard requirements are based, the following standards shall apply in making such determinations for a dwelling unit condominium development.

(1) Minimum lot area shall be determined based on the definitions in Section 1-007 of dwelling unit condominium in the definition of condominium development and dwelling unit condominium lot area in the definition of lot area.

(2) The width of a dwelling unit condominium lot shall be the width of the condominium unit plus 50% of the distance between that condominium unit and the condominium units or roads on each side.

(3) The minimum yard setbacks in Section 3-900 shall apply except for the following:

- (A) The front yard setback may be reduced to 25 feet when a unit fronts on a private road as measured from the nearest edge of the road right-of-way or easement line.
- (B) In the R-1A District, the least one side yard setback is 7.5 feet and the total of two side yard setback is 15 feet.

(4) Compliance with minimum yards shall be determined as follows based on the distances between the walls of condominium units and from the walls of condominium units to right-of-way lines and boundaries of the condominium development.

- (A) Minimum side-to-side distance between condominium units shall be the total of the side yard setback required for each unit.
- (B) Minimum side-to-rear distance between condominium units shall be the total of the side and rear yard setbacks required for the units, which in no event shall be less than 35 feet.
- (C) Minimum rear-to-rear distance between condominium units shall be the total of the rear yard setbacks required for the units, which in no event shall be less than 70 feet.
- (D) Notwithstanding Section 2-104.2, roof overhangs, eaves, and gutters shall not extend into a minimum side yard by more than one (1) foot.

(5) Regardless of the front yard setback, a minimum driveway length of 25 feet shall be provided between the nearest edge of a sidewalk or non-motorized pathway and the garage entrance, or for a unit with no garage, to the front line of the dwelling building.

(6) A deck, patio, or porch shall not be located in a side yard or extend more than 10 feet into a rear yard.

(7) Exterior appliances shall be located in the rear yard.

Section 5 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2019.

Date

Kimberly F. Markee, Township Clerk