

## CHAPTER 25

### REVIEW AND APPROVAL OF SITE CONDOMINIUM PROJECTS

SECTION 25.1 PURPOSE AND SCOPE. Site Condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.

This Chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium project plans to ensure that site condominium projects comply with this Zoning Ordinance. Site condominium projects may be approved as provided by this Chapter in any zoning district for the uses permitted by the Zoning Ordinance in the zoning district in which the project is located.

SECTION 25.2 DEFINITIONS. For purposes of this Chapter, the following words and phrases are defined as follows:

1. "Building envelope" means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
2. "Building site" means either:
  - a. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
  - b. The area within the condominium unit (as described in 25.2(2)(a)), taken together with any contiguous and appurtenant limited common element.

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) or with other applicable laws, ordinance or regulations, a "building site" shall be considered to be the equivalent of a "lot."

3. "Condominium Act" means Public Act 59 of 1978, as amended.
4. "Exempt change" means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this Chapter. Exempt changes shall be limited to the following:
  - a. a change in the name of the project; in the name of a street within the project; or in the name of the developer of the project;
  - b. a change in the voting rights of co-owners or mortgages; or
  - c. any other change in the site condominium project which, as determined by the Planning Commission, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a project which is subject to regulation under the Zoning Ordinance.
5. "Limited common element" means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.
6. "Major change" means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:
  - a. an increase of 20% or more in the number of site condominium units;
  - b. a reduction of 5% or more in the area of the building site for any site condominium unit;
  - c. a reduction of 5% or more in the total combined area of the general common elements of the site condominium project;
  - d. a reduction of 5% or more in the total combined area of all limited common elements of the site condominium project; or
  - e. any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Planning Commission to constitute a major change to the site condominium project.
7. "Minor change" means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that will result in:
  - a. an increase of less than 20% in the number of site condominium units or a decrease in the number of site condominium units;

- b. a reduction of less than 5% in the area of the building site for any site condominium unit;
  - c. a reduction of less than 5% in the total combined area of the general common elements of the site condominium project;
  - d. a reduction of less than 5% in the total combined area of all limited common elements of the site condominium project; or
  - e. any other minor variation in the site configuration, design, layout, topography or other aspect of the project which is subject to regulation under this Zoning Ordinance, and which, as determined by the Planning Commission, does not constitute a major change.
8. "Site condominium project" means a plan or project consisting of not less than two site condominium units established in compliance with the Condominium Act.
9. "Site condominium project plan" means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this Chapter for review of the project by the Planning Commission and the Township Board.
10. "Site condominium unit" means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
11. Except as otherwise provided by this Chapter, the following words and phrases, as well as any other words or phrases used in this Chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: "common elements"; "condominium documents"; "condominium unit"; "contractible condominium"; "convertible area"; "expandable condominium"; "general common elements"; and "master deed".

**SECTION 25.3 COMPLIANCE WITH STANDARDS.** The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance and Article IV of the Grand Rapids Charter Township Subdivision Ordinance including minimum lot area, minimum lot width, road frontage, lot width to depth, lot depth and configuration required front, side and rear yards, street access and street buffers, and maximum building height. For example, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope. In keeping with the above referenced provisions, the following shall apply:

- 1. Building Sites/Lots.
  - a. All lots shall face upon, and have direct access to, a public or private street or other access easement which complies with the Zoning Ordinance.

- b. The side lines of a lot shall be approximately at right angles or radial to the street upon which the lots face.
  - c. All lots shall conform to the requirements of the Zoning Ordinance for the zoning district in which the site condominium is located.
  - d. Corner lots for residential use shall have the minimum required lot width on both streets adjacent to the lot and shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets.
  - e. The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
  - f. The width of a lot as measured between side lot lines along the rear lot line shall not be less than 20 feet.
  - g. Lots in projects bounded by existing Kent County primary roads and State highways shall only have access from internal streets constructed to serve the project and not directly to such existing streets. The Planning Commission and Township Board may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth, topography or other natural features of the land to be developed or if other lands in the immediate vicinity generally have access on existing streets.
2. Buffers and Landscaping. Landscaping shall be provided between a residential site condominium project and any adjacent Kent County primary streets and State highways. The preliminary site condominium plan shall show the location of the landscaping which shall be of sufficient size and number, or otherwise be in compliance with Township landscaping requirements, to provide a landscaped area to serve as a visual separation between the houses and the street. An earthen berm may be provided in conjunction with plantings.
3. Open Space
- a. All residential site condominium developments, unless otherwise approved as part of a Planned Unit Development, shall contain open space areas as follows:
    - i. Developments whose average lot size is 12,000 square feet or greater in size shall contain open space areas equal to a minimum of 15% of the total area proposed for development.
    - ii. Developments whose average lot size is between 10,800 and 11,999 square feet in size shall contain open space areas equal to a minimum of 17% of the total area proposed for development.

- iii. Developments whose average lot size is between 10,799 and 9,600 square feet in size shall contain open space areas equal to a minimum of 19% of the total area proposed for development.
- iv. Developments whose average lot size is between 9,599 and 8,400 square feet in size shall contain open space areas equal to a minimum of 21% of the total area proposed for development.
- b. The open space shall be maintained by the developer, site condominium property owner's association or similar organization and shall be set aside for the common use of the home or building site/lot owners within the site condominium. At least one open space area must be accessible from a street, sidewalk or other means to all residents within the development.
- c. For purposes of this section, open space shall be deemed to be only those areas having a minimum dimension of 50 feet by 100 feet, unless smaller dimensions are approved by the Planning Commission for linear "no disturb zones" established for the purposes of screening and tree preservation.
- d. Unless specifically authorized by the Planning Commission and Township Board, lot area calculated in meeting minimum lot or building site area requirements or which support public or private street rights of way, driveways and parking areas will not be included in open space percentage calculations. In addition, unless specifically waived or modified by the Township, the following guidelines shall apply:
  - i. All areas included in the calculation of percentage of open space must be protected by agreement, deed or easement as indicated in the following Subsection e.
  - ii. Side walks, pathways and other active or passive recreational facilities will be considered in the open space calculation where they are an integral part of a larger open space area.
  - iii. Lakes and other areas permanently inundated by water, wetlands and floodplain areas and other areas determined to be non- buildable will be included in the open space percentage calculation.
- e. Prior to approval of a final preliminary site condominium plan, the applicant shall provide to the Township an open space agreement or restrictive covenants, as determined appropriate and sufficient by the Township Board. The agreement (or covenants) shall include a legal description of the site condominium area, a legal description of the area to be set aside as common open space, and a plan for permanent maintenance of the open space, unless such provision for continued maintenance is waived or deemed unnecessary by the Township Board. Upon approval of the final site condominium plan, the applicant shall record the open space agreement with the

Kent County Register of Deeds. The agreement shall be binding upon the applicant-developer and all successors and assigns of the grantor and grantee of all building sites/lots or parcels within the site condominium. The agreement may be incorporated within the Master Deed.

4. Streets. If a project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for public streets as required by the Kent County Road Commission. All private streets in a project shall be developed to the minimum design, construction, inspection, approval and maintenance requirements as provided by Chapter 27 of this Ordinance.
  - a. All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new developments are extensions of existing streets, the extended streets shall comply with Chapter 27 and be at least as wide as the existing streets that are being extended.
  - b. One or more streets may be required to extend to the boundary of the development so as to provide sufficient access to adjoining developable property and to future development on contiguous land.
  - c. No dead end street system or streets terminating in a cul-de-sac shall provide access to more than 75 dwelling units.
  - d. In order to reserve access to adjoining properties, a reserve strip shall be provided between the terminus of a public or private street and the site condominium boundary. The reserve strip shall be a minimum of 10 feet deep across the entire width of the road right-of-way. The developer shall grant to the Township or Kent County Road Commission a deed for the entire area of the reserve strip prior to final approval by the Township Board. The reserve strip shall be illustrated on the preliminary plan and final plans.
  - e. Public streets, intersections, and cul-de-sacs shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Kent County Road Commission.
5. Sidewalks
  - a. Except as otherwise provided in this section, sidewalks at least 5 feet wide shall be provided for and installed in every site condominium project. The development shall include right-of-way of sufficient width so as to accommodate such sidewalks.
  - b. Sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Township Board, with consideration by the Planning Commission, approves an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.

- c. Sidewalks will be required along at least one side of each new residential street proposed as part of a new site condominium development except that:
    - i. Sidewalks will not be required within the radius of the turn around at the end of a cul-de-sac street unless the sidewalk is required to be extended within a pedestrian easement beyond the street end.
    - ii. Unless the sidewalk will provide a direct linkage between two existing or planned sidewalk segments, or there is potential for a future street extension, sidewalks will not be required along residential streets that provide direct frontage access to 20 or fewer dwelling units.
    - iii. Along residential streets that provide direct frontage access to more than 20 dwelling units or which support through traffic originating or terminating elsewhere, sidewalks may be waived when:
      - a. Excluding lots on cul-de-sacs, the majority of lots along the street are greater than 40,000 square feet in area.
      - b. The average lot width along the street is 100 feet or more.
      - c. The street will not be a direct route to a school or park.
      - d. A sidewalk capable of being extended does not presently exist within 500 feet of the development.
    - iv. The Township may require sidewalks on each side of a street where it is determined that a street or street segment will provide direct and/or indirect access to more than 75 dwelling units and/or there is expected to be high pedestrian volume, high through vehicular traffic volume or high traffic speed along the street segment that warrants the additional requirement.
  - d. Sidewalks will generally be required on streets within non-residential developments, but the Township may waive sidewalks if an alternative pedestrian pathway is provided.
6. Alternate Sidewalk/Pedestrian Way Plan (Residential and Non-Residential Developments). It is recognized that in certain instances, due to topography and other natural or manmade conditions, a developer may wish to propose a pedestrian walkway plan for a specific residential development that will require a deviation from the requirements for sidewalks as set forth herein (such as a system of asphalt or brick pedestrian walkways that would access otherwise inaccessible open spaces, follow rear lot lines or which might border a natural drainage course). In such instances, an overall plan for the proposed alternate system of pedestrian walkways may be submitted along with the

Preliminary Site Condominium Plan and will be reviewed as a part of the approval process. An alternate sidewalk/walkway plan must provide a continuous system of walkways located within dedicated pedestrian easements, and comply with the requirements established by the Township for pedestrian ways.

The Planning Commission may recommend and the Township Board may approve the waiving of one or more of sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Planning Commission and Township Board shall consider and make findings upon any of the following factors:

- a. Whether the installation of sidewalks would be a reasonably appropriate site condominium improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.
  - b. The likelihood that pedestrians will make reasonable use of sidewalks in the proposed development, currently and in the future.
  - c. Whether there are other sidewalks already installed on adjacent or nearby lands.
  - d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the proposed development lands.
7. Bicycle Pathways. The Township may require the dedication of right of way for bicycle pathways and for construction of bicycle pathways along the entire frontage of the proposed development which abuts a proposed collector street, an existing collector street or arterial road. If bicycle pathways are required where sidewalks would otherwise be required pursuant to Section 25.3, subsections 5.a., 5.b., 5.c. and 5.d., the requirement for sidewalks shall be waived and the bicycle pathway provided in their stead. Streets in Grand Rapids Charter Township are classified as Expressway, Major Arterial, Minor Arterial, Collector and Local streets as indicated in the Grand Rapids Charter Township Comprehensive Land Use Plan.

Where required, the bicycle pathways shall be located either on the same side of the street or road as the proposed development or on the opposite side of the street or road, as the Township shall determine is most advantageous to the Township with respect to developing a Township pathway system to connect neighborhoods, schools, business districts, parks, and other facilities. In lieu of the developer constructing the required bicycle pathways, the Township may require or accept a financial contribution from the developer for the use by the Township, together with interest earned thereon, for the construction of the required pathways at a future date to be determined by the Township.

- a. Procedures. As part of its review of the preliminary site condominium plan, the Planning Commission shall specifically consider whether bicycle pathways are necessary along the proposed development frontage which abuts an existing street or road in order to achieve the public purposes intended. If the

Planning Commission determines bicycle pathways are necessary to achieve these public purposes, it shall next determine to what extent the cost of those pathways (right of way dedication, if any, and construction cost) shall be borne by the developer. In making this determination, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:

- i. Vehicle traffic likely to be generated by the proposed development.
- ii. Pedestrian, bicycle, and other non-vehicle traffic likely to be generated by the proposed development.
- iii. The importance of the required bicycle pathways to provide a safe means for children to access schools, churches, parks, libraries, and other amenities intended for their use.
- iv. The proximity of the development to pedestrian attractions such as parks, churches, public buildings, and shopping opportunities.
- v. The cost of construction of the required bicycle pathways.
- vi. The fair market value of any right of way required to be dedicated for the required bicycle pathways.

The Planning Commission shall provide the developer with a reasonable opportunity at a Planning Commission meeting to provide the developer's position with respect to the need for pathways and the portion of the cost thereof to be borne by the developer.

The Planning Commission shall include in its report and recommendation concerning the Preliminary Site Condominium Plan its final determination concerning the necessity for any pathways and their location and also its final determination as to the portion of the cost of the pathways which shall be borne by the developer. The Planning Commission report and recommendation pertaining to pathways shall also state the Planning Commission's rationale for its determinations.

The Township Board shall review and consider the Planning Commission's report and recommendation concerning bicycle pathways and then make a final determination based upon the preceding standards of the this subsection, as part of its consideration of granting final approval of the Preliminary Site Condominium Plan. Based upon the recommendation of the Planning Commission and its own findings, the Township Board shall decide as to what pathways, if any, are to be required for the development and, if so, their location and the portion of the cost of the required pathways construction cost, to be borne by the developer. This determination shall be effective to make pathway construction or contribution to the cost thereof, to the extent the cost thereof is to be borne by the developer, an improvement required by this Ordinance which shall be constructed or deferred and paid for by the developer into an escrow fund created for such

purposes, prior to Township Board Final Preliminary Site Condominium Plan approval as is provided in this chapter.

- b. Construction. The required pathways shall be designed and constructed in accordance with the following requirements:
    - i. The pathways shall be constructed in accordance with the bicycle pathway construction standards and requirements contained in the Grand Rapids Charter Township Sidewalks and Bicycle Pathways Ordinance.
    - ii. The plans and specifications for the pathways shall be approved in advance of construction in writing by the Township.
  - c. Right of Way. All dedicated bicycle pathway right of ways shall be a minimum of 15 feet wide.
8. Street Lighting. Adequate street lights may be required to be provided.
9. Street Trees. The Township Board may require that trees be planted within the right-of-way adjacent to the street
10. Utilities.
- a. Public electricity, telephone, and gas service shall be furnished to each lot in the development.
  - b. Public sanitary sewer and water, or either of them, shall be provided, except where they, or either of them, are not reasonably available.
  - c. All utilities shall be installed and maintained underground and in appropriate easements.
  - d. Utility easements shall be provided along front, rear, and side lot lines when necessary. The total width of such easements shall be not less than 10 feet.
  - e. When a project is to be served by a publicly-owned or privately-owned community water system, fire hydrants and other required water system appurtenances shall be provided by the developer.
11. Natural Features. Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic sites, and similar assets) shall be preserved, insofar as practical, in the design of the development.
12. Drainage.
- a. An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no

adverse affect on adjoining lands, or upon lots within the site condominium.

- b. Storm drainage facilities shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to reduce roadway and parking area oil and gas residues and other pollutants from being discharged to the natural drainage systems.
  - c. Storm water detention ponds, if necessary for the containment of estimated surface water run-off, shall be designed to avoid steep slopes. Vegetation that provides natural drainage along existing and planted drainage - ways shall be encouraged so as to help eliminate or reduce the need for storm water detention ponds.
13. Unbuildable/Uninhabitable Areas. Floodplain areas, as established by the State Department of Environmental Quality and other lands deemed by the Planning Commission to be unbuildable/uninhabitable may be included within building sites/lots provided that if included in the minimum building site area requirements, the developer shall illustrate that the remaining building site area is reasonable and sufficient for the proposed use.

SECTION 25.4 STEP 1 - REVIEW OF CONCEPTUAL PLAN BY THE PLANNING COMMISSION.

1. Step 1 Application: A conceptual plan shall be submitted for review by Planning Commission in accordance with the following procedures and requirements:
- a. Application. An application for review shall be submitted to the Township Clerk or the Clerk's designee. Upon receipt of a complete application, the application shall be forwarded to the Township Planner who shall distribute the application and plan to the Planning Commission, Township Engineer and others as determined appropriate. An application for conceptual plan review shall be considered complete if it includes an application fee in accordance with the fee schedule established by resolution of the Township Board and the following:
    - i. The developer/applicant's name, address and phone number.
    - ii. The name, address and phone number(s) of the property owner(s) of record.
    - iii. The legal description of the subject property.
    - iv. A project description including the proposed use, number of building sites, acreage, type of streets, and open spaces.
    - v. Proposed intent with regard to the provision of domestic water supply and sewage collection and treatment.

- vi. Any intent to pursue variances, Planned Unit Development or other special zoning, if eligible.
  - vii. A minimum of 11 copies of a conceptual site condominium project plan drawn in accordance with Section 25.4(1), Subsection b. below.
- b. Contents of Conceptual Plan. A conceptual plan submitted for a Step 1 Site Condominium project shall include the following:
- i. A plan showing the boundary of the subject property and all contiguous properties drawn at a scale of not more than 100 feet to the inch.
  - ii. A location map showing the relationship of the subject property to the surrounding area.
  - iii. The proposed layout of streets and building sites.
  - iv. The relationship of proposed streets to adjacent streets and neighboring properties.
  - v. Existing physical conditions and characteristics including existing structures, topography, flood plains, wetlands, streams and drainage.
  - vi. Approximate horizontal extent of proposed grading and a preliminary indication of the proposed major storm drainage improvements such as detention/retention ponds.
  - vii. The land use and existing zoning of adjacent building sites and parcels of land.
  - viii. If the proposed project is contiguous to other lands owned by the applicant, a map showing the proposed street layout and access for subsequent development.
  - ix. Preliminary building site data including number of lots, minimum lot area and lot width.
2. Review of Conceptual Plan: The Planning Commission shall review the conceptual plan. Based upon the information at its disposal and the comments from the Township Planner and Engineer, the Planning Commission shall provide comments and recommendations to the applicant regarding the following:
- a. Compliance with the standards and requirements of this section and other applicable provisions of the Zoning Ordinance and other applicable Township Ordinances.
  - b. The appropriateness of this street layout and the arrangement of building sites, drainage and open spaces relative to natural features such as topography, soils, water features and significant or unique vegetation.
  - c. The appropriateness of the proposed street layout and building site arrangement in light of the Township's Master Plan, existing zoning, planned or anticipated or needed public improvements such as streets, utilities, drainage facilities and parks.
  - d. Existing utility system capabilities and utility improvements that will be required.

- e. Additional issues and factors which may assist the applicant in proceeding in a reasonable manner toward final approval of the project.
3. Review Comments and Recommendations: Conceptual plan review comments and recommendations made by the Planning Commission are advisory and do not constitute zoning approval or binding commitment on the part of the Township. Upon a favorable recommendation by the Planning Commission, the applicant may proceed with the preparation of preliminary plans. Conceptual review does not authorize the applicant to proceed with construction.

SECTION 25.5 STEP 2 REVIEW OF PRELIMINARY SITE CONDOMINIUM PLAN BY APPLICABLE AGENCIES

1. Agency Review: Prior to submittal of a project plan for Step 3 Preliminary Site Condominium Plan review by the Planning Commission, the applicant shall prepare and submit a preliminary site condominium plan to the following agencies for their information, review, comment and/or approval, as applicable:
- a. Kent County Health Department
  - b. Kent County Road Commission
  - c. Kent County Drain Commission
  - d. Michigan Department of Environmental Quality
  - e. City of Grand Rapids Water and Sewer Department
  - f. Michigan Department of Transportation
  - g. Gas and electrical utility corporations serving the area.
  - h. The applicable public school district affected by the project.
  - i. Other state and county review and enforcement agencies having jurisdiction or permitting authority over all or part of the project.

SECTION 25.6 STEP 3 REVIEW OF PRELIMINARY SITE CONDOMINIUM PLAN BY THE PLANNING COMMISSION.

1. Submittal of Preliminary Site Condominium Plan: Prior to final review and approval of a site condominium plan by the Township Board, a preliminary site condominium plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided in this Section.
- a. Submittal. An application for review of a preliminary site condominium plan shall be considered complete if it includes the following:
    - i. The developer/applicant's name, address and phone number.
    - ii. The name, address and phone number(s) of the property owner(s) of record.
    - iii. The legal description of the proposed project.
    - iv. A narrative describing the overall objectives of the proposed

project.

- v. An outline of the proposed use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
  - vi. A summary describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
  - vii. Any intent to pursue variances, Planned Unit Development approval or other special zoning, if eligible.
  - viii. Copies of letters of preliminary plan transmittal and any written comments or approvals from agencies listed in above section 25.4.
  - ix. A minimum of 11 copies of a preliminary site condominium plan drawn in accordance with Section 25.6(1) Subsection b. below.
- b. Contents of Preliminary Site Condominium Plan. A preliminary site condominium plan shall include the documents and information required by Section 66 of the Condominium Act and shall also include the following as determined necessary by the Planning Commission for Step 3 Preliminary Site Condominium Plan review or by the Township Board for review of a Step 4 Final Preliminary Site Condominium Plan. All maps shall be at scale of not more than 100 feet to 1 inch.
- i. The name or title of the proposed project.
  - ii. Legal description of the proposed project.
  - iii. The name, address and telephone number of the developer and property owner(s).
  - iv. A small-scale vicinity map showing the location of the project within the Township, and the name and location of abutting subdivisions and site condominiums.
  - v. The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the project.
  - vi. Location and dimension of building sites, radii of all curves and location of all setback lines. Lot width shall be shown for each lot, at the required front setback line.
  - vii. When any part of the project lies within or abuts a floodplain area:
    - a. The floodplain, as established by the State Department of Environmental Quality shall be shown within a contour line.
    - b. The contour line shall intersect the sidelines of the building sites.
    - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
    - d. The floodplain area shall be clearly labeled on the plan with the words "floodplain area."

- viii. Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the project.
- ix. Existing and proposed topographic elevations at 2 foot intervals on the site and to a distance of 50 feet outside the boundary lines of the project.
- x. Location of the following: abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site; driveways opposite the site and driveways within 100 feet on either side of the project; and proposed driveway width, curb radii and design of deceleration lanes.
- xi. Additional street right of way or easements as required by the Kent County Road Commission
- xii. Proposed pedestrian ways and street lighting, if any.
- xiii. Location of existing and proposed slopes which are 12 percent or greater, which may be altered by the development or the construction of buildings within the development.
- xiv. Existing zoning and use of the proposed project. Existing zoning and use of adjacent properties.
- xv. The location of all existing off-site features within a 100 feet affecting the project, such as railroads, buildings, trees, ditches, water courses and other physical features.
- xvi. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands located on the site.
- xvii. A utility plan showing the location and size of all water and sewer lines, hydrants, equipment and facilities and easements to be granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- xviii. A storm drainage and a storm water management plan indicating the direction of storm water drainage and how storm water runoff will be handled, where storm water will be ultimately discharged such as a creek, stream, lake or wetland. The plan shall be designed in accordance with the requirements of a Grand Rapids Charter Township Storm Water Ordinance and shall include all lines, swales, drains, basins and other facilities and easements to be granted to the appropriate public or private entity for inspection, repair and maintenance of all drainage facilities.
- xix. If the project is contiguous to other lands owned or under the control of the applicant, a map showing the proposed street layout and access for subsequent development.
- xx. A street construction and paving plan and a maintenance plan for all private streets within the project.
- xxi. An indication of the amount of peat, gravel, sand, clay or other soil material, if any, that is proposed to be removed, imported and/or stockpiled on the site during the

development process. If stockpiling is proposed, the location and duration of the stockpiles shall be indicated. Excavation and removal of material from the site over a period of time that exceeds 45 calendar days or a cumulative total of 60,000 cubic yards of material shall be subject to further review and approval under Ordinance Number 250 as amended, being the Grand Rapids Charter Township Mineral Mining Licensing Ordinance.

2. Review of Preliminary Site Condominium Plan: The Planning Commission shall review the preliminary site condominium plan in accordance with the standards and requirements contained in Section 26.4 of this Ordinance, Article IV of the Grand Rapids Charter Township Subdivision Ordinance as applicable and the following:
  - a. Consultations. As part of its review of a preliminary site condominium plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the project.
  - b. Public Informational Meeting. Prior to acting on a preliminary site condominium plan, a public informational meeting shall be held by the Planning Commission. Notice of the time and place of the meeting shall be given by ordinary mail to the applicant and owners of the land included in the project and to the owners of or parties of interest in land within 300 feet of the project land area based on the current Township tax assessment rolls. The notice will specify the place, time, and date of the meeting. The notice shall be mailed at least 10 days before the date of the meeting.

**SECTION 25.7 PLANNING COMMISSION RECOMMENDATION, PRELIMINARY SITE CONDOMINIUM PLAN.**

After reviewing the preliminary site condominium plan, the Planning Commission shall make formal recommendations regarding the proposed project, including any suggested or required changes in the plan. The recommendations shall be included in the meeting minutes of the Planning Commission. The Planning Commission shall forward a copy of the minutes or a summary thereof to the applicant and to the Township Board.

**SECTION 25.8 STEP 4 - REVIEW AND APPROVAL OF FINAL PRELIMINARY SITE CONDOMINIUM PLAN BY TOWNSHIP BOARD.**

1. After receiving the Planning Commission's recommendations on the preliminary site condominium plan, the applicant shall submit to the Township Clerk or the Clerk's designee, a minimum of 11 copies of a final preliminary site condominium plan which complies with the requirements of this Section and of Chapter 26. The Township Clerk or the Clerk's designee shall forward the copies of the final plan to the Township Planner and to the Planning Commission.

2. The final preliminary site condominium plan submitted by the applicant shall include final engineered construction plans and shall incorporate all of the recommendations, if any, made by the Planning Commission based on its review of the preliminary site condominium plan. If any of the Planning Commission's recommendations are not incorporated in the final preliminary site condominium plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final preliminary site condominium plan shall otherwise be identical to the preliminary site condominium plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission as provided by this Chapter prior to the review and approval of the final preliminary site condominium plan by the Township Board.
3. After receiving the Planning Commission's recommendations on the preliminary site condominium plan, applicable agency comments and authorizations and a final preliminary site condominium plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards provided by Section 25.3 and other applicable procedures, standards and requirements provided by this Chapter.
4. As a condition of approval of a final preliminary site condominium plan the Township Board may impose additional reasonable conditions of approval as provided by Section 26.5 of this Ordinance.

#### SECTION 25.9 APPROVAL OF MULTI-PHASE SITE CONDOMINIUM PROJECTS.

A site condominium project that is to be undertaken in two or more phases shall require the initial approval of an overall project Site Plan by the Township Board. In addition to the procedures required for conceptual and preliminary Site Condominium Plan review and approval under this chapter the following requirements and procedures shall apply to multi-phase projects.

1. Preliminary Site Condominium Plans for multi-phase site condominium projects submitted under Step 3 must contain proposed project phasing information detailing the extent and expected timing of each phase. An approved phasing plan and schedule as recommended by the Planning Commission shall be submitted to the Township Board along with the Planning Commission's other recommendations required by Section 25.7.
2. Based on the recommendations of the Planning Commission and an acceptable overall project site plan and phasing program specifying the timing and sequence of necessary improvements, the Township Board may in its discretion grant final preliminary site condominium plan approval to the proposed first or other initial phases of a multi-phased development project within two years of initial approval of the overall project site plan. In deferring final preliminary approval of one or more phases, the Township Board may waive the requirements for final construction plans as stipulated under Step 4 in Section 25.8(2) and require that such plans only be submitted for the proposed first phase or other initial phases to be completed.

3. In accordance with an approved phasing plan, any phase of a project that has initially received deferred final preliminary plan approval from the Township Board is, prior to receipt of final preliminary plan approval, required to be re-submittal and reviewed by the Planning Commission for conformity with the approved overall site plan and compliance with any conditions imposed at the time of overall site plan approval. The Planning Commission shall forward its findings to the Township Board under the procedures in Section 25.7. The Township Board shall then review the deferred plans and take action on granting final preliminary site condominium plan approval to each phase as outlined in Section 25.8.
4. Unless otherwise specified in the conditions approving a project with multiple phases, deferred final approval of each phase shall be effective for a period of no more than 5 years. Once a phase has received final preliminary site condominium plan approval, the two-year effective period outlined in Section 25.12 shall apply. Expiration of the five-year period of approval will negate all prior approvals and expose all further development of the project to changes in zoning and other governing ordinances adopted by the Township subsequent to the date of initial overall project site plan approval.

SECTION 25.10 EFFECT OF - FINAL PRELIMINARY SITE CONDOMINIUM PLAN APPROVAL. Approval of a final preliminary site condominium plan by the Township Board shall serve as conditional authorization to commence with the construction of required improvements to the land in accordance with the approved final preliminary site condominium plans and approved construction plans. Final preliminary site condominium plan approval does not authorize the construction of buildings or uses on individual building sites.

SECTION 25.11 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL PRELIMINARY SITE CONDOMINIUM PLAN. No site improvements or changes shall be made on the property in connection with a proposed site condominium project except in compliance with a final preliminary site condominium plan as approved by the Township Board, including any conditions of approval. This provision shall apply to all phases of a multi-phased development project that have only received approval as part of an overall project site plan and which have not specifically been granted final preliminary approval.

SECTION 25.12 FINAL PRELIMINARY SITE CONDOMINIUM PLAN APPROVAL EFFECTIVE FOR TWO YEARS.

No approval of a final preliminary site condominium plan by the Township Board as granted under Section 25.8 shall be effective for a period of more than 2 years, unless construction of the project or phase commences within that 2 year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. The 2 year time limit period for completion may be extended by the Board in its discretion for additional periods of time as determined appropriate by the Board if the extension is applied for by the applicant within the effective period of the approval.

Expiration of the 2 year time period negates final preliminary plan approval and unless the project is part of an approved multi-phased project having a five year period of approval, expiration exposes further development of the project to changes in zoning and other governing ordinances adopted by the Township subsequent to the date of initial final preliminary plan approval.

SECTION 25.13 STEP 5 - REVIEW AND APPROVAL OF FINAL SITE CONDOMINIUM PLAN BY TOWNSHIP BOARD

1. Within 2 years from the date of approval of the Final Preliminary Site Condominium Plan, the applicant shall prepare and submit the necessary copies of the Final Site Condominium Plan to the Township Clerk along with a completed application form and any fee established by the Township Board at least 2 weeks prior to the next regularly scheduled Board meeting. The applicant shall also submit the following:
  - a. Two (2) copies of as-built plans of all required private and public improvements which shall be reviewed by the Township Engineer for compliance with applicable Township ordinances.
  - b. A copy of all final agreements and the Master Deed which is to be recorded with the Kent County Register of Deeds which shall be reviewed by the Township Planner for compliance with the final preliminary site condominium plan as approved by the Township Board under Step 4.
  - c. Letters of approval from all applicable agencies or utilities listed in Section 25.5 stating that improvements have been properly installed and inspected, and inspection fees paid, or that performance guarantees or other similar surety have been submitted for uncompleted improvements.
2. Once all submissions are found acceptable, the Clerk shall submit the same to the Township Board at its next regular meeting for approval.
3. The Board shall approve or reject said Final Site Condominium Plan based upon the Plans and other material submitted and the recommendation of the Township Planner and Engineer and notify the applicant in writing. Notification may be in the form of a written notice or a copy of the Board's Minutes.
4. If the Final Site Condominium Plan is rejected, the Clerk shall notify the applicant stating the reasons for denial.
5. Security for Completion as a condition of final site condominium plan approval and in lieu of completion of some or all required improvements, the Township Board may give final site condominium plan approval conditioned upon the developer providing a financial guaranty for performance as provided in this section.
  - a. Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.
  - b. Security shall remain in force for a time to be specified by the Township Board.
  - c. Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in a form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.

- d. The developer may request periodic reductions in the amount of security as public improvements are completed. Township Engineer may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.
- e. Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk within 6 months of completion of required improvements.

SECTION 25.14 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF CONSTRUCTION AND BUILDING PERMITS.

- 1. No construction, grading, soil stripping, tree removal or other site improvements or changes shall be commenced by any person until:
  - a. A final preliminary site condominium plan has been approved by the Township Board,
  - b. All conditions to commencement of construction imposed by the Township Board have been met, and
  - c. Documentation is provided to the Township that all pertinent and applicable approvals of detailed construction plans or permits from appropriate county and state review and enforcement agencies have been obtained for the project.
  - d. A construction schedule is submitted to the Township indicating the general schedule of the timing and sequence for the installations of required improvements. The schedule must satisfy the needs of the Township, County and State inspection agencies.
- 2. Except as may be permitted for up to 4 model homes or principal buildings, no building, construction or grading permits for individual buildings and uses located on individual building sites within a site condominium project shall be issued by the building inspector until final site condominium plan approval has been granted by the Township Board as outlined in Section 25.13. With respect to model units, no occupancy permit shall be issued prior to Township Board approval of the Final Site Condominium Plan.

SECTION 25.15 EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS.

Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Township Board in compliance with the procedures, standards and requirements of this Chapter.

SECTION 25.16 REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECTS.

Any change proposed in connection with a project for which the Township Board has previously approved a preliminary or a final site condominium plan shall be subject to review as provided by this Section:

- 1. Any change which constitutes a major change shall be reviewed by the Planning Commission and approved by the Township Board as provided by this Chapter for the original reviews and approvals outlined for Step 3, Step 4 and Step 5.

2. Any change, which constitutes a minor change, shall be reviewed and approved by the Planning Commission alone, without the need for a public hearing.
3. Any change which constitutes an exempt change shall not be subject to review by the Township under this Chapter, but a copy of the changes proposed (and of the changes made, if differently than proposed) shall be filed with the Township Clerk.

**SECTION 25.17 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED.**

All provisions of a preliminary site condominium plan which are approved by the Township Board as provided by this Chapter shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a project shall be incorporated by reference in the master deed. A copy of the master deed as filed with the Kent County Register of Deeds for recording shall be provided to the Township within 10 days after filing the plan with the County.

**SECTION 25.18 EXEMPTION OF EXISTING PROJECT.**

1. This Chapter shall not apply to a site condominium project, which is determined by the Township Board to have met the following conditions as of the effective date of this Chapter (an “existing” project):
  - a. A condominium master deed was recorded for the project with the Kent County Register of Deeds in accordance with the requirements of the Condominium Act and other applicable laws and ordinances, and
  - b. The project fully complied with all other applicable requirements under Township ordinances in effect on the date when the condominium master deed was recorded.
2. The exemption provided by this Section shall apply only to an existing project as described in the condominium master deed recorded for the project on the effective date of this Chapter, including any subsequent change which would constitute (i) an exempt change, whether or not the Condominium Act would require an amendment to the master deed as a result of the change; or (ii) a minor change for which the Condominium Act would not require an amendment of the master deed. However, this exemption shall not apply to any subsequent expansion, conversion or platting of the project, or subsequent major change to the project, which shall be fully subject to the applicable review and approval requirements as provided by this Chapter.