

CHAPTER 28 CONDOMINIUM REVIEW

SECTION 28.10 INTENT

This chapter regulates projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this section, all other applicable Township regulations, and the Condominium Act (P.A. 59 of 1978, as amended). The intent of this chapter is to ensure that site condominium and conventional condominium plans are developed in compliance with all applicable standards of the Zoning Ordinance and the design requirements of the Gaines Charter Township Subdivision Regulations, except that the review procedures and application requirements of this section shall also apply.

SECTION 28.20 GENERAL REQUIREMENTS

A. APPLICABILITY

1. **Approval Required.** No buildings or structures shall be constructed, nor shall any other site improvements or changes be made on the property in connection with a proposed condominium project except in compliance with a final condominium plan as approved by the Township, including any conditions of approval.
 - a. Minor Condominium (See Section 28.30).
 - i. Four (4) units or less (newly constructed)
 - ii. Minor conventional condominium conversions (See Section 28.20 D.1).
 - b. Major Condominium (See Section 28.40). Anything not qualifying as a minor condominium and major conventional condominium conversions (See Section 28.20 D.2).
2. **Types.** The following types of condominium projects are subject to the review processes outlined in this chapter:
 - a. Site Condominiums. Developments with single buildings on individual site condominium units.
 - b. Conventional Condominiums.
 - i. Multiple buildings on a single site.
 - ii. A single building with multiple condominium units on a single site.

B. EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS

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

C. INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED

All provisions of a final condominium plan that are approved by the Planning Commission, as provided by this chapter, 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.

D. CONVENTIONAL CONDOMINIUM CONVERSIONS

1. **Minor Review.** Conversions of lawfully conforming and existing buildings or an existing development site into a condominium form of ownership without changes to the building or site, and that comply with all other zoning requirements, are subject to administrative review and approval by the Zoning Administrator in accordance with Section 28.30, and, at the discretion of the Zoning Administrator, review of the master deed and bylaws by the Township Attorney. This subsection does not allow for site condominium conversion.
2. **Major Review.**
 - a. If the conversion requires physical changes, such as a private driveway being upgraded to a private street for frontage requirements to be met or any other improvement for zoning compliance, then the application shall be processed in accordance with Section 28.40.
 - b. The Zoning Administrator may refer any application for a proposed condominium conversion to the Planning Commission for full review under the provisions of Section 28.40 if the Zoning Administrator has concerns about whether the application may raise questions regarding continuing compliance of the building or development site with other applicable provisions of the Zoning Ordinance.

SECTION 28.30 MINOR CONDOMINIUM REVIEW PROCESS

A. APPLICATION REQUIREMENTS

See Chapter 25 for general processes for submitting condominium applications.

B. PROCESS

The Zoning Administrator shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of the condominium approval standards in Section 28.50.

1. **Process.** The application shall be reviewed in accordance with the following process in Figure 28-1:

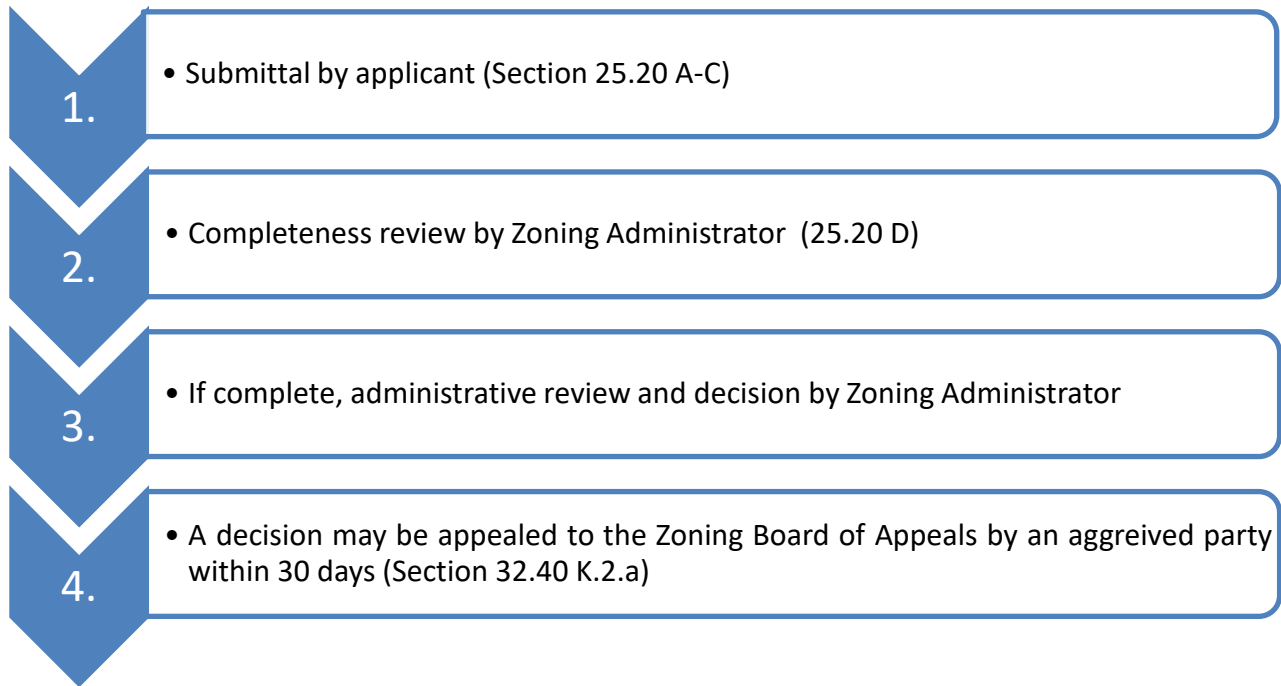


Figure 28-1 Process for Administrative Review of Minor Site Plan Amendments

2. **Administrative Review and Decision.** Decisions of the Zoning Administrator shall be documented in writing.

SECTION 28.40 MAJOR CONDOMINIUM REVIEW PROCESS

A. APPLICATION REQUIREMENTS

See Chapter 25 for general processes for submitting condominium applications.

B. PRELIMINARY CONDOMINIUM PLAN

1. **Authority.** The Planning Commission and Township Board shall review all details of the application and submittal to ensure the satisfaction of condominium approval standards (Section 28.50) and to provide a cursory authorization of the general site layout (see Section 36.40 for checklist). Preliminary plan review and approval shall not be construed as a final confirmation of zoning compliance.
2. **Process.** The application shall be reviewed in accordance with the following process in Figure 28-2:

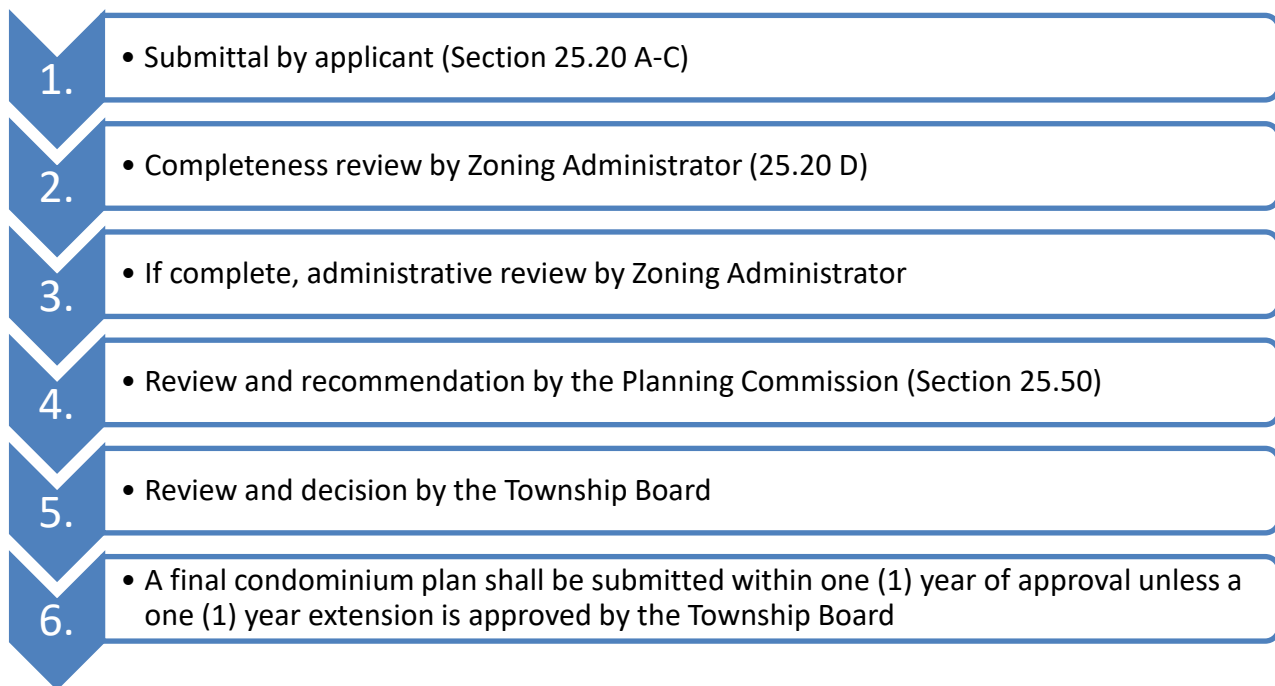


Figure 28-2 Process for Preliminary Condominium Plan Review

C. FINAL CONDOMINIUM PLAN

After a preliminary condominium plan is approved, a final condominium plan shall be submitted for review by the Planning Commission

1. A final condominium plan shall be submitted by the applicant within one (1) year of preliminary condominium plan approval. If not submitted within one (1) year, the preliminary condominium plan is determined to have expired. However, the Township Board may approve a one (1) year extension if a request is submitted in writing prior to expiration. The extension may be approved by the Township Board if it determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If an extension expires, the approval shall become null and void.
2. The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of approval standards (Section 28.50).
3. All outside agency construction permits, including but not limited to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commission, Fire Department, Michigan Department of Transportation, and Michigan Department of Environment, Great Lakes, and Energy, shall be required to be secured as a condition of any approval.
4. The final condominium plan shall generally reflect the preliminary condominium plan, or the plan shall be referred back for preliminary review (Section 28.40 B).
5. The application shall be reviewed in accordance with the following process in Figure 28-3:

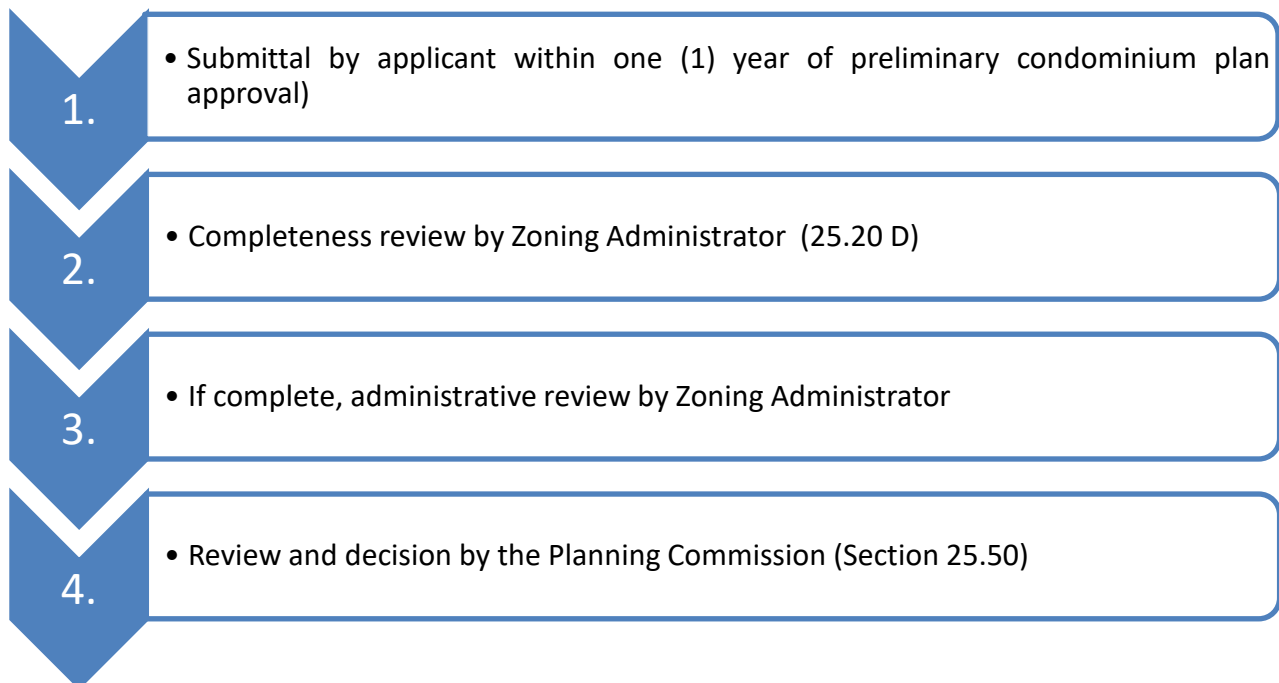


Figure 28-3 Process for Final Condominium Plan Review

D. DECISIONS

1. **Action.** Unless action is tabled or postponed, the Planning Commission shall decide upon condominium requests as follows:
 - a. **Approval.** The motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
 - b. **Denial.** In the case of a denial, the motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision.
2. **Resolution.** A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
3. **Conditions.** Reasonable conditions may be imposed by the Planning Commission on a condominium plan approval in accordance with Section 25.60.

E. CONCURRENT PUD REVIEW

A condominium project that is also proposed as a PUD may be reviewed concurrently:

1. Rezoning to PUD overlay and PUD concept plan along with preliminary condominium plan review.
2. Final PUD site plan along with final condominium plan.

F. INDIVIDUAL FINAL SITE PLANS

In the event that a condominium unit is intended for a use that requires a site plan per Chapter 26, an individual site plan shall be reviewed in accordance with that chapter.

G. COMMENCEMENT OF CONSTRUCTION AND ISSUANCE OF PERMITS

1. Construction for a condominium project shall not commence until:
 - a. All final condominium plan conditions of approval by the Township Board have been met and are confirmed by the Zoning Administrator through a Zoning Permit- Certification of Conditions.
 - b. All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.
2. Building permits shall not be issued until:
 - a. The site is confirmed as compliant by the Zoning Administrator through a Zoning Permit- Certification of Site Compliance.
 - b. The master deed is approved by the Township Attorney.

H. APPEALS

The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on condominiums except for administrative approvals and interpretations.

SECTION 28.50 CONDOMINIUM APPROVAL STANDARDS

A. DESIGN

Plans shall comply with the design requirements for platted subdivisions as outlined in the Gaines Charter Township Subdivision Regulations.

B. ZONING COMPLIANCE AND COMPATIBILITY

Condominium proposals shall conform to all zoning district requirements (Chapters 4 to 13, as applicable). Site planning shall consider both zoning compliance and compatibility with adjacent properties and land uses.

C. MOBILITY, TRAFFIC, AND ACCESS

Pedestrian and bicycle travel shall be accommodated in accordance with this ordinance (Section 21.20). Acceptable traffic conditions shall be maintained (Section 21.30). Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and circulation within the site. Compliance with access management requirements shall be demonstrated (Section 21.40). All sites and buildings shall be accessible to emergency service vehicles and personnel to respond to emergencies and calls for service. Private streets and driveways shall conform to the requirements of Chapter 22.

D. STORMWATER AND WATER QUALITY

Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from the negative impacts of increased stormwater run-off and flooding. Systems shall be designed to function with public stormwater drainage systems under the authority of the Kent County Drain Commission, Kent County Road Commission, or the Michigan Department of Transportation (MDOT).

E. OUTSIDE AGENCIES

Applicants shall secure all applicable outside agency approvals, including but not limited to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commission, Fire Department, and State of Michigan regulatory agencies. Securing applicable approvals may also be a condition of approval if not received prior to the Township Board's review.

SECTION 28.60 TERM, VALIDITY, AND COMPLIANCE

A. FINAL CONDOMINIUM PLAN

Approved site improvements shall be commenced within one (1) year after the date of final condominium plan. If a permit or approval expires prior to the commencement of construction, the approval shall become null and void. If the development is intended to be phased, only the first phase is subject to this timeline.

B. TERM AND VALIDITY

See 25.30 D.

SECTION 28.70 AMENDMENTS

A. MINOR AMENDMENTS

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot may be approved if permitted by the Condominium Act (P.A. 59 of 1978, as amended). Boundary adjustments may be approved by the Zoning Administrator.

B. MAJOR AMENDMENTS

Major amendments shall be reviewed and approved by the Township Board in accordance with the process for preliminary condominium review. However, at the discretion of the applicant, major changes to plans may be reviewed as preliminary and final plans concurrently.