

memorandum

DATE: April 14, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1: Condominium Development Regulations Memo and Text Amendment

Introduction

Several needed updates to the condominium development regulation section of the zoning ordinance have been identified through the master plan, zoning audit, and conversations with staff.

Amendment History

- **October 1, 2025** – The Planning Commission reviewed the existing language and discussed priorities for condo development standards. Changes related to encouraging cluster development and permanently protecting sensitive natural features were identified as the highest priority, followed by access management to reduce curb cuts and promote internal street connectivity. Proposed changes to section 8.05.C reflect these priorities.
- **November 24, 2025** – The Planning Commission suggested capping the maximum density of the residential cluster option at the density that would be allowed by conventional land subdivisions/condominiums. We provided language in 8.05.C.2. to accomplish this.
- **February 4, 2026** – The Planning Commission suggested that for the net parcel area, we should simply take an automatic 15% off the gross parcel acreage for public or private street rights-of-way, instead of requiring the calculation of such space. Also, Planning Commission suggested that septic fields should not be considered open space.
- **March 4, 2026** – The Planning Commission discussed how the open space size requirements could work, and expressed they would be favorable to doing a tiered open space requirement, with requirements for more open space given certain conditions. We provide this in the proposed Table 8.05.C.2.c. Additionally, we realized we should have some sort of general perimeter/common area landscaping requirements for site condominiums to ensure clear-cut or undeveloped space are not being built without the addition of beneficial trees. We provide this in 8.05.B.14. We also consolidated some of the language pertaining to land excluded from open space consideration.
- **April 1, 2026** – The Planning Commission reviewed the language and did not offer any written comments, to our knowledge. Planning Commission set the public hearing for this May meeting. We updated code references to ensure accurate referencing.

Next Steps

After holding the public hearing, Planning Commission may move to recommend Township Board adoption of the amendment.

Proposed Text Amendment

ARTICLE 8 - CONDOMINIUM DEVELOPMENT REGULATIONS

[Repeal and replace the relevant sections as follows.]

8.02 APPLICABILITY

- A. General Provisions: Prior to recording of the master deed, required by Section 72 of the Condominium Act, a condominium project shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.
- B. Plat Approval: There shall be no requirement for plat approval for a condominium project under the Township Subdivision Control Ordinance, General Ordinance 16.
- C. Planned Unit Developments: The procedural provisions of this section shall not apply to Planned Unit Developments, which are reviewed and approved through the Planned Unit Development procedures in Article 7 of this Ordinance.
- D. Condominium Conversion: All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.
- E. Mobile/Manufactured Home Condominium Project: Mobile/Manufactured home condominium projects shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such projects shall be located only in a zoning district that provides for mobile/manufactured home. The review and approval shall be processed in accordance with this Article as a site condominium subdivision.
- F. Site Condominium Subdivisions
 - 1) Site Condominium Definition. For this section, a site condominium subdivision shall include all developments, in any zoning district, proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
 - 2) Site Condominium General Requirements. The site condominium subdivision plan indicates specific unit dimensions with front, rear and side lot lines. These parcels are also referred to as site condominium lots, and the size, location and arrangement of these site condominium lots shall conform to the requirements of this ordinance. A condominium project is designed to function in a similar manner, or as an alternative to, a platted subdivision. Outside of the condominium lots, common elements of the development are defined for co-owners.

8.04 GENERAL REQUIREMENTS

- A. Compliance with Federal, State and Local Laws: All condominium projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.
- B. Fee Required: Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee or preliminary review fee as established by resolution of the Board to cover the Township's cost of internal review. Such

application fee shall be independent of any required consultation costs as described in Section 8.03 above.

- C. Information Required: All condominium development plans shall include the information required by Section 66 of the Condominium Act and the material required in Section 12.03 (G). A person, firm, or corporation intending to develop a condominium development shall provide the following information:
- 1) Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
 - 2) The name of the proposed condominium development.
 - 3) The name, address, telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
 - c. The individual or entity applying for the condominium development.
 - 4) The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
 - 5) The acreage of the land on which the condominium development will be developed located. Additionally, if the condominium is a residential cluster option development, the calculations pertaining to 8.05.C.2 shall be provided.
 - 6) The land use and existing zoning of the proposed condominium development.
 - 7) The following information for subject parcel and all parcels within 300 feet of the proposed site: a. Name and address of the owners b. The zoning classifications c. Existing structures or significant landmarks
 - 8) Location, type, dimensions, and proposed use of all existing structures.
 - 9) A location map showing the relationship of the proposed condominium development plan to the surrounding area.
 - 10) Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
 - 11) Condominium unit lot lines and the total number of condominium units to be developed on the subject parcel.
 - 12) Description of water system to be implemented.
 - 13) Description of sanitary waste disposal system to be implemented.
 - 14) Public roads, private roads, and right-of-way easements, showing location, width, and purpose. All private roads in a condominium subdivision shall comply with the specifications of any applicable ordinance, state law, or federal law.
 - 15) Existing topographic elevations at two (2) foot intervals, proposed grades, and direction of drainage flows.
 - 16) Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types. Significant vegetation includes all trees with a minimum trunk diameter of 18 inches at 4 1/2 feet above the surrounding grade.

17) Any additional information deemed necessary during plan review.

- D. Utility Easements: The condominium development plan shall include and describe all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.
- E. Performance Guarantees: As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in Article 12, specifically Section 12.08 of this Ordinance.

8.05 STANDARDS AND DESIGN FOR SITE CONDOMINIUM DEVELOPMENTS

- A. Site-Condominium Lots: The condominium development plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit or lot.
- B. Site-Condominium Development Layout and Design: The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements and guidelines.
 - 1) Should there be unusual topographic or other natural feature constraints, these requirements may be adjusted to unique site conditions in accordance with the judgement of the township Planning Commission.
 - 2) Each condominium lot shall comply with the requirements of each zoning district in which it is located, and all condominium lots and required setbacks shall be measured from the designated front, rear and side condominium lot lines. The lot sizes and lot widths of a Residential Cluster Option development may be reduced from the base zoning district requirements, but must meet the standards described in subsection 8.05.C below.
 - 3) Each condominium dwelling unit shall be located within a condominium lot. In a condominium development approved for single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.
 - 4) There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
 - 5) Existing features, natural or otherwise, which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the condominium development.
 - 6) Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium development may be set aside for other uses, such as parks or other open space.
 - 7) Easements shall provide for utilities when necessary.
 - 8) All condominium development units and accessory structures shall be accessible to emergency vehicles.

- 9) Common open space provided shall remain open for recreational and conservational purposes and recorded as part of the master deed.
- 10) Condominium development units having water frontage shall meet the requirements of Section 5.02 Shared Waterfront Easements.
- 11) A plan for erosion control and storm water discharge must be approved by the appropriate public agency.
- 12) All condominium developments shall obtain approval from all applicable governing agencies.
- 13) Environmental impact assessments, traffic studies, or other studies may be requested by the Planning Commission to better understand the impacts of the proposed development.
- 14) Required landscape perimeter. Tree plantings shall be provided along the outer perimeter of the condominium's entire parcel in accordance with 8.05.B.14.a. through c. below. The tree plantings shall be outlined in the condominium plan as a common element; or, if not included in a common element, the condominium plan and master deed shall specify that the perimeter trees be the applicable lot/unit owner's responsibility into perpetuity.
 - a. Road frontage perimeter. Along any road frontage, where the site condominium parcel abuts an existing public road right-of-way, one deciduous canopy or evergreen tree shall be planted for every whole 40 feet of linear perimeter.
 - b. Interior perimeter. Along any perimeter where the site condominium parcel abuts another parcel (even if separated by an easement, but not a road right-of-way), one deciduous canopy or evergreen tree shall be planted for every whole 50 feet of linear perimeter.
 - c. Planning Commission may waive one or both of the above requirements 8.05.B.14.a or b. with the finding that existing woodlands provide an adequate perimeter greenbelt.

C. Residential Cluster Option

- 1) Purpose and applicability. To encourage the concentration of development and preservation of land, this residential cluster option is available to all condominium developments. All layout and design standards described in subsection 8.05.B above still apply, except where otherwise noted.
- 2) Residential Cluster Option Layout and Design.
 - a. The subdivision shall consist of a minimum of four (4) residential lots.
 - b. The net parcel area is the remaining area after the acreage of all the following have been deducted from the gross parcel acreage:
 1. All preserved open space
 2. All areas with overhead utility line easements
 3. All proposed stormwater management ponds
 4. 15% of the gross parcel acreage for the purpose of public or private street rights-of-way.
 - c. Required Minimum Open Space and Lot Size/Width Reductions. The minimum open space area shall be provided based on the utility availability on the parcel, in accordance with the following table below. Additionally, lot sizes and widths may be reduced accordingly. However, the residential cluster option shall not result in a greater number of dwelling units than what would be permitted under the conventional zoning across the entire land area.

TABLE 8.05.C.2.c Required Minimum Open Space and Lot Size/Width Reductions			
Development Utility Availability	Minimum Open Space Area Requirement*	Maximum Reduction in Lot Size	Maximum Reduction in Lot Width
Public water and sewer	30%	50%	30%
Public sewer or public water only	35%	40%	20%
No public utilities	40%	30%	10%
*The required minimum open space shall be increased by an additional 10% when the parcel contains an environmentally sensitive area. In this case, the lot size or lot width reduction may remain the same.			

d. Open Space Preservation Requirements.

1. The required minimum open space shall be provided in accordance with the table above (Table 8.05.C.2.c Required Minimum Open Space and Lot Size/Width Reductions).
2. It is intended that a portion of the open space be used for recreation or use by the lot owners within the development and should be easily accessible to pedestrians.
3. The open space protected pursuant to subsection 8.05.C.2.d.7 below must have "conservation value," which may include recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. Examples of lands with conservation value include land in active agriculture, large areas of contiguous mature forest, stream corridors, ridgelines, and scenic areas including important vistas or viewsheds seen from public places. Wetlands are considered to have conservation value yet will not count towards density calculation. Whenever the Planning Commission approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land.
4. Such permanent open space may be determined through the preparation and submittal of a site analysis which identifies native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water, steep slopes, and other unique or aesthetic features. Any irreplaceable natural features located on the lot (such as, but not limited to stream beds, significant stands of trees, etc.) shall be included in the open space.
5. Any portion of the open space with at least one dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the percentage of lot area preserved.
6. Land excluded from consideration of open space shall include: golf courses; the area of any street right-of-way proposed to be dedicated to the public, access easements for private roads or underground or overhead utilities; the required setbacks surrounding an existing residential structure that is located on an individual lot or condominium site; limited common areas; parking and loading areas; septic tanks, infrastructure, and drain fields; required perimeter tree planting areas of 8.05.B.14 (unless preserved woodlands are serving as a waiver from the required tree planting areas); land areas containing or impacted by gas or oil wells; land areas containing personal wireless communication facilities, electrical transmission lines; or land containing similar elements as described herein. Stormwater detention or retention facilities may be included in the required open space if designed to reflect a natural wetland.

7. Open space shall be permanently preserved as required by this Section. Land set aside as permanent open space may be included as a portion of one or more large parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land pursuant to subsection 8.05.C.2.d.7.A below, and provided that the Planning Commission approves such configuration. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land.
 - A) Permanent preservation by conservation easement
 - i. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture (not including structures), forestry, recreation, protection of natural resources, or similar conservation purposes, pursuant to MCL 324.2140 - 2144, shall be granted to the Township, with the approval of the Township Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Commission. Such conservation easement shall be approved by the Planning Commission and shall be required as a condition of municipal approval. The Planning Commission may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded in the office of the Register of Deeds prior to or simultaneously with the recording of any final plat or Master Deed in the office of the Register of Deeds.
 - ii. A development rights easement under MCL 324.36101 et seq. may be substituted for a conservation easement for purposes of permanently preserving the open space only if its term is perpetual.
 - B) Ownership. Open space land may be dedicated to Township, County, or State governments, transferred to a nonprofit organization acceptable to the Planning Commission, or held in such other form of ownership as the Planning Commission finds adequate to properly manage the open space land and to protect its conservation value.
8. Recreational uses. Recreational areas are recommended to be incorporated in a portion of the open space in order to create a park-like setting and provide connectivity to other areas in the Township. Paths for walking throughout the open space are required in a cluster development. Other desirable amenities include playgrounds, green space, a dog park, community gathering spaces, and bike paths that connect to paths beyond the development. Outdoor sports courts that create impervious surfaces may be allowed in 10% of the required open space in the planned unit development. Structures such as buildings are not allowed in the open space.
9. Notations on plat or site plan. Preserved open space land shall be clearly delineated and labeled on the final plat or Site Plan as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of other lots in the development to such land. The plat or Site Plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation describing recording information for any conservation easements or restrictive covenants required to be filed to implement such restrictions.
10. Maintenance standards.
 - A) Ongoing maintenance standards shall be established, enforceable by the Township against an owner of open space land as a condition of development approval, to

ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.

- B) If the Township Board finds that the provisions of subsection 8.05.C.2.d.10.A above are being violated such that the condition of the land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Township shall be assessed against the landowner or, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.