

**TOWNSHIP OF SOLON  
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Solon, Kent County, Michigan, held at the Township Hall, 15185 Algoma Avenue, N.E., Cedar Springs, Michigan, on the 10th day of April 2018, at 7:30 p.m.

PRESENT: Members: Robert Ellick, Fred Gunnell, Mark Hoskins, Mary Lou Poulsen

ABSENT: Members: Art Gerhardt

The following preamble and ordinance were offered by Member Ellick and seconded by Member Gunnell:

**ORDINANCE NO. 18-4-Z**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE TOWNSHIP OF SOLON**

**[Amendments Pertaining to Minimum Lot Size in AR District  
and Associated Provisions]**

THE TOWNSHIP OF SOLON ORDAINS:

Section 1. Section 2.13 Definitions – L of the Township zoning ordinance shall be revised to provide that the definitions of “lot” and “lot of record” shall be amended so that the two definitions shall read in their entirety as follows:

**LOT**

“A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this Ordinance:

1. A platted lot, or a portion of a platted lot;

2. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
3. A building site as defined in this Ordinance in connection with a site condominium project.”

**LOT OF RECORD**

“A lot of record is a lot or parcel that is specifically and separately described in a deed or any recorded land contract, recorded memorandum of land contract or other recorded instrument, including a platted subdivision or a condominium and site condominium master deed, which has the effect of conveying the lot or an interest therein, and where such conveyance is recorded in the office of the Kent County Register of Deeds prior to the effective date of this Ordinance or any relevant amendment thereof. A recorded survey or the establishment of a separate tax identification number for a lot or parcel of land shall not, by itself, have the effect of establishing the lot or parcel of land as a lot of record.”

Section 2. Section 2.18 Definitions – R of the Township zoning ordinance shall be revised to provide that in the definition of Residential District, reference to district “AR” shall instead be replaced with a reference to districts “AR-1” and “AR-2.”

Section 3. Section 3.01 **Required Area, Space, Height, and Use Conditions and Exceptions** of the Township zoning ordinance is hereby amended to read in its entirety as follows:

- “A. [No change]
- B. A lot or parcel which is a lot of record as of the effective date of this ordinance may be used as specified in the district in which it is located, provided the lot conforms to the requirements of that district and the requirements of the Kent County Health Department.
- C. A lot or parcel of land that is a lot of record at the time of the adoption of this ordinance and that does not comply with the minimum lot area requirement and/or minimum lot width requirement for the district in which the lot is located may nevertheless be used for a purpose permitted in that district if at least 90% of each minimum yard requirement and yard width requirement is met, or if the lot is otherwise entitled to be so used as provided by law. In the AR-2 District, if at the time of adoption of the two acre minimum lot area requirement within the AR-2 District, a lot of record conformed to the prior one acre lot size or was at that time a legal non-conforming lot, such lot may be used for any use permitted in the AR-2 District if at least 90% of each minimum yard requirement and 90% of the minimum lot width requirement of the AR-2 District are each met, or if the lot is otherwise entitled to be so used as provided by law. Except as provided in this section 3.01, a lot may not be split, divided or partitioned except in compliance with current district requirements.

D. Except as provided in Section 3.01.C, in cases where there are two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, which meet each of the following criteria:

1. the lots are held in common ownership;
2. the lots are adjacent to each other or have contiguous frontage; and
3. the lots individually do not meet the lot width or lot area requirements of this ordinance,

then in such a case, the lands involved shall be considered to be an undivided parcel or lot for the purposes of this ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this ordinance.”

Section 4. Section 3.24.A of the Township zoning ordinance is hereby amended so as to provide an additional subpart (6), which shall read in its entirety as follows:

“Section 3.24.A

- (6) To maintain sufficient flexibility in land use and thereby avoid unnecessary hardship in cases where ordinance changes may otherwise unreasonably limit use of a lot or parcel of land.”

Section 5. Section 3.24.B of the Township zoning ordinance is hereby amended in its entirety to read as follows:

**B. Lawfully Nonconforming Lots and Parcels of Land.**

“Any lawfully non-conforming lot of record that does not comply with the current minimum lot area requirement and/or minimum lot width requirement for the district in which the parcel of land is located, may nevertheless be used for a use permitted in that district if in compliance with the provisions of Section 3.01. Non-conforming lots of record that do not comply with this section shall only be used if circumstances indicate that a variance should be granted with respect to such parcel, as determined in accordance with Chapter 17 of this ordinance.”

Section 6. Section 3.24.C.1 of the Township zoning ordinance is hereby amended to add the following subsection “f”:

3.24.C.1.f “A lawfully non-conforming building or structure may be enlarged or expanded if the enlargement or expansion will be within all of the required minimum setbacks, provided the other dimensional, lot coverage and Township building code requirements are satisfied. Further, if a single-family dwelling that is lawfully non-conforming because one or more of its setback distances is less than the required minimum setback in the current zoning ordinance, but the dwelling is still set back a distance that is at least 50% of the minimum required building setback, such single-family dwelling may be expanded along the dimension that is parallel to the existing setback, provided no part of the existing building setback or any other minimum setback requirements are further reduced.”

Section 7. In Section 4.01 Zoning Districts of the Township zoning ordinance, the reference to the “AR Agricultural Residential District” shall be replaced with references to the AR-1 Moderate Density Agricultural Residential District and AR-2 Low Density Agricultural Residential District.

Section 8. Section 4.02, the Zoning Map, is hereby amended to provide that all lands in the AR District are hereby rezoned to be located in the AR-1 Moderate Density Agricultural Residential District, except for those parcels in the AR District located in the following-described areas, which shall be rezoned and now located within the AR-2 Low Density Agricultural Residential District:

Solon Township, Kent County, Michigan, Township 10 North, Range 11 West

Sections 1 through 8; the West 1/2 and the Northeast 1/4 of Section 9; Sections 10 through 13; the North 1/2 and the Southwest 1/4 of Section 14; Section 15, except the West 1/2 of the Northwest 1/4 and the West 1/2 of the Southwest 1/4 thereof; the West 1/2 of the Southeast 1/4, the Southwest 1/4 and the South 1/2 of the Northwest 1/4 of Section 16; Sections 17 through 20; the West 1/2 of Section 21; Section 24; the South 1/2 of Section 27; Sections 28 through 30; Sections 33 through 35.

This section shall only rezone lands in the AR District and shall have no effect on lands currently located in any District other than the AR District.

Section 9. Chapter 5 of the Township zoning ordinance is hereby amended to replace the existing AR District and Chapter 5 with two separate chapters and respective districts. New Chapter 5, containing district regulations for the AR-1 Moderate Density Agricultural Residential District,

and new Chapter 5A, containing district regulations for the AR-2 Low Density Agricultural Residential District, shall read in their entirety as follows:

**CHAPTER 5**  
**AR-1 – MODERATE DENSITY AGRICULTURAL RESIDENTIAL DISTRICT**

**SECTION 5.01      DESCRIPTION AND PURPOSE.**

This district is intended primarily for agricultural uses and rural single family dwelling uses. The Township desires to retain and encourage agricultural lands and uses in this district, but recognizes that single family dwellings have more frequently been established on a somewhat higher density basis in these districts, than in other agricultural areas within the Township. The one-acre minimum lot size in this district recognizes that a variety of lot sizes are desirable and will be permitted within the Township. Nevertheless, this district is intended to preserve the rural, farming character of the lands within this district, minimizing public service costs, limiting urban influence and preserving a maximum of open space and farm lands. Certain compatible uses that are neither residential nor agricultural may also be permitted within the district.

**SECTION 5.02      PERMITTED USES.**

Land and/or buildings in the AR-1 District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations. This use may include roadside stands with less than 200 square feet of sales area.
- B. Single family dwellings.
- C. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- D. Group day care homes for not more than six minor children.
- E. Home occupations in accordance with the requirements of Section 3.22.
- F. Public parks, playgrounds and cemeteries.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses or special land uses.
- H. Single family housing developments meeting the qualifying conditions of Section 13A.02 are permitted in accordance with the requirements of Chapter 13A.

- I. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35.

**SECTION 5.03 SPECIAL LAND USES.**

Land and/or buildings in the AR-1 District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by Chapter 16:

- A. Country clubs, golf courses, and private non-commercial athletic grounds and parks, and other similar uses, including related uses, such as snack bars or small retail shops selling goods directly related to the primary use.
- B. Roadside stands with more than 200 square feet of sales area; farm markets.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Kennels.
- G. Radio and television transmitting buildings and towers.
- H. Bed and breakfast establishments.
- I. Schools, churches, libraries and community center buildings.
- J. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- K. Funeral home and mortuary establishments upon the following terms and conditions:
  - 1. The minimum provisions of Section 16.04.H shall be complied with.
  - 2. The minimum side yard setback shall be 60 feet, but if approved by the Planning Commission as a condition of the special land use, the minimum side yard setback may be 45 feet.
- L. Intensive livestock operations complying with generally-accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- M. A child care center, group day care home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.

- N. Wind Energy Conversion Systems which comply with Section 3.35.
- O. Boarding stables and riding stables (including riding academies).

**SECTION 5.04 DISTRICT REGULATIONS.**

No main building or main structure, nor the enlargement of any main building or main structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Front Yard	50 feet; except 75 feet on 17 Mile Road
Side Yard	Residential main buildings – 20 feet total/10 feet minimum
Rear Yard	50 feet
Building Height	35 feet
Lot Coverage	25 percent
Minimum Lot Area	1 acre
Minimum Lot Width	200 feet
Minimum Dwelling Unit Floor Area	864 square feet GFA/620 square feet GFA on ground floor

**CHAPTER 5A  
AR-2 – LOW DENSITY AGRICULTURAL RESIDENTIAL DISTRICT**

**SECTION 5.01A DESCRIPTION AND PURPOSE.**

This district is intended primarily for agricultural purposes and rural single family dwelling uses. The AR-2 District is intended to specifically focus on the retention of agricultural lands and uses, the retention of natural features and wildlife habitat and corridors, and when compared to the AR-1 District, to decrease the proportionate share of lands used for single family dwellings and non-agricultural purposes. The regulations of this district are intended to minimize public service costs, limit urban influence and preserve a maximum of prime agricultural lands and open spaces. Although certain compatible uses that are neither agricultural nor residential may also be permitted within the district, the intention is to decrease the percentage of those other uses, in comparison to the AR-1 District.

**SECTION 5.02A PERMITTED USES.**

Land and/or buildings in the AR-2 District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations. This use may include roadside stands with less than 200 square feet of sales area.
- B. Single family dwellings.

- C. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- D. Group day care homes for not more than six minor children.
- E. Home occupations in accordance with the requirements of Section 3.22.
- F. Public parks, playgrounds and cemeteries.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses or special land uses.
- H. Single family housing developments meeting the qualifying conditions of Section 13A.02 are permitted in accordance with the requirements of Chapter 13A.
- I. Wind Energy Conversion Systems which do not exceed 100 feet in height and which comply with the requirements of Section 3.35.

**SECTION 5.03A SPECIAL LAND USES.**

Land and/or buildings in the AR-2 District may be used for the following purposes following review by the Planning Commission as a special land use as regulated by Chapter 16:

- A. Country clubs, golf courses, and private non-commercial athletic grounds and parks, and other similar uses, including related uses, such as snack bars or small retail shops selling goods directly related to the primary use.
- B. Roadside stands with more than 200 square feet of sales area; farm markets.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Kennels.
- G. Radio and television transmitting buildings and towers.
- H. Bed and breakfast establishments.
- I. Schools, churches, libraries and community center buildings.
- J. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- K. Funeral home and mortuary establishments upon the following terms and conditions:



1. The minimum provisions of Section 16.04.H shall be complied with.
  2. The minimum side yard setback shall be 60 feet, but if approved by the Planning Commission as a condition of the special land use, the minimum side yard setback may be 45 feet.
- L. Private non-commercial airfields.
- M. Intensive livestock operations complying with generally-accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- N. A child care center, group day care home and other care home licensed under Act 218 of the Public Acts of 1979 or Act 116 of the Public Acts of 1973 which is authorized to serve up to but not more than six persons but is not operated in a structure constructed for residential purposes, or a group home or other care home licensed under the foregoing acts which is authorized to serve more than six persons but not more than 12 persons; provided, however, this section shall not include facilities licensed for the care and treatment of persons released from or assigned to adult correctional institutions.
- O. Wind Energy Conversion Systems which comply with Section 3.35.
- P. Boarding stables and riding stables (including riding academies).

**SECTION 5.04A DISTRICT REGULATIONS.**

No main building or main structure, nor the enlargement of any main building or main structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

Front Yard	50 feet; except 75 feet on 17 Mile Road
Side Yard	Residential main buildings – 20 feet total/10 feet minimum
Rear Yard	50 feet
Building Height	35 feet
Lot Coverage	15 percent
Minimum Lot Area	2 acres
Minimum Lot Width	200 feet
Minimum Dwelling Unit Floor Area	864 square feet GFA/620 square feet GFA on ground floor

Section 10. In Section 13.02 and Section 13A.02.A.1, reference to the “AR District” shall be replaced with reference to the AR-1 and AR-2 Districts.

Section 11. Section 13.04.A.4.d of the Township zoning ordinance shall be revised to read in its entirety as follows:

“Section 13.04.A.4.d.

The dedicated open space shall be reasonably usable by residents of the PUD; provided, however, the dedicated open space shall not be used by motorized vehicles, nor shall such motorized vehicles be permitted, unless the Planning Commission specifically authorizes the use of such motorized vehicles within the open space. The Planning Commission shall only authorize such use of motorized vehicles upon a showing that the potential noise, odors, fumes, dust, and other potential disturbance or deterioration upon the environment and upon the rural, scenic atmosphere otherwise established by the preservation of open space at this location, will not be a significant factor if the use of such motorized vehicles is permitted, either because the use will be minimal or because adequate safeguards have been included as part of the proposal for such use. Use of motorized equipment for farming, agriculture or lawn maintenance shall not be prohibited by this subpart.”

Section 12. Section 13.05.A of the Township zoning ordinance is hereby amended to revise the building density table by replacing the category on the left from the designation of “Master Plan Category” with the designation “Base District Category,” and by providing the maximum average building density in the AR-1 Agricultural Residential District shall be “1 du/37,000 sq. ft.” and the maximum average building density in the AR-2 Prime Agricultural Residential District shall be “1 du per 43,560 sq. ft.”

Section 13. In Section 13.06.A.1 of the Township zoning ordinance, the lot area and lot width in the AR, R-1 and R-2 Districts shall be revised to read in its entirety as follows:

- “1.
  - a. **For areas in the AR-2 District**

<b>Minimum lot area</b>	<b>Minimum lot width</b>
One acre	100 feet*
  - b. **For areas in the AR-1, R-1 and R-2 Districts**

<b>Minimum lot area</b>	<b>Minimum lot width</b>
25,000 sq. ft.	90 feet*

\*Further reductions may be permitted when proportionate to and consistent with smaller minimum lot sizes prescribed in the underlying zoning district regulations, such as the 15,000 minimum lot size for lakefront lots in the R-1 District and reduced lot sizes for multiple family dwellings in the R-2 District.

Each lot shall have a minimum of 30 feet of frontage measured at the edge of the road or street. The minimum lot width shall be measured across the front of the house between side lot lines.”

Section 14. Section 13.07.D of the Township zoning ordinance shall be amended to include the following additional sentence:

“Motorized vehicles used to conduct farming activities may be permitted, subject to the restrictions and review contained in Section 13.04.A.4.d.”

Section 15. In Section 15.18, the two references to the “AR Agricultural Residential District” shall be replaced with a reference to the “AR-1 Agricultural Residential District and AR-2 Prime Agricultural Residential District.”

Section 16. In the heading for Section 16.04.I.2, the reference to “Section 5.03.N (AR District),” shall be replaced with a reference to “Section 5.03.N (AR-1 District), and Section 5A.03.N (AR-2 District)”, but the remaining portions of this section shall remain unchanged.

Section 17. This Ordinance shall become effective seven (7) days after its publication or seven (7) days after publication of a summary of its provisions in a local newspaper of general circulation in the Township, as provided by law.

AYES: Ellick, Gunnell, Hoskins

NAYS: Poulsen

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Mary Lou Poulsen, Clerk  
Township of Solon

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Solon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Mary Lou Poulsen, Clerk  
Township of Solon