

**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 12th day of March, 2019, at 7:30 p.m.

PRESENT: Members: Ellick, Gunnell, Gerhardt, Hoskins, Poulsen

ABSENT: Members: None

The following preamble and ordinance were offered by Member Poulsen and seconded by Member Hoskins:

**ORDINANCE NO. 19-2-Z**

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

**[Lot Definitions, Lot Size, Lot Width and Utility 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 condominium unit as established in compliance with this ordinance, which consists of an area of vacant land and a volume of surface or subsurface air space designed or intended for separate ownership, within which a building or other improvements may be constructed by the owner, shall be considered the equivalent of a “lot” and shall be subject to the applicable zoning ordinance requirements for lots.”

## **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 has received all required Township approvals and 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 3.08.H of the Township zoning ordinance shall be revised in its entirety to read as follows:

- “H. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Kent County Health Department. Except for lakefront lots in the R-1 District, the following dwellings, including dwellings that may be located in OS-PUD and Open Space Developments, shall be connected to a public or state-approved community sewer system and a public or state-approved community water supply system.
1. A dwelling located on a lot that is less than one acre in size, except legal non-conforming lots as prescribed in Section 3.24.B and except dwellings and/or lots of record at the time this ordinance becomes effective.
  2. A dwelling located in a land development that requires partitioning or splitting under Act 288 of 1967, as amended, being the Land Division Act, whether actually partitioned under the platting provisions of the Land Division Act, developed under Act 549 of the Public Acts of 1978, as amended, being the Condominium Act, or otherwise developed and partitioned, if such dwelling is to be located on a lot, unit (in condominiums) or parcel which is one acre (1.0) or less in size. This requirement shall not apply to dwellings, lots, condominium units, plats or approved condominium developments of record at the time this ordinance becomes effective.”

Section 3. Section 13.05 Density and Number of Dwellings of the Township zoning ordinance shall be revised in its entirety to read as follows:

**SECTION 13.05 DENSITY AND NUMBER OF DWELLING UNITS.**

- A. An area which is requested for rezoning to OS-PUD shall be developed only in accordance with the building density set forth in the following Building Density Table, and in accordance with the requirements of Section 3.08.H.

**BUILDING DENSITY TABLE**

<b>Master Plan Category</b>	<b>Maximum Average Building Density</b>
AR, Agricultural Residential	1 du/1.0 acre
R-1 and R-2 Districts	w/o public/community sewer and water: 1 du/1.0 acre, except R-1 lakefront lots shall be at least 15,000 sq. ft.
	w/public/community sewer and water: 1 du/25,000 sq. ft.

The density (dwelling units per acre) and the number of dwelling units permitted in an open space PUD shall be determined in the following manner:

- B. **Base Formula to Determine Number of Dwellings.** The applicant shall prepare an existing zoning plan illustrating the layout of the property according to the minimum lot size and width requirements of the existing zoning of the property. The existing zoning plan shall be conceptual in nature but shall contain the following information:

1. – 4. No change.
5. Location of septic tank and drainfield for the lots illustrated. The applicant shall provide proof that the proposed septic tank and drainfield locations are suitable, based on a preliminary assessment by the Kent County Health Department, or proof from the Michigan Department of Environmental Quality, if public or community systems are proposed.
6. No change.
7. **Formula to Determine Additional Dwellings.** Subject to the requirements of Section 3.08.H, additional dwellings above what is permitted by this Section 13.05.B may be permitted at the discretion of the Township Board and Planning Commission according to the following formula:

[No change to formula]

Section 4. Section 13.06 Development Requirements of the Township zoning ordinance shall be revised in its entirety to read as follows:

**SECTION 13.06 DEVELOPMENT REQUIREMENTS.**

**A. Lot Area and Width.**

**1. For Areas in the AR, R-1 and R-2 Districts\*:**

- a. Without either public/community sanitary sewer or public/community water supply.

<b>Min. Lot Area</b>	<b>Min. Lot Width*</b>
1.0 acre.	AR – 200 ft. R-1 and R-2 – 150 ft.

- b. With public/community sanitary sewer and public/community water supply.

<b>Min. Lot Area</b>	<b>Min. Lot Width*</b>
25,000 sq. ft.	100 ft

\*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, but except as specifically so provided in this ordinance, the restrictions of Section 3.08.H shall apply.

Each lot shall have a minimum of 50 feet of frontage measured at the street right-of-way. The minimum lot width shall be measured between side lot lines as provided more specifically in Section 2.13 Lot Width.

- 2. – 6. No change.

Section 5. Section 13.07 Permitted Uses of the Township zoning ordinance shall be

revised in its entirety to read as follows:

**SECTION 13.07 PERMITTED USES.**

Land and buildings in an open space PUD may only be used for the following uses or combination of such uses:

- A. – B. No change.
- C. Multi-family dwelling units up to four units per building but only if the land requested for rezoning to open space PUD is in the R-2 District and public or community sanitary sewer service is provided.
- D. Limited farming activities are permitted if conducted within the PUD. For purposes of this section farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of a PUD, the project shall demonstrate that the farming activities will be a particular benefit to the PUD residents and neighborhood and the activities will not pose a nuisance or a hazard to the residents of the PUD.
- E. – I. No change.

Section 6. Section 13.08.C.8 of the Township zoning ordinance shall be revised in its entirety to read as follows:

**STEP 4 DRAW LOT LINES**

- 8. On the same plan as prepared for Step 3, the Phase I preliminary site plan, draw lot lines within the development and also conform to the following:
  - a. Lots shall be of a size and width necessary to comply with the requirements of Section 3.08.H of this Ordinance and to obtain approval from the Kent County Health Department or Michigan Department of Environmental Quality, as applicable. If permitted by the KCHD or MDEQ, as applicable, septic drainfields may be located within dedicated open space areas outside the lot lines.
  - b. As part of the preliminary site plan, the applicant shall provide documentation from the Kent County Health Department that the soil types in the buildable areas are acceptable for on-site well and septic systems or that the proposed public or community systems are approved by the Michigan Department of Environmental Quality.
  - c. – d. No change.

Section 7. Section 13A.02 Qualifying Conditions of the Township zoning ordinance shall be revised in its entirety to read as follows:

**SECTION 13A.02 QUALIFYING CONDITIONS.**

- A. Land may be developed under the provisions of this chapter only if each of the following conditions is satisfied:
  - 1. – 2. No change.
  - 3. The development of land under this chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this chapter would also depend on such extension. Section 3.08.H shall apply in evaluating this condition.
  - 4. No change.
- B. No change.

Section 8. Section 13A.04 Application and Review Procedure of the Township zoning ordinance is hereby amended by adding subsection g. to Part B.3 thereof as follows:

- g. If the clustered development will include public or community water supply and/or sewer supply systems, the applicant shall submit proof that the proposed systems have been approved by the Michigan Department of Environmental Quality.

Section 9. Section 13A.05.G Required Frontage of the Township zoning ordinance is hereby revised in its entirety to read as follows:

G. **Required Frontage.** Each lot shall have a minimum of 50 feet of frontage measured at the street right-of-way line.

Section 10. Section 13A.05.H Lot Width of the Township zoning ordinance is hereby revised in its entirety to read as follows:

H. **Lot Width.** Each lot shall have a minimum width equal to no less than the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Planning Commission.

Section 11. Publication; Effective Date. 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: Members: Hoskins, Poulsen, Ellick

NAYS: Members: Gerhardt, Gunnell

ORDINANCE DECLARED ADOPTED.

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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.

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Mary Lou Poulsen, Clerk  
Township of Solon