

Nelson Township Board Meeting
Tuesday 14th June 2011
7:00 P.M.

Nelson Township Board meeting was called to order at 7:00 P.M. followed by the Pledge of Allegiance.

Present: Armstrong, Hoffman, Austin, Noreen, Mahoney. Absent: None

There were nine citizens present along with Jerry Gross, Zoning Administrator.

Approval of Agenda: June 14, 2011 Agenda was approved as presented.

Approval of the Minutes: The minutes of May 10, 2011 were approved as amended.

Financial Report: Ending May 31, 2011 accepted presented.

Accounts Payable: The monthly disbursements for General 22,057.26, library 1,309.65 and PLWC 1,710.29 was offered by Noreen and seconded by Austin. Yes 5, No 0. Motion passed.

KDL Presentation: Carol Simpson, KDL trustee introduced the newly appointed director, Lance Werner. Lance stated KDL is the best library system within Michigan and thanked the board for their local support of the library.

Auditor Doug Wohlberg: Presented the board with a Financial Statement and Independent Auditors' Report after completing 2010-2011 township audit.

Public Comment

Dorothy Bishop 14811 Pine Lake Ave commended Jerry Gross Sr. for his eleven years of serving as Fire Chief.

Walt Jones – Ensley Township resident, invited the board to attend KDL June 16, 2011 meeting at the Sand Lake/Nelson Township library.

Zoning and Enforcement: On file in the clerk's office.

Planning Commission: On May 18, 2011 planning commission granted a special use for J & R Auto Salvage to expand their business.

Fire Department: Fire reports received from City of Cedar Springs and Spencer Township. As of June 30, 2011 Jerry Gross will retire as fire chief for the city, Jerry introduced Marty Frasier, at this time and it appears that deputy fire chief Marty will be presenting monthly reports to the township board.

Tom Noreen presented Jerry Gross Sr. a plaque proclaiming "June 9th Jerry Gross Sr. day" and thanked him for his services.

Roads: 17 Mile road between Myers Lake and Pine Lake Ave was resurfaced.

Library: Discussed replacing the mercury lights.

Other: Gordon Park "Phase I" paving is complete. Consumers Energy is reviewing streetlights within Nelson Township.

New Business

Right Place Resolution 2011-014 was offered by Mahoney and supported by Hoffman. Yes 5, No 0. Motion passed.

Nelson Township Board Meeting
June 14, 2011

Establishing Property Taxes for 2011

Resolution 2011-015 was offered by Noreen and supported by Austin. Yes 5, No 0. Motion passed.

Planning Commission

Mahoney made the motion to appoint Laura Hoffman as township board member to serve a one-year rotation term ending May 2012, on the planning commission. Austin supported. Yes 5, No 0. Motion passed.

Proposed Zoning Ordinance Amendments

Amendments the Nelson Township Zoning Ordinances to Chapter 11 – NR Natural River Overlay; Chapter 13 Planned Unit Developments (Township Board Public Hearing) and Uniformity of Names and Numbers was offered by Hoffman and seconded by Noreen. Yes 5, No 0. Motion passed.

Pest Control Library

Advance Pest Solutions LLC proposal for the Nelson Township/Sand Lake library will include the initial set up service and monthly service through March 31, 2012 was offered by Hoffman and supported by Noreen. Yes 5, No 0. Motion passed.

Unfinished Business

May 4, 2011 Final draft of the Wind Energy Ordinance was offered by Hoffman and supported by Mahoney. Yes 5, No 0. Motion passed.

Without objection the June 14, 2011 Nelson Township Board meeting was adjourned at 9:13P.M.

Laura Hoffman
Nelson Township Clerk

NELSON TOWNSHIP
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Nelson Township Board of the County of Kent, held at the Nelson Township Hall, 2 Maple Street, Sand Lake, Michigan, on the 14th day of June 2011, at 7:00 p.m.

PRESENT: Armstrong Hoffman Austin Noreen Mahoney

ABSENT: None

The following preamble and resolution were offered by Mahoney and seconded by Hoffman.

RESOLUTION TO APPROVE AND CONFIRM PLEDGE OF PAYMENTS TO THE RIGHT PLACE, A NONPROFIT ECONOMIC DEVELOPMENT ORGANIZATION, IN CONSIDERATION OF ECONOMIC DEVELOPMENT SERVICES AND OTHER VALUE AND BENEFITS TO BE RECEIVED BY THE TOWNSHIP

WHEREAS, the Township desires to confirm its pledge of payments to The Right Place, the State-recognized economic development organization for Kent County, such pledge to be paid in installments over a five-year period;

WHEREAS, the Township has paid the first annual installment of its pledge, in the amount of \$250 for 2010; and

WHEREAS, in consideration of the Township's pledge, and the payments made and to be made thereunder, The Right Place shall provide various services to and for the Township relating to economic development, all of which will provide valuable benefit to the Township in its performance of important governmental functions, including land use planning and zoning, analysis of anticipated property tax base and other Township responsibilities.

IT IS, THEREFORE, RESOLVED AS FOLLOWS:

1. The Township Board approves and confirms the Township's pledge of \$1,250 to The Right Place, payable in equal shares over a period of five years commencing in 2010, upon the terms and subject to the conditions of this resolution.
2. The Township Board acknowledges and confirms the first annual payment under the above-stated pledge, being the sum of \$250, previously paid for the year 2010.
3. In consideration of the above-stated pledge, and the fulfillment thereof, The Right Place shall provide continuing services to the Township with respect to economic development, including but not limited to, submission of the organization's annual report; other materials on its economic development activities, such as reports and studies that are furnished to its members and other written materials and information useful to the Township in its governmental functions associated with economic development, including land use planning; future Township needs with respect to residential land uses and commercial and other development; prediction of future Township property tax base and the like. The Right Place shall also assist the Township, if possible, with other economic development services when reasonably requested.
4. The Township's pledge and payments thereunder shall be conditional upon the above stated benefits and services to be received from The Right Place. Each annual Township payment toward fulfillment of the pledge shall be accompanied by correspondence noting the conditions of the pledge.
5. The Township supervisor shall act for the Township Board in the implementation of this resolution, together with other appropriate Township officers and staff members.

AYES: Armstrong Hoffman Austin Noreen Mahoney

NAYS: None

RESOLUTION DECLARED ADOPTED.

Laura Hoffman

Nelson Township Clerk

TOWNSHIP OF NELSON
COUNTY OF KENT, MICHIGAN
RESOLUTION 2011-015

At a regular meeting of the Township Board of the Township of Nelson, Kent County, Michigan, held at the Township and Village Hall, 2 Maple Street, Sand Lake, Michigan, on the 14th day of June 2011, at 7:00p.m.

Present: Armstrong Hoffman Austin Noreen Mahoney
Absent: None

The following preamble and resolution were offered by Noreen and seconded by Austin.

**RESOLUTION ESTABLISHING TOWNSHIP PROPERTY
TAX RATES FOR 2011**

WHEREAS: the Township Board is authorized by law to establish the rate of Township ad valorem taxes assessed and levied upon property within the Township, in accordance with the General property Tax Act and other applicable law;

WHEREAS: Act 5 of the Public Act of Michigan of 1982, as amended, requires that the Township's current operating millage rates be reduced in proportion to any increase in the state equalized valuation of property in the Township for the current year, under certain circumstances.

WHEREAS: The Township Board has considered the appropriate rate of Township ad valorem property taxes for 2011, to be established within the Township authorized maximum millage rates.

WHEREAS: As of 20th, day of May 2011 taxable value in Nelson Township is \$120,294,155.

NOW, THEREFORE, BE IT RESOLVED

1. The Township of Nelson shall levy ad valorem property taxes for the year 2011 as follows:

Allocated operating millage	.8673
Voted library millage	.3940
Voted Fire millage	<u>.5000</u>
Total Operating allowed	1.7613

2. The levy of the above-stated millage rates will enable the Township to continue to maintain at least the same level of basic township services during the tax year commencing 2011.
3. The adoption of the resolution shall constitute for all purpose an adoption of authorized operating millage for the Township of 2011, at the above-stated rates, including the adoption of an additional millage rate under the terms of the Truth in Taxation Act, being Act 5 of the Public Acts of 1982, as amended.
4. The Township Supervisor and Township Clerk are authorized to take all actions required to implement the terms of this resolution, including submission of this resolution and other necessary information to the Kent County Clerk, for purpose of the levy of the above millage rates within the Township for the year of 2011.

AYES: Armstrong Hoffman Austin Noreen Mahoney
NAYS: None
ABSENT: None

CERTIFICATION

I, Laura Hoffman, Clerk of Nelson Township, certify that the foregoing is a true and complete copy of the resolution approved at a regular meeting of the Nelson Township Board of Tuesday, June 14th, 2011.

Laura Hoffman
Nelson Township Clerk

As recommended by the Planning Commission
for Township Board consideration

TOWNSHIP OF NELSON

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Nelson, held at the
Nelson Township Hall, on the 14 day of June, 2010, at 7:00 p.m.

PRESENT: Armstrong Hoffman Austin Noreen Mahoney

ABSENT: None

The following ordinance was offered by Hoffman and supported by Noreen.

and supported by

ORDINANCE NO. 2011-001-Z

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

THE TOWNSHIP OF NELSON ORDAINS:

Section 1. **Amendment to Chapter 11 - NR Natural River Overlay.** The Zoning

Ordinance of the Township of Nelson is hereby amended by the amendment of Section II.5.A

and Section I1.S.B of the Zoning Ordinance so as to read in their entirety as follows:

- A. **Minimum Required Stream Frontage Building and Septic Field Setbacks (for new structures and septic fields or additions).** All setbacks from the stream's edge of Duke and Cedar Creeks shall be a minimum of **100** feet.
- B. **Lots.** All lots located, **in whole or in part**, in the Natural River Overlay District shall have a minimum lot width of **150** feet as measured at the road right-of-way line.

Section 2. **Amendments in Chapter 13 - Planned Unit Developments (Township**

Board Public Hearing). The Zoning Ordinance of the Township of Nelson is hereby amended

by the amendment of Section 13.6(1), pertaining to residential planned unit developments (CPUD),

so as to read in its entirety as follows:

Section 13.6 Application and Processing Procedures

I. Consideration by Township Board.

- (1) Upon receiving the Planning Commission recommendation regarding the proposed PUD, the Township Board shall review the PUD plan, the record of the Planning Commission proceedings and the recommendation submitted by the Planning Commission.
- (2) The Township Board shall convene a public hearing on the PUD plan and the proposed ordinance to rezone the land to the PUD district.
- (3) Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.
- (4) Following the public hearing, the Township Board shall determine whether the final development plan complies with the standards, conditions and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the purposes of this chapter. Upon a determination of the project and of each such standards, conditions and requirements, the Township Board may approve the final development plan and grant the rezoning request, or deny such plan and request, or approve with conditions. A building permit shall not be issued until Township Board approval of the PUD final site development plan.

Where provisions of the Michigan Public Act 288 of 1967, as amended, shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.

Section 3. Amendments to Chapters 2, 3, 4, 15 and 19 - Uniformity of Names

and Numbers. The Zoning Ordinance of the Township of Nelson is hereby amended by the amendment of the following sections, designed to make uniform the names of and references to the individual districts in the Township: Section 3.2.K, Section 3.3, Section 3.9.A, C., Section 3.11, Section 4.1, Section 15.3, Section 19.5.1., J., L., M., O., and to change the numbering of the definitions in Chapter 2 so as to read in their entirety as follows:

Section 2.2 Words and Terms Defined.

A. Definitions A through C.

Accessory Building. A building or structure on the same lot with, and of a nature which is customarily incidental and subordinate to the principal building, structure or use.

Agriculture. Raising and/or storage of crops, raising, maintaining or breeding of animals, and producing animal products, forestry and/or commonly accepted agricultural operations for commercial purposes, including the sale of products, as an accessory use, grown on the premises.

Alterations. Any change, addition, or modification in construction or type of occupancy or use; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "re-constructed."

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted a story.

Billboard. Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed, not related to the premises or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon. This definition shall not be held to include signs for official notices issued by the court or public office.

Bluff. The top of a steep bank rising sharply from the water's edge.

BOCA. Abbreviation for Building Officials Code of America.

Bottom Land. The land area of an inland lake or stream which lies below the ordinary high water mark and which mayor may not be covered by water at any given time, as defined in Act 346, Public Acts of 1972.

Buffer. Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may include fences or berms, as well as shrubs and trees.

Building Height. The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

Campground. A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters or five or more recreational units.

Child Care Center. A facility, other than a private residence, in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis, including day care centers, day nurseries, nursery schools, play groups and drop in centers. Child care centers do not include family day care homes or group day care homes or schools. Child care and supervision provided as an accessory use, while parents are involved or engaged in the principal use of the property, such as a nursery operated during church services or public meetings or by a fitness center or similar operation shall be considered accessory to such principal use and shall not be considered to be a child care center.

Condominium Act. Public Act 59 of 1978, as amended.

Condominium Project. A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act.

Condominium Structure or Building Envelope. The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structure; e.g. in a residential development the condominium structure or building envelope would refer to the house and any attached garage.

Condominium Unit. That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time-share unit, or any other use.

Construction. The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot shall constitute construction, other than normal maintenance, not including agricultural uses other than the erection of a building.

B. **Definitions D through G.**

Driveway. An improved or unimproved path or road extending from a public or private road or other right-of-way and which is intended to provide access to not more than one parcel or primary building or primary dwelling.

Dwelling, Agricultural, (Farm). A dwelling used to house persons primarily engaged in agriculture on the parcel or adjacent parcels and which dwelling is incidental and subordinate to the principal agricultural use of the parcel or adjacent parcels.

Dwelling, Alternative Energy Saving. Any dwelling other than conventional dwelling which is built with particular concern to energy saving, of which the roof is not covered with earth, and having the primary entrance on the exposed side (e.g. earth-sheltered dwelling).

Dwelling, Conventional. Dwelling with the principal living space being above grade.

Dwelling, Multiple Family. Multiple family dwellings are buildings containing more than one residence, and which are used or designed for occupancy by two or more families living independent of each other.

Dwelling, Non-Agricultural. A dwelling used to house persons not primarily engaged in agriculture on the parcel or adjacent parcels, and which dwelling is not incidental nor subordinate to a principal agricultural use on or nearby the dwelling unit.

Dwelling, Single Family (Detached). A unit exclusively for use by one family which is entirely surrounded by open space or yards on the same lot.

Dwelling, Two Family. A detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

Dwelling Unit or Residential Unit. A dwelling unit or residential unit is any building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of a person, persons and/or family, either permanently or temporarily, but in no case shall a motor home, trailer coach, automobile chassis, tent, accessory building or portable building be considered or be occupied as a dwelling. If a building is occupied in part as a dwelling unit or a residential unit, the part so occupied shall be deemed a dwelling unit or residential unit for all purposes of this Ordinance, including the provisions hereof relating to dwellings.

Essential Public Services. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections communication, supply, or disposal systems (including towers,

structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare. This definition shall not include sanitary landfills, recycling centers, or non-public utility transfer stations.

Family.

(1) One or more persons related by blood, marriage, or adoption occupying a single dwelling unit and living as a single, non-profit housekeeping unit, or

(2) A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities as defined by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Farm. A farm is a form of business enterprise in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of farm products, as described herein, which provides a source of income and capital for reinvestment.

Farm Animals. Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

Farm Building. Any building or accessory structure other than a farm or a nonfarm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or millhouse.

Farm Labor Housing. A tract of land, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing.

Farm Operation. A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Farm Products. Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar product; or any other product which incorporates the use of food, feed, fiber, fur or flora.

Feed Lot. A yarding area with little or no natural grazing or feed and the major portion of feed purchased and trucked in and with a ratio exceeding one domestic grazing animal per acre.

Floor Area. The area of all floors computed by measuring the dimensions of the outside walls in a building excluding attic and basement floors, porches, terraces, breezeways, carports, verandas and garages. In the event there is more than one floor, not including the basement, the first floor which has all of its exterior walls above grade, with grade being where the top of the ground rest against the building when construction is completed.

Grade. The ground elevation established for the purpose of regulating the number of stories and the height of buildings.

Greenbelt. A planting or buffer strip at least 25 feet in width composed of deciduous or evergreen trees, landscaped strip or buffer area used to soften the impact.

C. **Definitions H through N.**

Home Occupation. A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place and conducted entirely within a residential building being used as a dwelling or, where permitted as a special land use by this Ordinance, in a building that is accessory to a residential building being used as a dwelling.

Inoperable Vehicle. Any vehicle or motor vehicle which cannot be started or legally or physically operated on public streets or highways by virtue of lacking the equipment required by laws of the State of Michigan, or which does not bear valid and current license plates.

Institutional Uses. Churches, schools, hospitals and other similar public or semi-public uses (excluding nursing homes and adult foster care facilities).

Junk Yard. Any land including buildings thereon, used primarily for the collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which are used for the collecting, dismantling storage or salvaging of machinery or vehicles.

Kennel (Private). Any lot or premises on which more than three dogs or three cats, or three other of one kind of household pet are either permanently or temporarily kept without compensation.

Kennel (Commercial). Any lot or premises on which dogs, cats, or other household pets are temporarily kept or bred as a source of income, or sold.

Light Industry. An industrial or warehouse operation which meets the performance standards of this Ordinance; is totally contained inside an enclosure; and which does not create excessive off-site noise or pollution and does not make excessive demands on public roads, water and sewage facilities or other community facilities.

Lot. A portion of land separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the Kent County Register of Deeds. In the case of a condominium project, lot is defined as follows:

(1) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

(2) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) exclusive use, and which, together with the requirements for lots as set forth for the various districts in this Ordinance.

Lot Area. Area of a lot bounded by lot lines. No lot shall be reduced so that the minimum yard and area requirements are not met.

Lot, Corner. A lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve (measured at the points of intersection of the side lot lines with the street lines) intersect at an interior angle of less than 135 degrees.

Lot Coverage. The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lath roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences or swimming pools.

Lot Lines. A boundary line of the lot.

Lot Line, Front. In the case of an interior lot, a line separating the lot from the street. In the case of a through lot, it is the line separating the lot from either

street. In the case of a comer lot, the front line shall be determined in Section 3.14.C.

Lot Line, Rear. Any lot line, other than a front lot line which is parallel or nearly parallel to the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot of Record. A lawfully created lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the office of the Register of Deeds for Kent County prior to the effective date of this Ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date.

Lot Width. The shortest straight line distance between the side lot lines of a lot, as measured at the front lot line. In the case of a comer lot, lot width is the shortest straight line distance between the side lot lines that extend back from the designated front lot line, such width to be measured at the designated front lot line.

Master Deed. The legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Mobile Home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a "manufactured home" in this Ordinance.

Mobile Home Park. A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a "manufactured housing community" in this Ordinance.

Modular Home. A prefabricated structure exceeding 18 feet in width, which meets all the requirements of the BOCA code and the Building Code adopted by Nelson Township, and placed on a concrete perimeter wall or basement. A building or occupancy permit may be issued by the Zoning Administrator for such unit as a single family residence when the following conditions are met in addition to the Nelson Township Building Code:

(1) A pitched roof of heavy truss construction able to support a "dead weight" of at least 40 pounds/square foot.

(2) A heavy flooring of wood on at least two by eight floor joists.

(3) A drain ventilation size of three inches in diameter extending 12 inches above the roof.

(4) Establishment of a poured wall or concrete block and mortar foundation.

Motel. A building or group of buildings which has living or sleeping accommodations used primarily for transient occupancy and individual entrances from outside the building to serve each unit.

Net Buildable Area. Contiguous land excluding land subject to flooding six months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements.

Nonconforming Lot of Record. A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, which fails to meet any of the requirements of the zoning district in which it is located.

Nonconforming Structure. A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet any of the requirements of the zoning district in which it is located.

Nonconforming Use. A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

Nursing Home. A structure constructed for residential purposes that is licensed by the state pursuant to Act 287 of the Public Acts of 1972, as amended, which provides resident services for seven or more persons under 24 hours supervision or care of persons in need of that supervision and/or care.

D. **Definitions O through S.**

Parking Area. A space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.

Parking Area, Private. A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

Parking Area, Public. A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.

Parking Bay. The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space. A space for the parking of a motor vehicle within a public or private parking area.

Principal Building. The primary or predominant building on a lot or parcel

Principal Use. The primary or predominant use of a lot or parcel.

Private Road. A private road is any undedicated path, trail or road which provides or is intended to provide the primary means of access to two or more parcels or two or more principal buildings, dwellings units or structures, or a combination thereof, whether created by private right-of-way agreement, easement or prescription.

Public Street. An easement, right-of-way or other interest in land which has been conveyed or dedicated to, or accepted by, the county or other governmental body for the purpose of providing access to abutting land.

Quarry, Quarrying Operation. Any place where stone, sand, gravel, minerals, or other natural materials, including topsoil, is removed for the purpose of sale or any other commercial purposes, other than such as may be incidental to excavating or regarding in connection with or in anticipation of building, development or landscaping on the site.

Recreation Vehicle or Unit.

(1) A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.

(2) Recreational units shall include, but shall not be limited to, the following: boats, jet skies, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, and similar equipment. If a boat, snowmobile(s), jet skies), or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.

Road Frontage. The length of the lot line which borders a public or approved private road.

Setback. The horizontal distance from a lot line inward toward the part of the building nearest to that lot line.

Sign. See Chapter 15.

Site Plan Review. The submission of plans for review, as part of the process of securing zoning approval.

Site Plan and Site Development Plan. A print from an ink or pencil drawing, drawn to scale, which shows all the intended and/or existing location and all dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.

Story. The portion of a building included between the surface of any floor and the surface of the surface of the floor or roof next above it.

Structural Changes or Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Structure. Anything constructed, erected, or to be moved to or from any premises which is permanently located above, on, or below the ground, including signs and billboards.

Swimming Pool. A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground holding less than 400 gallons of water nor decorative pools with less than two feet of water depth.

E. **Definitions T through Z.**

Underground Dwelling. A residence, the roof of which is covered with earth and which on at least three sides does not extend upward more than the surrounding grade levels within 50 feet, with the primary entrance on the exposed side.

Use. Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.

Accessory Use. A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises.

Principal Use. The primary purpose for which land or a structure or building is used.

Temporary Use. A use or activity which is permitted only for a limited time and subject to specific regulations.

Variance. A varying or relaxation of the use or dimensional standards of the Zoning Ordinance by the Zoning Board of Appeals.

Yard. An open space on a lot, unoccupied and unobstructed from the ground upward; except as otherwise permitted in this Ordinance. (See Appendix A for illustration of typical yards.)

Yard, Required Front. The minimum required yard measured from the front lot line to the closest point of the structure.

Yard, Required Rear. The minimum required yard measured from the rear lot line to the closest point of the structure.

Yard, Required Side. The minimum required yard measured from the side lot line to the closest point of the structure.

Zoning Permit. A permit signifying compliance with the provisions of this Ordinance as to use, activity, and density.

Section 3.2 Accessory Buildings ...

- K. An accessory building may be constructed or occupied on a lot in the AG ...

Section 3.3 Animals.

Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, use or medical care of fowl or animals, other than house pets of an occupant of the premises, is prohibited in any **R-M** ...

Section 3.9 Exceptions to Height Requirements ...

- A. Ground-mounted private antennas less than 50 feet in height (as measured from the ground at the base of the antenna) used for radio, television, or amateur radio communication purposes, but only in the AG ...
- c. Agriculturally-related accessory buildings or structures, including barns, silos, water tanks and windmills, less than 100 feet in height, but only if located in the AG...

Section 3.11 Home Occupations.

A home occupation may be permitted in the AG, SFR-L and R-M Districts ...

D. Home Occupations Approved as Special Land Uses. The following home occupations may be permitted in the AG, SFR-L, or R-M ...

(14) Turf services and landscaping enterprises, except in the R-M...

Section 4.1 Establishment of Districts

Nelson Township is hereby divided into the following districts:

<u>AG</u>	<u>Agricultural</u>
SFR-L	Single Family Residential- Low Density
R-M	<u>Residential-Medium Density</u>
<u>PLR</u>	<u>Pine Lake Residential</u>
INT	Interchange/Freeway Mixed Use
C	<u>Commercial</u>
I	Industrial
NR	Natural River (overlay)
OS-PUD	Open Space Planned Unit Development
PUD	Planned Unit Development

Section 15.3 Signs in Residential Districts.

In the AG, SFR-L, and R-M ...

Section 19.5 Special Use Design Standards.

1. Migrant Housing. Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted by the Planning Commission in an AG ...

J. Correctional institutions. . . . Such establishments are only permitted as special uses in an AG ...

L. Farm Implement Sales, Service and Rentals. The sale, service, and rental of farm equipment, tractors and implements is permitted on land located in the AG ...

**As recommended by the Planning Commission
for Township Board consideration**

TOWNSHIP OF NELSON

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Nelson, held at the Nelson Township Hall, on the 14 day of June, 2010, at 7:00 p.m.

PRESENT: Armstrong Hoffman Austin Noreen Mahoney

ABSENT: None

The following ordinance was offered by Hoffman and supported by Noreen.

and supported by

ORDINANCE NO. 2011-001-Z

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

THE TOWNSHIP OF NELSON ORDAINS:

Section 1. **Amendment to Chapter 11 - NR Natural River Overlay.** The Zoning

Ordinance of the Township of Nelson is hereby amended by the amendment of Section II.5.A

and Section I1.S.B of the Zoning Ordinance so as to read in their entirety as follows:

- C. **Minimum Required Stream Frontage Building and Septic Field Setbacks (for new structures and septic fields or additions).** All setbacks from the stream's edge of Duke and Cedar Creeks shall be a minimum of **100** feet.

- D. **Lots.** All lots located, **in whole or in part**, in the Natural River Overlay District shall have a minimum lot width of **150** feet as measured at the road right-of-way line.

Section 2. **Amendments in Chapter 13 - Planned Unit Developments (Township**

Board Public Hearing). The Zoning Ordinance of the Township of Nelson is hereby amended

by the amendment of Section 13.6(1), pertaining to residential planned unit developments CPUD),

so as to read in its entirety as follows:

Section 13.6 Application and Processing Procedures

I. Consideration by Township Board.

- (1) Upon receiving the Planning Commission recommendation regarding the proposed PUD, the Township Board shall review the PUD plan, the record of the Planning Commission proceedings and the recommendation submitted by the Planning Commission.
- (2) The Township Board shall convene a public hearing on the PUD plan and the proposed ordinance to rezone the land to the PUD district.
- (3) Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.
- (4) Following the public hearing, the Township Board shall determine whether the final development plan complies with the standards, conditions and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the purposes of this chapter. Upon a determination of the project and of each such standards, conditions and requirements, the Township Board may approve the final development plan and grant the rezoning request, or deny such plan and request, or approve with conditions. A building permit shall not be issued until Township Board approval of the PUD final site development plan.

Where provisions of the Michigan Public Act 288 of 1967, as amended, shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.

Section 3. Amendments to Chapters 2, 3, 4, 15 and 19 - Uniformity of Names

and Numbers. The Zoning Ordinance of the Township of Nelson is hereby amended by the amendment of the following sections, designed to make uniform the names of and references to the individual districts in the Township: Section 3.2.K, Section 3.3, Section 3.9.A, C., Section 3.11, Section 4.1, Section 15.3, Section 19.5.1., J., L., M., O., and to change the numbering of the definitions in Chapter 2 so as to read in their entirety as follows:

Section 2.2 Words and Terms Defined.

A. Definitions A through C.

Accessory Building. A building or structure on the same lot with, and of a nature which is customarily incidental and subordinate to the principal building, structure or use.

Agriculture. Raising and/or storage of crops, raising, maintaining or breeding of animals, and producing animal products, forestry and/or commonly accepted agricultural operations for commercial purposes, including the sale of products, as an accessory use, grown on the premises.

Alterations. Any change, addition, or modification in construction or type of occupancy or use; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "re-constructed."

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted a story.

Billboard. Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed, not related to the premises or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon. This definition shall not be held to include signs for official notices issued by the court or public office.

Bluff. The top of a steep bank rising sharply from the water's edge.

BOCA. Abbreviation for Building Officials Code of America.

Bottom Land. The land area of an inland lake or stream which lies below the ordinary high water mark and which mayor may not be covered by water at any given time, as defined in Act 346, Public Acts of 1972.

Buffer. Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. A buffer may include fences or berms, as well as shrubs and trees.

Building Height. The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

Campground. A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters or five or more recreational units.

Child Care Center. A facility, other than a private residence, in which one or more children are given care and supervision for periods of less than 24 hours per day on a regular basis, including day care centers, day nurseries, nursery schools, play groups and drop in centers. Child care centers do not include family day care homes or group day care homes or schools. Child care and supervision provided as an accessory use, while parents are involved or engaged in the principal use of the property, such as a nursery operated during church services or public meetings or by a fitness center or similar operation shall be considered accessory to such principal use and shall not be considered to be a child care center.

Condominium Act. Public Act 59 of 1978, as amended.

Condominium Project. A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act.

Condominium Structure or Building Envelope. The principal building or structure intended for or constructed upon a lot or building site, together with any attached accessory structure; e.g. in a residential development the condominium structure or building envelope would refer to the house and any attached garage.

Condominium Unit. That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time-share unit, or any other use.

Construction. The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot shall constitute construction, other than normal maintenance, not including agricultural uses other than the erection of a building.

B. **Definitions D through G.**

Driveway. An improved or unimproved path or road extending from a public or private road or other right-of-way and which is intended to provide access to not more than one parcel or primary building or primary dwelling.

Dwelling, Agricultural, (Farm). A dwelling used to house persons primarily engaged in agriculture on the parcel or adjacent parcels and which dwelling is incidental and subordinate to the principal agricultural use of the parcel or adjacent parcels.

Dwelling, Alternative Energy Saving. Any dwelling other than conventional dwelling which is built with particular concern to energy saving, of which the roof is not covered with earth, and having the primary entrance on the exposed side (e.g. earth-sheltered dwelling).

Dwelling, Conventional. Dwelling with the principal living space being above grade.

Dwelling, Multiple Family. Multiple family dwellings are buildings containing more than one residence, and which are used or designed for occupancy by two or more families living independent of each other.

Dwelling, Non-Agricultural. A dwelling used to house persons not primarily engaged in agriculture on the parcel or adjacent parcels, and which dwelling is not incidental nor subordinate to a principal agricultural use on or nearby the dwelling unit.

Dwelling, Single Family (Detached). A unit exclusively for use by one family which is entirely surrounded by open space or yards on the same lot.

Dwelling, Two Family. A detached building used or designed for use exclusively by two families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

Dwelling Unit or Residential Unit. A dwelling unit or residential unit is any building or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of a person, persons and/or family, either permanently or temporarily, but in no case shall a motor home, trailer coach, automobile chassis, tent, accessory building or portable building be considered or be occupied as a dwelling. If a building is occupied in part as a dwelling unit or a residential unit, the part so occupied shall be deemed a dwelling unit or residential unit for all purposes of this Ordinance, including the provisions hereof relating to dwellings.

Essential Public Services. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections communication, supply, or disposal systems (including towers,

structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare. This definition shall not include sanitary landfills, recycling centers, or non-public utility transfer stations.

Family.

(1) One or more persons related by blood, marriage, or adoption occupying a single dwelling unit and living as a single, non-profit housekeeping unit, or

(2) A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities as defined by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Farm. A farm is a form of business enterprise in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of farm products, as described herein, which provides a source of income and capital for reinvestment.

Farm Animals. Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

Farm Building. Any building or accessory structure other than a farm or a nonfarm dwelling unit which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building, and/or millhouse.

Farm Labor Housing. A tract of land, buildings, and other structures pertaining thereto which is established, occupied, or used as living quarters for migratory workers engaged in agricultural activities, including related food processing.

Farm Operation. A condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Farm Products. Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains, and feed crops, dairy and dairy products, poultry and poultry products; livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar product; or any other product which incorporates the use of food, feed, fiber, fur or flora.

Feed Lot. A yarding area with little or no natural grazing or feed and the major portion of feed purchased and trucked in and with a ratio exceeding one domestic grazing animal per acre.

Floor Area. The area of all floors computed by measuring the dimensions of the outside walls in a building excluding attic and basement floors, porches, terraces, breezeways, carports, verandas and garages. In the event there is more than one floor, not including the basement, the first floor which has all of its exterior walls above grade, with grade being where the top of the ground rest against the building when construction is completed.

Grade. The ground elevation established for the purpose of regulating the number of stories and the height of buildings.

Greenbelt. A planting or buffer strip at least 25 feet in width composed of deciduous or evergreen trees, landscaped strip or buffer area used to soften the impact.

C. **Definitions H through N.**

Home Occupation. A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place and conducted entirely within a residential building being used as a dwelling or, where permitted as a special land use by this Ordinance, in a building that is accessory to a residential building being used as a dwelling.

Inoperable Vehicle. Any vehicle or motor vehicle which cannot be started or legally or physically operated on public streets or highways by virtue of lacking the equipment required by laws of the State of Michigan, or which does not bear valid and current license plates.

Institutional Uses. Churches, schools, hospitals and other similar public or semi-public uses (excluding nursing homes and adult foster care facilities).

Junk Yard. Any land including buildings thereon, used primarily for the collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which are used for the collecting, dismantling storage or salvaging of machinery or vehicles.

Kennel (Private). Any lot or premises on which more than three dogs or three cats, or three other of one kind of household pet are either permanently or temporarily kept without compensation.

Kennel (Commercial). Any lot or premises on which dogs, cats, or other household pets are temporarily kept or bred as a source of income, or sold.

Light Industry. An industrial or warehouse operation which meets the performance standards of this Ordinance; is totally contained inside an enclosure; and which does not create excessive off-site noise or pollution and does not make excessive demands on public roads, water and sewage facilities or other community facilities.

Lot. A portion of land separated from other parcels by a legal description as shown in a duly executed and recordable land contract or deed or by a subdivision of record or a recorded survey map, either of which is duly recorded with the Kent County Register of Deeds. In the case of a condominium project, lot is defined as follows:

(1) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

(2) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) exclusive use, and which, together with the requirements for lots as set forth for the various districts in this Ordinance.

Lot Area. Area of a lot bounded by lot lines. No lot shall be reduced so that the minimum yard and area requirements are not met.

Lot, Corner. A lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve (measured at the points of intersection of the side lot lines with the street lines) intersect at an interior angle of less than 135 degrees.

Lot Coverage. The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lath roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences or swimming pools.

Lot Lines. A boundary line of the lot.

Lot Line, Front. In the case of an interior lot, a line separating the lot from the street. In the case of a through lot, it is the line separating the lot from either

street. In the case of a comer lot, the front line shall be determined in Section 3.14.C.

Lot Line, Rear. Any lot line, other than a front lot line which is parallel or nearly parallel to the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot of Record. A lawfully created lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the office of the Register of Deeds for Kent County prior to the effective date of this Ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date.

Lot Width. The shortest straight line distance between the side lot lines of a lot, as measured at the front lot line. In the case of a comer lot, lot width is the shortest straight line distance between the side lot lines that extend back from the designated front lot line, such width to be measured at the designated front lot line.

Master Deed. The legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Mobile Home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a "manufactured home" in this Ordinance.

Mobile Home Park. A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a "manufactured housing community" in this Ordinance.

Modular Home. A prefabricated structure exceeding 18 feet in width, which meets all the requirements of the BOCA code and the Building Code adopted by Nelson Township, and placed on a concrete perimeter wall or basement. A building or occupancy permit may be issued by the Zoning Administrator for such unit as a single family residence when the following conditions are met in addition to the Nelson Township Building Code:

(1) A pitched roof of heavy truss construction able to support a "dead weight" of at least 40 pounds/square foot.

(2) A heavy flooring of wood on at least two by eight floor joists.

(3) A drain ventilation size of three inches in diameter extending 12 inches above the roof.

(4) Establishment of a poured wall or concrete block and mortar foundation.

Motel. A building or group of buildings which has living or sleeping accommodations used primarily for transient occupancy and individual entrances from outside the building to serve each unit.

Net Buildable Area. Contiguous land excluding land subject to flooding six months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements.

Nonconforming Lot of Record. A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, which fails to meet any of the requirements of the zoning district in which it is located.

Nonconforming Structure. A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet any of the requirements of the zoning district in which it is located.

Nonconforming Use. A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

Nursing Home. A structure constructed for residential purposes that is licensed by the state pursuant to Act 287 of the Public Acts of 1972, as amended, which provides resident services for seven or more persons under 24 hours supervision or care of persons in need of that supervision and/or care.

D. **Definitions O through S.**

Parking Area. A space used for parking motor vehicles, including parking lots, garages, and private driveways, but excluding public right-of-way areas.

Parking Area, Private. A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

Parking Area, Public. A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.

Parking Bay. The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space. A space for the parking of a motor vehicle within a public or private parking area.

Principal Building. The primary or predominant building on a lot or parcel

Principal Use. The primary or predominant use of a lot or parcel.

Private Road. A private road is any undedicated path, trail or road which provides or is intended to provide the primary means of access to two or more parcels or two or more principal buildings, dwellings units or structures, or a combination thereof, whether created by private right-of-way agreement, easement or prescription.

Public Street. An easement, right-of-way or other interest in land which has been conveyed or dedicated to, or accepted by, the county or other governmental body for the purpose of providing access to abutting land.

Quarry, Quarrying Operation. Any place where stone, sand, gravel, minerals, or other natural materials, including topsoil, is removed for the purpose of sale or any other commercial purposes, other than such as may be incidental to excavating or regarding in connection with or in anticipation of building, development or landscaping on the site.

Recreation Vehicle or Unit.

(1) A vehicular type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers.

(2) Recreational units shall include, but shall not be limited to, the following: boats, jet skies, boat trailers, snowmobiles, snowmobile trailers, all terrain vehicles, dune buggies, and similar equipment. If a boat, snowmobile(s), jet skies), or dune buggy(s) is on a trailer for transport purposes, this shall be considered as a single recreational unit.

Road Frontage. The length of the lot line which borders a public or approved private road.

Setback. The horizontal distance from a lot line inward toward the part of the building nearest to that lot line.

Sign. See Chapter 15.

Site Plan Review. The submission of plans for review, as part of the process of securing zoning approval.

Site Plan and Site Development Plan. A print from an ink or pencil drawing, drawn to scale, which shows all the intended and/or existing location and all dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.

Story. The portion of a building included between the surface of any floor and the surface of the surface of the floor or roof next above it.

Structural Changes or Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Structure. Anything constructed, erected, or to be moved to or from any premises which is permanently located above, on, or below the ground, including signs and billboards.

Swimming Pool. A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground holding less than 400 gallons of water nor decorative pools with less than two feet of water depth.

E. **Definitions T through Z.**

Underground Dwelling. A residence, the roof of which is covered with earth and which on at least three sides does not extend upward more than the surrounding grade levels within 50 feet, with the primary entrance on the exposed side.

Use. Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.

Accessory Use. A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises.

Principal Use. The primary purpose for which land or a structure or building is used.

Temporary Use. A use or activity which is permitted only for a limited time and subject to specific regulations.

Variance. A varying or relaxation of the use or dimensional standards of the Zoning Ordinance by the Zoning Board of Appeals.

Yard. An open space on a lot, unoccupied and unobstructed from the ground upward; except as otherwise permitted in this Ordinance. (See Appendix A for illustration of typical yards.)

Yard, Required Front. The minimum required yard measured from the front lot line to the closest point of the structure.

Yard, Required Rear. The minimum required yard measured from the rear lot line to the closest point of the structure.

Yard, Required Side. The minimum required yard measured from the side lot line to the closest point of the structure.

Zoning Permit. A permit signifying compliance with the provisions of this Ordinance as to use, activity, and density.

Section 3.2 Accessory Buildings ...

- L. An accessory building may be constructed or occupied on a lot in the AG ...

Section 3.3 Animals.

Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, use or medical care of fowl or animals, other than house pets of an occupant of the premises, is prohibited in any **R-M** ...

Section 3.9 Exceptions to Height Requirements ...

- B. Ground-mounted private antennas less than 50 feet in height (as measured from the ground at the base of the antenna) used for radio, television, or amateur radio communication purposes, but only in the AG ...
- d. Agriculturally-related accessory buildings or structures, including barns, silos, water tanks and windmills, less than 100 feet in height, but only if located in the AG...

Section 3.11 Home Occupations.

A home occupation may be permitted in the AG, SFR-L and R-M Districts ...

D. Home Occupations Approved as Special Land Uses. The following home occupations may be permitted in the AG, SFR-L, or R-M ...

(14) Turf services and landscaping enterprises, except in the R-M...

Section 4.1 Establishment of Districts

Nelson Township is hereby divided into the following districts:

<u>AG</u>	<u>Agricultural</u>
SFR-L	Single Family Residential- Low Density
R-M	<u>Residential-Medium Density</u>
<u>PLR</u>	<u>Pine Lake Residential</u>
INT	Interchange/Freeway Mixed Use
C	<u>Commercial</u>
I	Industrial
NR	Natural River (overlay)
OS-PUD	Open Space Planned Unit Development
PUD	Planned Unit Development

Section 15.3 Signs in Residential Districts.

In the AG, SFR-L, and R-M ...

Section 19.5 Special Use Design Standards.

1. Migrant Housing. Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted by the Planning Commission in an AG ...

J. Correctional institutions. . . . Such establishments are only permitted as special uses in an AG ...

L. Farm Implement Sales, Service and Rentals. The sale, service, and rental of farm equipment, tractors and implements is permitted on land located in the AG ...

M. Adult Care Facilities. Homes or facilities which provide room and board, supervision, assistance, protection, or personal care to more than six adults, may be permitted by the Planning Commission in an AG, SF L, or R-M...

Homes or facilities such as nursing homes, convalescent homes, or homes from the aged, exclusive of hospitals, may be permitted by the Planning Commission in an AG, SFR-L, or R-M ...

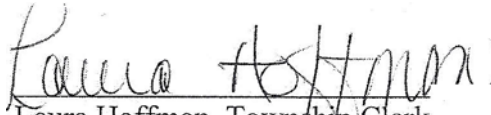
O. Animal Hospitals and Veterinary Clinics. Animal hospitals or veterinary clinics may be permitted as a special use within the AG ...

Section 4. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: All.

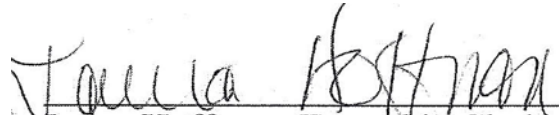
NAYS: None.

ORDINANCE DECLARED ADOPTED.


Laura Hoffman, Township Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Nelson 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.


Laura Hoffman, Township Clerk

