

**Vergennes Township  
Kent County**

Ordinance # 2014-1  
Adopted Date 5-19-2014

**AN ORDINANCE TO AMEND CHAPTER 3, ZONING DISTRICTS OF THE  
VERGENNES TOWNSHIP ZONING ORDINANCE.**

**VERGENNES TOWNSHIP HEREBY ORDAINS:**

**Section 1. Amend Section 201.308 Commercial District and 201.309 Industrial District to include additional typical commercial and industrial uses as shown below:**

**201.308 "C" Commercial District.**

3.08.

A. *Statement of Purpose.* This district is designed to provide retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers.

B. *Uses permitted by Right.* The following uses shall be permitted by right in the Commercial District, but shall be subject to site plan review and approval, pursuant to section 502 D of this Zoning Ordinance.

1. Retail sales businesses including but not limited to bakeries, drug stores, hardware stores, appliance and furniture stores, clothing shops, variety, dry goods, clothing, notions, music, book, florist, appliances or furniture stores, bait and tackle shops, sign shop and similar uses where no assembling, treatment or manufacturing is required.
2. Professional Offices of doctors, dentists, lawyers, architects, travel agent, insurance and other similar professions.
3. Banks, building and loan associations, and other lending institutions.
4. Restaurants, without drive through facilities.
5. Cleaning and laundry service customer stations, but without on-site cleaning facilities.
6. Barber shops and beauty parlors.
7. Personal service establishments such as sewing and tailoring, photographic studio, upholstery, licensed massage therapist, tanning salons, health and fitness salons and other similar establishments. Shoe repair shops.
8. Repair shops such as repairing radio, television, shoes, jewelry,

upholstery items, lawn mower, snowmobile, boat, air conditioner and similar items. ~~Sign shop.~~

9. Grocery and convenience stores, without gasoline service.
10. Essential Services, subject to Section 201.411 of this Zoning Ordinance.
11. Improved park, when direct access is provided from a public paved road.
12. Unimproved park.
13. Child care center
14. Mini-warehouse and self-storage units
15. Municipal buildings, post office and similar governmental office buildings.
16. Printing, copying, publishing facility
17. Commercial farm market.
18. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.

C. *Special Exception Uses.* The following commercial uses shall require a Special Exception Use application and approval and site plan review and approval pursuant to Section 502.

1. Funeral parlors.
2. Restaurants, with drive through facilities
3. Assembly buildings including dance pavilions, auditoriums and private clubs, theaters and drive-in theaters. ~~Indoor theaters.~~
4. Hotels and motels, rooming houses, boarding houses, inns and bed and breakfast establishments.
5. Churches.
6. Veterinary Hospitals and clinics.
7. Dog or animal kennels and pet shops.
8. Cider mill.
9. Nursery and greenhouses, outdoor retail sales of trees, fruit, seeds, lawn furniture, playground equipment, and other home garden supplies and equipment.
10. ~~Automatic~~-dry cleaning or laundry facilities.
11. Bait houses.
12. Gasoline stations and grocery and convenience stores with gasoline sales and car washes.
13. Automobile repair garages.

14. ~~Outdoor automobile sales.~~ Open air businesses including but not limited to sales and service of new and used motorized vehicles, farm implements, motor homes, mobile or modular homes, travel trailers, boats, recreation vehicles or similar uses.
15. Lumber yards and building supply establishments.
16. Commercial ~~recreation~~ establishments, amusement and recreation establishments, both indoor and outdoor, including bowling alleys, video and pinball arcades, handball courts, bowling alley, roller skating and tennis courts, miniature golf, go-carts and skate parks. subject to the following standards:
  - a. Facilities that include outdoor activity (i.e., paintball, miniature golf) must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission.
  - b. A traffic study may be required by the Planning Commission.
  - c. The use shall have direct access to a public, paved road.
17. Accessory buildings and uses customarily incidental to the special uses when located on the same lot or parcel of land.
18. Residential uses, consisting of private single-family dwellings including earth-bermed dwellings, licensed family and group child care home, home occupations and customary incidental accessory buildings and uses when located on the same lot or parcel of land.
19. Any commercial building with a proposed building footprint or ground floor coverage in excess of fifteen thousand (15,000) square feet.
20. Adult Businesses, subject to Section 201.433.
21. Planned Unit Development (PUD) subject to Section 201.429.
22. Commercial schools including art, music, dance, business, professional and trade, accredited colleges and universities.
23. Multi-tenant retail or service buildings involving one or more storefronts.
24. Facilities for banquets, weddings, meetings, receptions, trade and craft shows

## 201.309 "I" Industrial District.

### 3.09.

- A. *Statement of purpose.* It is the intent of the district to provide for the development of low intensity processing, warehousing, assembly, testing and manufacturing uses characterized by low land coverage and the absence of objectionable external effects. Furthermore, due to the lack of available public utilities and major highway access, such uses must be limited in nature to those requiring minimal process water effluent discharge and transportation demands. Ordinance requirements of the Industrial District are therefore designed to accommodate the development of only those uses that are compatible with one another and, with the inclusion of appropriate buffering, siting and design elements, are least offensive and disruptive to nearby residential or other properties and transportation abilities.
- B. *Permitted uses.* Land and/or buildings may be utilized for the following permitted uses subject to the standards outlined below and subject further to site development plan approval under the procedures and criteria outlined in section 201.502 D, site development plan review procedures.
1. Use and development of separate individual lots or building sites for the following purposes provided that not more than one (1) such use shall occupy any one (1) lot and that such use does not exceed twenty eight thousand (28,000) square feet of building floor area or employ thirty (30) or more persons on-site during any one shift.
    - a. Warehouses, cold storage and transfer buildings, excluding bulk storage of petroleum, chemicals, garbage, rubbish, scrap materials or raw materials.
    - b. Tool, die and gauge and machine shops, pattern makers.
    - c. Mini-storage facilities.
    - d. Printing and publishing and bookbinding.
    - e. Essential services (See sections 201.202 and 201.411).
    - f. Parts assembly.
    - g. Cabinet making shops.
    - h. Office buildings when accessory to a permitted industry.
    - i. Wireless communication facilities which are sited as principal uses and subject to Section 201.432.
    - j. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.
    - k. Vehicle repair shops providing all vehicles and materials are kept within a building or in an area well screened from the view of nearby properties and roadways.

- l. Research and development establishments and laboratories, manufacturing, testing, and repair of engineering, measuring, optic, medical, lenses, photographic and similar instruments.
  - m. Construction contractors such as plumbing, heating and electrical providing parts are stored indoors.
  - n. Contractors of concrete and paving providing no raw material production or storage of product are kept on site (asphalt, concrete).
  - o. Crating and packing or mailing service.
  - p. Wholesale distributors.
  - q. Service establishments such as upholstering, office machine repair, sign painting design and repair, vending machine service, machine repair and taxidermist.
  - r. Lumber and wood products including millwork, prefabricated structural wood products and containers, furniture and fixtures.
  - s. Wholesale establishments including automotive equipment, drugs, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products.
  - t. Veterinary Hospitals, clinics and commercial kennels
  - u. Facilities for banquets, weddings, meetings, receptions, trade and craft shows
- 2. Use and development of separate individual lots or buildings sites for the uses specified in paragraph 3.09, B, 1 located in multiple-occupant structures intended for or used by two (2) or more separate and distinct businesses, provided that such structure shall not exceed ten thousand (10,000) square feet of building floor area. For the purposes of this paragraph, subsidiary or related businesses with common or similar ownership shall not be regarded as separate and distinct businesses.
  - 3. Improved park, when direct access is provided from a public paved road.
  - 4. Unimproved park.
- C. *Special exception uses.* Land and/or buildings may be utilized for the following special exception uses subject to the procedures for approval of special exception uses itemized in [sub]section D below and any specific standards adopted for the special exception use.

1. Any industrial use itemized as a permitted use in subsection B above which exceeds twenty eight thousand (28,000) square feet of floor area or employs more than thirty (30) persons on-site during any one shift.
2. Any multiple occupant structure with a building floor area in excess of ten thousand (10,000) square feet, intended for or used by two (2) or more separate and distinct businesses. For the purposes of this paragraph, subsidiary or related businesses with common or similar ownership shall not be regarded as separate and distinct businesses.
3. Land developments creating two (2) or more industrial lots or building sites which under the terms of this Ordinance will entail or require the construction of a public or private street or road in order to achieve the required street frontage or legal access to each lot or building site.
4. Wireless communication facilities which are sited as secondary uses subject to Section 201.432.
5. Planned Unit Development (PUD) subject to Section 201.429.
6. The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
7. The assembly of prefinished materials of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.

**Section 2. Conflicts.** If any provision of the Vergennes Township Ordinance conflicts with this amendment to the Zoning Ordinance, the most restrictive provision shall be applied.

**Section 3. Severability.** Should any section or part of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective eight (8) days after its publication in a newspaper of general circulation in the Township.

VERGENNES TOWNSHIP

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Timothy Wittenbach, Supervisor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Mari Stone, Clerk

Date Published: \_\_\_\_\_