

**Vergennes Township
Kent County**

Ordinance # 2015-4
Adopted Date: October 19, 2015

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

VERGENNES TOWNSHIP HEREBY ORDAINS:

Section 1. Amend Section 201.306B “Little Farms Plat Overlay District” as shown below:

201.306B "LFP" Little Farms Plat Overlay District.

3.06B.

- A. *Statement of Purpose and Description.* The "LFP" Little Farms Plat Overlay District is established to account for the unusual size and layout of lots within the Little Farms Plat located within the R-A District. This overlay district consists of the land within the Little Farms Plat recorded in Liber 48 of Plats, page 2, of Kent County Records.

The Little Farms Plat Overlay District is established as an overlay zoning district. Such district shall be construed, not as a separate and distinct district, but as a secondary district which overlays the Little Farms Plat within the underlying R-A district. All property owners must comply with all requirements of the underlying R-A district and the requirements and restrictions of the Little Farms Plat Overlay District. Where there is conflict between other provisions of the Vergennes Township Ordinances, including the zoning ordinance and the R-A zoning requirements and those specifically applied to the Little Farms Plat Overlay District, the latter shall control.

- B. *Permitted Uses.*

1. Single family dwellings, including earth-bermed and earth-shelter dwellings, as permitted in the underlying District in which the particular use is proposed.
2. Essential Services (See Section 4.11).
3. Greenhouses.
4. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business including an advertising sign subject to the requirements of Section 201.403 (D) (1) (d).
5. Home Occupations and Home Based Businesses as defined in this Ordinance.
6. Amateur radio antennas conforming to the terms of this Ordinance.
7. Accessory buildings and uses customarily incidental to the permitted uses

when located on the same lot or parcel of land.

8. Improved park, when direct access is provided from a public paved road.
9. Unimproved park.
10. Licensed family child care home (1-6 children in a private home).
11. In modification of Section 201.404 of the Vergennes Township Zoning Ordinance, the raising and keeping of poultry, rabbits, goats, sheep, cattle, horses, pigs and other similar farm type of animals is permitted pursuant to the following restrictions:
 - a. The animals or fowl shelters, coops or barns shall be located at least 75 feet from the road right of way and 40 feet from a side lot line and 50 feet from a rear lot line. Fenced pens or pastures shall be located at least 50 feet from a road right of way, 15 feet from a side lot line and 30 feet from a rear lot line.
 - b. Such animals may only be kept on a parcel of land of at least two (2) acres except small animals such as fowl and rabbits may be on existing lots of less than two acres.
 - c. The keeping of such animals shall be accessory to the principal use.
 - d. There shall be no more than one such animal per acre with a maximum of six such animals on any parcel or lot excluding poultry, rabbits, or other similar sized animals which are typically caged or kept inside of a building. Roosters or other birds that typically make loud sounds are not permitted.
 - e. The area on which the animal(s) are kept shall be completely enclosed by a fence or similar barrier to prevent the animal(s) from trespassing on adjoining property.
 - f. Animal generated waste must be stored at the same setbacks as in (11.) (a.) above. The animal waste may not pile up and must be taken care of in a manner that keeps accumulation and odors at a minimum.
 - g. The premises shall be maintained in a sanitary condition and may be inspected at any reasonable time, or times, by the Zoning Administrator, Building Inspector and/or Township or County Health Officer.
 - h. The provisions of this section do not apply to farms and farm operations governed by and complying with the Michigan Right to Farm Act, MCL 286.471 et seq.

C. *Special Exception Uses.*

1. Licensed group child care home (7-12 children in a private home)
 - a. Application shall meet section 125.3206 of the Michigan Zoning Enabling Act 110 of 2006 and the Child Care Licensing Act 116 of 1973 and the State Construction Code Act 230 of 1972, as amended.

- b. The Township shall be provided with a copy of the state license and each re-issued license. The child care facility shall not operate without a state license.
- c. The exterior of the private home must have residential characteristics consistent with the neighborhood.
- d. All parking must be off street and adequate size for the number of patrons dropping off and picking up children and employee parking. Parking is also subject to the provisions of section 201.417.

2. Bed and Breakfast, subject to the following:

- a. The use is not incompatible with other allowed uses in the vicinity.
- b. The impact of the establishment is no greater than that of a private home with houseguests.
- c. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- d. A bed and breakfast shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
- e. Signs shall be in accordance with Section 4.03, D, (1) (b).
- f. Two (2) off-street parking spaces shall be provided for the use of the owner/occupant and one (1) off-street space per rental sleeping room. Parking shall be located within two hundred (200) feet of the building.
- g. The parcel or parcels on which the use is located shall be owned and operated by a single proprietor.
- h. The establishment shall have at least two (2) exits to the outdoors.
- i. The Bed and Breakfast shall not alter the residential character of the building or structure.
- j. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
- k. Special Exception Use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- l. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1"=8' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.
- m. The permit holder shall secure and maintain all required state and local permits. Any food preparation areas shall be licensed and

approved by the Health Department, as applicable.

- n. No conference/meeting room facilities will be permitted.
 - o. The Bed and Breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.
 - p. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
3. Accessory Dwellings subject to section 201.441.
- D. *Height.* No residential or other building shall exceed the lesser of thirty-five (35) feet or two and one-half (2 1/2) stories.
- E. *Lot Area and Lot Width.* The minimum lot area for uses in this District shall be not less than two (2) acres and the minimum lot width shall not be less than one hundred (100) feet. Existing parcels or lots as of the effective date of this amendment may have farm type of animals as long as conformance with section (B. 11.) is met.
- F. *Setback and Side Line Spacing.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following setback and side line spacing requirements are met in connection with the lot or parcel on which such building, structure or enlargement is located:
- 1. *Setback.* There shall be a setback from all street right-of-way lines of not less than thirty-five (35) feet.
 - 2. *Side Line Spacing.* There shall be a space of not less than ten (10) feet from the interior side line of the lot to the building, structure or enlargement, except on corner lots where there shall be a setback of not less than thirty-five (35) feet from all street right-of-way lines.
 - 3. *Rear Line Spacing.* There shall be a space of not less than fifty (50) feet from the rear line of the lot to the building, structure or enlargement.
 - 4. Any farm type of animals, shelters or pens shall meet the minimum setbacks as established in 201.306B (B.) (11.).
- G. *Floor Area Requirements.* All single family dwellings hereafter constructed shall contain not less than eleven hundred fifty (1,150) square feet of total living space as measured around the exterior of said building. Of that, not less than seven hundred fifty (750) square feet of total living space shall be on the ground floor, as defined herein.

No dwelling shall be less than twenty-four (24) feet in width as measured along the exterior front elevation of the dwelling except for mobile homes the minimum width may be twenty-two (22) feet.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon

application thereto by either the Zoning Administrator of the Township or by the applicant for a building permit.

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: October 19, 2015 By: Mari Stone, Clerk

Date Published: November 6, 2015

Date Effective: November 13, 2015