

VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN

ZONING ORDINANCE AMENDMENT

Ordinance 2004-7
Adopted Date April 19, 2004

Change of Building Occupancy in Commercial and Industrial Districts Amendments

An ordinance to amend certain portions of Chapter 5, Special Exception Use Section and Chapter 3, Zoning Districts of the Vergennes Township Zoning Ordinance.

The Township of Vergennes hereby ordains:

Section 1. Amend Chapter 5 of the Township Zoning Ordinance, to add the following amendment to section 201.502 (G) and to correct numbering of that section:

- G. *Amendment to Site Plan.* A proposed amendment, modification or alteration of a previously approved site development plan shall be processed as follows:
 - 1. A minor amendment shall be reviewed by the Zoning Administrator and shall be approved if the Zoning Administrator finds that such changes will not adversely affect the initial reasons for granting approval, significantly alter the nature of the project or limit or relax any condition of approval approved by the Township Board. For the purposes of this paragraph, minor amendments shall be limited to the following:
 - a. Moving or adjusting condominium unit lot lines, lot lines or proposed buildings to accommodate a natural impediment such as soil conditions or subsurface geology or a standard of a public regulatory agency, providing that such change does not reduce the area of any condominium unit or lot below the standards of the zoning district and provided the change does not result in a change in the total number of units or total square footage approved.
 - b. Moving the ingress and egress drive a distance up to one hundred (100) feet, if required by the Kent County Road Commission or Michigan Department of Transportation.
 - c. In the C Commercial and I Industrial Districts, a change in the nature of the tenancy or occupancy of a previously approved building will require a new or revised site plan, unless the Zoning Administrator determines that the proposed new use is reasonably able to comply with all conditions of approval pertaining to the original site plan.
 - d. Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of a

similar nature and quality.

- e. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
- f. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.
- g. Altering the location of an accessory structure that is less than one hundred (100) square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
- h. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.

2. Other amendments. Any proposed changes to an approved Site Development Plan, other than minor amendments as defined in Section 201.502, G, 1, shall be submitted to the same approving body or official who initially approved the site plan for review in the same manner as the original application was submitted and reviewed.

Section 2. Amend Chapter 3 of the Township Zoning Ordinance, to add the following amendments to section 201.308 (J) and 201.309 (G):

Section 3.08 (Commercial):

- J. *Change in Occupant or Tenancy.* Approval of site plans and special exception uses shall apply to the uses and tenants proposed at the time of application. In the C Commercial District, a change in the nature of the tenancy or occupancy of a previously approved building may require a new or revised site plan, unless the Zoning Administrator determines that the proposed new use is reasonably able to comply with all conditions of approval pertaining to the original site plan.

Section 3.09 (Industrial)

- G. *Change in Occupant or Tenancy.* Approval of site plans and special exception uses shall apply to the uses and tenants proposed at the time of application. In the I Industrial District, a change in the nature of the tenancy or occupancy of a previously approved building may require a new or revised site plan, unless the Zoning Administrator determines that the proposed new use is reasonably able to comply with all conditions of approval pertaining to the original site plan.

Section 3. CONFLICTS. If any provision of the Vergennes Township Zoning Ordinance conflicts with this amendment to the Zoning Ordinance, the most restrictive provision shall be applied.

Section 4. SEVERABILITY. In the event any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other chapter, section or provision of this Ordinance, except so far as the chapter, section or portion so declared invalid shall be inseparable from the remainder or any portion thereof. Should any court ruling fail to provide alternate standards or conditions, the provisions of the Zoning Ordinance updated in August 2003 shall apply until this Ordinance is amended to comply with said ruling.

Section 5. EFFECTIVE DATE. This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation in the Township, unless a notice of intent to petition for referendum pursuant to Section 12 of the Township Zoning Act (Act 184 of the Public Acts of 1943, as amended) is filed with the Township Clerk.

Mari Stone
Vergennes Township Clerk

Certification

I, Mari C. Stone, Township Clerk of the Township of Vergennes, hereby certify that Ordinance 2004-7 was adopted at a regular meeting of the Vergennes Township Board on April 19, 2004, and the Ordinance or a summary of the ordinance was published in the Lowell Ledger, a newspaper of general circulation in the Township of Vergennes, on April 28, 2004.