

**VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN
ORDINANCE 2003-3**

An ordinance to amend portions of Chapter 2 Definitions; Chapter 3 Zoning Districts; Chapter 4, Home Occupation, Home Occupation with an Accessory Building, Home Based Business and Rental Storage of the Vergennes Township Zoning Ordinance.

The Township of Vergennes hereby ordains:

Section 1. Amend Chapter 2, Section 201.202 Definitions, of the Township Zoning Ordinance, to read as follows:

Home based business: A business operation conducted from a residential property which is clearly subordinate and incidental to the residential nature of the property and which involves business activities generally conducted at other locations.

Home occupations. An occupation customarily conducted within a residential dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation. One accessory building incidental and secondary to the residential use of the property may be used in conjunction with the home occupation.

Section 2. Amend Chapter 4, Section 201.430 Home Occupations with and without an accessory building and 201.431 Home Based Businesses of the Township Zoning Ordinance, to read as follows:

201.430 Requirements of home occupations.

4.30.

- A. *Home Occupations Conducted within a Dwelling.* Home occupations shall be approved by the Zoning Administrator by the issuance of a Zoning Compliance Permit upon a finding that all of the following conditions are met. Following issuance of a Zoning Compliance Permit, the permit may be revoked if any of the conditions giving rise to the permit are violated.
1. The applicants proposed use of the property shall conform to the definition of a Home Occupation under this Zoning Ordinance.
 2. No person, other than the resident occupants and one (1) employee or independent contractor who need not be a resident, shall be engaged in the home occupation, except that for a home occupation operated within a dwelling located on a lot greater than one and one-quarter ($1\frac{1}{4}$) acres in lot area, then up to three (3) employees or independent contractors who need not be residents may be engaged in the home occupation. A resident occupant of the dwelling from which the home occupation is conducted shall not be considered an employee or independent contractor of such home occupation for purposes of this subpart.

3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling, but shall not, in any case, exceed a floor area more than forty-nine (49) percent of the gross living area above grade of the dwelling unit. All articles and materials used in connection with such home occupation shall be stored in the main dwelling. Other than items used in the normal maintenance of a dwelling unit, no items or materials used in conjunction with the home occupation shall be stored outside the dwelling unit.
4. Except for normal maintenance, no changes shall be made to the outside appearance of the dwelling unit or lot area for their use in conjunction with a home occupation and there shall be no other visible evidence of the conduct of such home occupation on the lot area; Further, one (1) non-illuminated sign shall be permitted on the lot area provided the sign does not exceed four (4) square feet in area, shall not be located in the road right of way, is not in excess of four (4) feet in height and otherwise complies with Section 201.403, Signs and Billboards, if more restrictive than these provisions.
5. Any parking areas provided specifically for such home occupations shall be located off the street and not in a front yard setback area and shall comply with Section 201.417, Off-street Parking of Motor Vehicles, if more restrictive than these provisions.
6. A home occupation shall not have a material negative impact upon the public health, safety or welfare of Vergennes Township or areas immediately surrounding the lot area upon which the home occupation exists including but not limited to, overuse of streets and roads, reduction in property values, change to the character of the area, blight, excessive noise, odors, or electrical interference. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any electronic device, or causes fluctuation in line voltage outside the lot area upon which the dwelling is located.
7. No merchandise or articles for sale shall be displayed for advertising purposes so as to be visible from outside the main dwelling. Except for one sign as permitted pursuant to Section 4.30 (A) (3) no other device or display visible from any vantage point off the property shall be used to advertise the home occupation.
8. Hours of operation shall be reasonable and customary for the type of home occupation approved and in the zoning district in which the home occupation will exist.
9. No goods, materials, or vehicles used only in connection with a home occupation shall be parked or stored outside of the dwelling

used in conjunction with the home occupation.

10. A person shall apply for a zoning compliance permit on a form provided by the Township and the applicant shall pay the required application fee and any other charges imposed by the Township. If requested by the zoning administrator, the applicant shall provide additional information showing the location of buildings, parking areas or any other features of the property related to such application. Once the application is complete, the zoning administrator shall issue the zoning compliance permit or decline to issue the zoning compliance permit. No public hearing shall be required. In issuing a zoning compliance permit, the zoning administrator may impose reasonable conditions and requirements consistent with the Township's ordinances. If the application is denied, the zoning administrator shall state in writing the reasons for denial.
 - B. *Home Occupations with an Accessory Building.* Home occupations with an Accessory Building shall be approved by the Zoning Administrator by the issuance of a Zoning Compliance Permit upon a finding that all of the following conditions, including the requirements of Section 201.430 A are met. Following the issuance of a Zoning Compliance Permit, the permit may be revoked if any of the conditions giving rise to the permit are violated.
 1. The applicants proposed use of the property shall conform to the definition of a Home Occupation under this Zoning Ordinance.
 2. An accessory building may be used in conjunction with a home occupation provided (a) it is located on the same lot area as the principal dwelling on which the operator of such home occupation resides or is located upon a lot which is owned by the owner of the home occupation and is contiguous (a lot shall be considered contiguous even if separated by a road) to the lot area upon which the principal dwelling exists, and (b) the use of the accessory building shall be clearly incidental and subordinate to the use of the lot area and/or the lot upon which the accessory building is located for residential purposes by its occupants.
 3. The minimum lot area required for the location and operation for any home occupation accessory building shall comply with the lot area requirements of the zoning district in which the home occupation is located.
 4. Except for normal maintenance, no change shall be made to the outside appearance of the dwelling unit, accessory building or lot area for their use in conjunction with a home occupation and there shall be no other visible evidence of the conduct of such home occupation on the lot area. Further one non-illuminated sign shall be permitted on the lot area provided such sign does not exceed four (4) square feet in area, shall not be located in the road right of way, is not in excess of four (4) feet in height and otherwise

complies with Section 201.403, Signs and Billboards, if more restrictive than these provisions.

5. Only one accessory building meeting the requirements of Chapter 2, Definitions, Section 201.202 (Accessory Buildings), and Chapter 4, General and Special Regulations, Section 201.402, Accessory Buildings, may be used in connection with a home occupation.
6. No parking or storage of any vehicles, equipment, or materials utilized only in connection with a home occupation shall be parked or stored outside of the dwelling or the accessory building used in connection with the home occupation.
7. Any other provisions of the Vergennes Township Ordinance pertaining to accessory buildings shall apply to the extent they are more restrictive than these provisions.
8. A person shall apply for a zoning compliance permit on a form provided by the Township and the applicant shall pay the required application fee and any other charges imposed by the Township. If requested by the zoning administrator, the applicant shall provide additional information showing the location of buildings, parking areas or any other features of the property related to such application. Once the application is complete, the zoning administrator shall issue the zoning compliance permit or decline to issue the zoning compliance permit. No public hearing shall be required. In issuing a zoning compliance permit, the zoning administrator may impose reasonable conditions and requirements consistent with the Township's ordinances. If the application is denied, the zoning administrator shall state in writing the reasons for denial.

C. *Existing Home Occupations as of the Effective Date of this Ordinance.*

1. Those businesses or activities which were in lawful existence prior to the earlier date of February 1, 2003 and which constitute home occupations as defined by this Ordinance. shall be allowed to continue as a non-conforming use. However, such non-conforming uses shall not be expanded, altered, added to, or occupy more land area, unless a Zoning Compliance Permit is obtained pursuant to Section 201.430 A and B for such changes.

(Amended: Ord. No. 98-2, § 2, 3-30-98; Ord. No. 2000-3, 7-17-00; Ord. No. 2002-14, 10-21-02)

201.431 Home based businesses.

4.31.

- A. Home based businesses shall be approved by the Zoning Administrator by the issuance of a Zoning Compliance Permit upon a finding that all of the following conditions are met. Following the issuance of a Zoning Compliance Permit, the permit

may be revoked if any of the conditions giving rise to the permit are violated.

1. The applicant's proposed use of the property shall conform to the definition of a home based business under this Zoning Ordinance.
2. The applicant shall provide adequate surveys and legal descriptions or other materials by which the Zoning Administrator may determine the land area which will be encompassed by the home based business and which is referred to as the "home based business area." The home based business area must include a residential dwelling unit and the use of the home based business area must clearly be an incidental and secondary use of the home based business area as a residential use and the home based business must be conducted primarily in locations off the home based business area. The home based business area may include the lot area containing the dwelling unit and adjacent and contiguous property to such lot area owned by the applicant. For purposes of this subpart, property may be contiguous even though separated by a road.
3. No person, other than the resident occupants and one employee or independent contractor who need not be a resident, shall be working on the home based business area as a part of the operation of the home based business, except for home based businesses operated on a home based business area greater than one and one-quarter ($1\frac{1}{4}$) acres in area, up to three (3) employees or independent contractors, who need not be residents, may be engaged in the home based business on the home based business area. This does not preclude the use of additional employees who may be employed by the home based business who work in other locations off the home based business area. A resident occupant of the home based business area from which the home based business is operated shall not be considered an employee or independent contractor of the home based business for purposes of this subpart.
4. The use of the dwelling unit, for purposes related to the home based business, shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home based business shall be operated in its entirety on the home based business area except when operating the business activity at other offsite locations. The area of the dwelling unit dedicated to the operation of the home based business shall not exceed a floor area more than forty nine (49) percent of the total gross living area above grade of the dwelling unit. An accessory building meeting the requirements of the district in which it is located may be used in conjunction with the operation of a home based business.
5. Except for normal maintenance, no changes shall be made to the outside appearance of the dwelling unit, accessory building, or home based business area and there shall be no other visible

evidence of the conduct of such home based business on the home based business area other than that permitted by this section. Further, one non-illuminated sign shall be permitted provided such sign does not exceed four (4) square feet in area, shall not be located in the road right of way, is not in excess of four (4) feet in height and otherwise complies with Section 201.403, Signs and Billboards, if more restrictive than these provisions.

6. A home based business shall not have a material negative impact upon the public health, safety or welfare of Vergennes Township or areas immediately surrounding the home based business area, upon which the home based business exists including but not limited to, overuse of streets and roads, reduction in property values, change to the character of the area, blight, excessive noise, odors, or electrical interference. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any electronic device off the home based business area, or causes fluctuation in line voltage off the premises.
7. Parking or storage of vehicles or other equipment related to the home based business shall not be permitted in any required yard setback of the underlying zoning district. The permitted parking or storage area shall be screened from adjoining lots and adjacent streets by fencing, landscaping or screening generally consistent with the Industrial District zoning requirements of Vergennes Township. Any outside parking or storage of vehicles or items used in connection with the home based business shall occupy no more than the lesser of five (5) percent of the home based business area upon which a home based business is allowed to operate or six thousand five hundred (6,500) square feet of the home based business area upon which the home based business is allowed to operate.
8. No merchandise or articles for sale shall be displayed for advertising purposes so as to be visible from outside the main dwelling. Except for one sign as permitted pursuant to Section 4.30 (A) (3) no other device or display visible from any vantage point off the property shall be used to advertise the home occupation.
9. Hours of operation shall be reasonable and customary for the type of home based business approved and in the zoning district in which the home based business exists.
10. A person shall apply for a zoning compliance permit on a form provided by the Township and the applicant shall pay the required application fee and any other charges imposed by the Township. If requested by the zoning administrator, the applicant shall provide additional information showing the location of buildings, parking areas or any other features of the property related to such application. Once the application is complete, the zoning

administrator shall issue the zoning compliance permit or decline to issue the zoning compliance permit. No public hearing shall be required. In issuing a zoning compliance permit, the zoning administrator may impose reasonable conditions and requirements consistent with the Township's ordinances. If the application is denied, the zoning administrator shall state in writing the reasons for denial.

- B. *Existing Home-Based Business at the time of Adoption of this Ordinance:*
1. Those businesses or activities which were in lawful existence prior to the earlier date of February 1, 2003 and which constitute home based businesses as defined by this Ordinance, shall be allowed to continue as a non-conforming use. However, such non-conforming uses shall not be expanded, altered, added to, or occupy more land area, unless a Zoning Compliance Permit is obtained from the Zoning Administrator.

(Amended: Ord. No. 98-2, § 8, 3-30-98; Ord. No. 2002-14, 10-21-02)

Section 3. Amend Chapter 3, Rural Agriculture District, Section 201.304 (C) (10) by removing the Rental Storage section as a special exception use and adding it to Section 201.304 (B) (16) for a permitted use. The entire text of the Rental Storage section will be moved and added to Chapter 4 General and Special Regulations, as Section 201.431A, and will read as follows:

201.431A Rental Storage.

4.31A.

- A. Any building existing on the earlier date of February 1, 2003 may be used for rental storage (which use is otherwise not permitted) upon the Zoning Administrator finding that the Applicant has applied for and met the following requirements to obtain a Zoning Compliance Permit. Following the issuance of a Zoning Compliance Permit, the permit may be revoked if any of the conditions giving rise to the permit are violated.
1. The buildings utilized for storage shall be located upon not less than forty (40) acres of contiguous land which is referred to as the "rental storage area" and which is owned by the Applicant or the Applicant's parents, brothers or sisters. For purposes of this subpart, land shall be considered contiguous even if separated by a road right-of-way and regardless of differences in the tax identification numbers(s) assigned to the property. However, if the rental storage area approved for rental storage is sold, split, or otherwise changed in its dimensions, then the zoning compliance permit may be revoked. The applicant shall provide adequate maps and legal descriptions to determine the land area which will serve as the rental storage area.
 2. A dwelling shall be located upon the property upon which the storage facilities are located and the use of the storage facilities

shall be clearly incidental and subordinate to the use of the property for residential purposes by its occupants.

3. Except for normal maintenance, no changes shall be made to the outside appearance of any building or any part of the rental storage area and there shall be no other visible evidence of the conduct of such rental storage business upon the rental storage area.
4. No merchandise, equipment, or articles shall be available for sale on the rental storage area as part of the operation of the rental storage.
5. Other than de minimis amounts, no flammable, caustic, or other hazardous materials shall be permitted to be stored as part of the rental storage.
6. Other than items or vehicles owned by the owners of the rental storage area, no vehicles, equipment, or materials shall be stored on the rental storage area outside of the buildings used for rental storage.
7. A person shall apply for a zoning compliance permit on a form provided by the Township and the applicant shall pay the required application fee and any other charges imposed by the Township. If requested by the zoning administrator, the applicant shall provide additional information showing the location of buildings, parking areas or any other features of the property related to such application. Once the application is complete, the zoning administrator shall issue the zoning compliance permit or decline to issue the zoning compliance permit. No public hearing shall be required. In issuing a zoning compliance permit, the zoning administrator may impose reasonable conditions and requirements consistent with the Township's ordinances. If the application is denied, the zoning administrator shall state in writing the reasons for denial.

Section 4. Coordinating Amendments. The above ordinance amendments are listed in various permitted and special exception use areas and are listed below for their respective changes:

Chapter 3, Zoning Districts:

Section 201.304 (B) (16)

Rental Storage; subject to the requirements of Section 201.431A.

Section 201.304 (C) (10)

(Removed) (entire text of Rental Storage section)

Section 201.305 (B) (8)

Any use permitted in the R-A District except Rental Storage.

Section 201.306 (B) (1)

Any use permitted in the R-1 District, EXCLUDING, HOWEVER, those non-residential uses and Rental Storage permitted in the R-A District

Section 201.304 (C) (9)
(Removed)

Section 201.304 (B) (6)
Home Occupations and Home Based Businesses as defined in this Ordinance.

Section 201.305 (B) (2)
Home Occupations and Home Based Businesses as defined in this Ordinance.

Section 201.305 (C) (5)
(Removed).

Section.201.306 (C) (3)
(Removed).

Section 201.306A (C) (5)
(Removed).

Section 201.3075 (B) (3)
Home Occupations and Home Based Businesses as defined in this Ordinance.

Section 5. 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 5. 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 7. Effective Date. This Ordinance shall become effective seven (7) days after its publication in a newspaper of general circulation in the Township, unless, within such period of time, a notice of intent to file a referendum is filed and, if so, then this ordinance shall take effect as provided by MCLA 125.282.

VERGENNES TOWNSHIP

Adopted: March 10, 2003

Mari Stone, Clerk

Date Published: March 19, 2003