

**VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN**  
**ZONING ORDINANCE AMENDMENT**  
**Ordinance 2003-4**  
**Adopted October 20, 2003**

**Lawn and Garden Center Ordinance for New Use in the RA District**

**An ordinance to amend portions of Chapter 2 Definitions and Chapter 3 Zoning Districts.**

**The Township of Vergennes hereby ordains:**

**Section 1.** Amend Chapter 2, Section 201.202 Definitions, of the Township Zoning Ordinance, to add the following defined terms inserted in appropriate alphabetical order:

*Lawn and Garden Center:* A retail sale and service establishment with retail sales of nursery stock and accessory supplies, fresh produce, landscaping supplies, lawn furniture, playground equipment, topsoil, mulching materials, garden tractors, utility vehicles, lawn mowers and similar powered lawn and garden equipment and other similar supplies and equipment used for lawn and garden purposes and retail repair and service for garden and lawn equipment.

*Utility Vehicle.* A lawn or garden use off road drivable vehicle with a cargo box similar to a golf cart such as a "Gater" or "Mule" brand designed to carry loads and pull small garden or lawn equipment. This definition does not include ATV's (All Terrain Vehicle), motorcycles, snowmobiles or other recreational vehicles.

**Section 2.** Amend Chapter 3, Section 201.304 (C) (9) RA Rural Agriculture District of the Township Zoning Ordinance, to read in part as follows:

**201.304 "R-A" Rural-Agricultural District.**

3.04.

C. *Special Exception Uses*

9. Lawn and Garden Center subject to section 201.502 and additionally the following standards:
  - A. The minimum lot size for the business shall be three acres and 300 feet of lot width. Buildings shall be setback a minimum of 75 feet from the road right of way, 25 feet from side lot lines and 50 feet from a rear lot line.
  - B. Outdoor display of product for sale shall be setback a minimum of 20 feet from any road right of way. Sales display area for used equipment shall be limited to a maximum of 15% of the total display sales area. All display sales areas must be maintained in a neat manner such as grass mowed or gravel, concrete or pavement in good repair.
  - C. Outdoor storage of loose material such as bark or soils

must be contained to keep dust and materials from blowing onto adjacent properties.

- D. Parking areas shall comply with section 201.417 except 201.417 (A) and additionally the customer vehicle parking area shall be set back a minimum of 25 feet from any road right of way.
- E. The applicant shall submit a landscape plan identifying the location and size of both existing vegetation to be retained and proposed new vegetation to screen the business from any adjacent residential uses.
- F. Exterior lighting shall be designed and constructed in such a manner to:
  - 1. Insure that direct or indirectly reflected light is confined to the development site.
  - 2. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way. The light source shall not be directly visible from beyond the boundary of the site and light rays may not be emitted by the installed fixture at angles above the horizontal plane of the fixture.
  - 3. The light from any illuminated source shall be designed so that the light intensity or brightness will not be objectionable to surrounding areas.
  - 4. Light sources shall be low-pressure sodium or similar fixtures, which emit light that may be filtered for astronomical viewing.
  - 5. No elevated exterior light fixture, including, but not limited to, light poles, canopy lights, soffit lights and similar fixtures, shall exceed fourteen (14) feet in height.
  - 6. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and searchlights are not permitted.
  - 7. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- G. Proposed signs shall meet the standards of Section 201.403 and sign type shall meet 201.403 (D) (3) (a) (1-3).

**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.** 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 5. 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.

#### Certification

I, Mari C. Stone, Township Clerk of the Township of Vergennes, hereby certify that the above is a true copy of Ordinance 2003-4 which was adopted at a regular meeting of the Vergennes Township Board on October 20, 2003, 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 October 29, 2003.

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Mari C. Stone  
Vergennes Township Clerk