

## VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN ZONING ORDINANCE AMENDMENT

Adopted Date February 16, 2004  
Ordinance No. 2004-1

### Floor Area Square Footage Amendments

An ordinance to amend certain portions of Chapter 2, Definitions; and Chapter 3, Zoning Districts of the Vergennes Township Zoning Ordinance.

### The Township of Vergennes hereby ordains:

**Section 1.** Amend Chapter 2 of the Township Zoning Ordinance, to add the following defined term to Section 2.02 in alphabetical order:

**Ground Floor:** That floor of a dwelling whose elevation is nearer to grade than other floors of the dwelling and is not a basement and no part of which is a basement. For a split-level dwelling, the ground floor shall be that floor whose elevation is nearer to grade than other floors of the dwelling and is not a basement and no part of which is a basement; plus any upper or lower extension of such floor accessed by an internal stairway and located at an elevation that is not more than five (5) feet above or three (3) feet below the grade of the site.

**Section 2.** Amend Chapter 3, Section 3.06 of the Township Zoning Ordinance, to read as follows:

201.306 "R-2" Medium Density Single-Family Residential District.

3.06.

- A. *Statement of Purpose.* This district classification is designed to permit an environment of predominately medium density single-family dwellings together with a minimum of facilities designed to serve the inhabitants of the area.
- B. *Permitted Uses.*
  - 1. Any use permitted in the R-1 District, EXCLUDING, HOWEVER, those non-residential uses and Rental Storage permitted in the R-A District.
  - 2. Essential services (See Section 4.11 [201.411]).
- C. *Special Exception Uses.*
  - 1. Private two (2) family dwellings.
  - 2. Medical clinics and doctors' and dentists' offices for the treatment of human beings and licensed day care facilities, provided that

they are constructed in appearance as a residence.

3. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.
  4. Wireless communication facilities subject to Section 201.432.
  5. Planned Unit Development (PUD) subject to Section 201.429.
  6. Open Space Preservation Development, subject to Section 4.35.
- D. *Height.* No residential or other building except amateur radio antennas (see Section 201.602) shall exceed the lesser of thirty-five (35) feet or two and one-half (2<sup>1</sup>/<sub>2</sub>) stories.
- E. *Lot area; Single Family Dwellings.* The minimum lot area for use in this District shall be seventeen thousand (17,000) square feet with a minimum lot width of one hundred (100) feet.
- Two (2) Family Dwellings.* The minimum lot area for a two (2) family dwelling in the District shall be twenty-five thousand (25,000) square feet, with a minimum lot width of one hundred (100) feet.
- 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 thirty (30) feet from the rear line of the lot to the building, structure or enlargement.
- G. *Floor Area Requirements.* All single family and two (2) family dwelling units 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 Inspector of the Township or by the applicant for a building permit.

**Section 3.** Amend Chapter 3, Section 3.06A of the Township Zoning Ordinance, to read as follows:

201.306A "R-3" Special Residential.

3.06A.

- A. *Statement of Purpose.* This district classification is designed to permit the greatest density of residential uses appropriate to the Township, together with other residentially related facilities designed to service the inhabitants of the area.
- B. *Permitted Uses.*
  - 1. Any use permitted in the R-2 District.
  - 2. Private two (2) family dwellings
  - 3. Manufactured Home Developments subject to section 201.416.
- C. *Special Exception Uses.*
  - 1. Medical clinics and doctors' and dentists' offices, nursing and convalescent homes for the treatment and care of human beings, and licensed day care facilities, provided they are constructed in appearance as a residence.
  - 2. Multiple family dwellings.
  - 3. Hotels, motels, lodging houses, and other transient-type residential buildings.
  - 4. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.
  - 5. (Removed).
  - 6. Wireless communication facilities subject to Section 201.432.
  - 7. Planned Unit Development (PUD) subject to Section 201.429.
  - 8. Open Space Preservation Development, subject to Section 4.35.
- D. *Height.* No residential or other buildings shall exceed the lesser of thirty-five (35) feet or two and one-half (2 1/2) stories.
- E. *Lot Area.*
  - 1. Single Family Dwellings. The minimum lot area for use in this District shall be seventeen thousand (17,000) square feet for a single family dwelling, within a minimum lot width of one hundred (100) feet.
  - 2. Two (2) Family Dwellings. The minimum lot area for a two (2)

family dwelling in the District shall be twenty-five thousand (25,000) square feet, with a minimum lot width of one hundred (100) feet.

3. Special Exception Residential Uses. For special exception residential developments located outside of an Open Space Preservation Development approved pursuant to Section 4.35, the following limitations shall apply:
  - a) Special exception use permits for multiple family dwellings shall be limited to three dwelling units per acre in the absence of public sewer and water.
  - b) Notwithstanding the availability of public water and sewer, a special exception use permit will not be issued for a multiple family dwelling containing more than six dwelling units per acre.
  - c) The minimum lot width for a multiple family dwelling of three units is one hundred fifty (150) feet and, in the event the multiple family dwelling unit contains more than three units, the minimum lot width shall be specified by the special use permit as granted by the Township Board.
  - d) No more than six (6) dwelling units shall be permitted in any multiple family building.
5. Special Exception Non-Residential Uses. Lot areas and minimum width for non-residential special uses shall be specified by the special use permit as granted by the Township Board.
- F. *Setback and Sideline Spacing.* Setback and sideline spacing requirements for this District shall be the same as for the R-2 District.
- G. *Floor Area Requirements.* Floor area requirements for single and two (2) family dwellings shall be the same as for the R-2 District.

All multiple family dwelling units hereafter constructed shall provide not less than the following minimum square feet of living space:

Efficiency and one (1) bedroom: 750 square feet

Two (2) bedrooms: 870 square feet

Three (3) bedrooms: 990 square feet

In excess of three (3) bedrooms: 120 additional square feet per bedroom

**Section 4.** Amend Chapter 3, Section 3.11, Bulk Table, of the Township Zoning Ordinance, to read as follows:

VERGENNES TOWNSHIP  
 ZONING ORDINANCE

1	2	3	4	5	6	7	8	9
District	Uses	Bulk Regulations <sup>(1)</sup>						
	For Permitted and Special Exception Uses, See Chapter 3	Minimum Lot Area	Minimum Lot Width (in feet)	Front Setback* (in feet)	Minimum Side Yard (in feet)	Minimum Rear Yard (in feet)	Maximum Building Height	Required Floor Area
R-A	Rural Agricultural See also Section 3.04 B & C	3 acres	300	35 min.	25 (35 for corner lots)	50	The lesser of 2 1/2 stories or 35 feet	See R-2 District
R-1	Low Density Residential See also Section 3.05 B & C	1 acre	165	35 min.	10 (35 for corner lots)	50	Same as R-A	See R-2 District
R-2	Medium Density Single Family Residential See also Section 3.06 B & C	17,000 Sq Ft: 1 family, 25,000 Sq Ft: 2 family See also Section 3.06 E	100	35 min.	Same as R-1	30	Same as R-A	1,150 Sq Ft 750 Sq Ft on ground floor
R-3	Special Residential See also Section 3.06A A, B & C	17,000 Sq Ft: 1 family, 25,000 Sq Ft: 2 family See also 3.06A "E"	100	35 min.	Same as R-1	30	Same as R-A	See R-2 District Multiple family: Efficiency, 1 bed: 750 2 beds: 870 3 beds: 990 120 per additional bed
R-L	Lake Residential See also Section 3.075	10,000 Sq. Ft. See also Section 3.075-E	50	35 min.	Same as R-1	30 See also Section 3.075-D-3	Same as R-A	See R-2 District
FR	Same as Underlying District	Same as for underlying districts, buildings and drain fields, etc., shall be set back 100 feet from ordinary high watermark or 25 feet from established 100 year floodplain line. Bluff lots shall have an additional 50 foot setback from the edge of bluff. A 25 foot natural vegetation strip shall be maintained. See also Section 3.07, F, 1, 2, 3, for additional requirements.						
C	Residential Commercial See also Section 3.08 B & C	Same as R-2	Same as R-2	Same as R-2 75 (See also Section 3.08 E 2)	Same as R-2	Same as R-2	Same as R-2	See R-2 District
I	Industrial	2 acres	200	75	30 See also 201.309 D.3a	50 See also 201.309 D.3a	Same as C	No minimum, but if over 28,000 Sq. Ft. See 201.309 C
CAUTION		THIS BULK TABLE IS INCLUDED AS PART OF THE VERGENNES TOWNSHIP ZONING ORDINANCE AS A QUICK REFERENCE TABLE. FOR ADDITIONAL REGULATIONS, REQUIREMENTS AND RESTRICTIONS APPLICABLE IN THE VARIOUS ZONING DISTRICTS, CONSULT THE FULL TEXT OF THE ORDINANCE.						

(1) For Open Space Preservation Developments, see Section 4.34 for permitted adjustments to the standards of this Bulk Table.  
 \*The Front Setback shall be measured from the edge of the road right of way line.



**Section 5. 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 6. 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.

I, Mari Stone, Clerk of the Township of Vergennes, hereby certify that the foregoing Ordinance was adopted at a regular session of the Vergennes Township Board, convened in the Township of Vergennes on February 16, 2004, and published in the Lowell Ledger on March 3, 2004.

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Mari Stone, Clerk