

Vergennes Township
Kent County

Ordinance # 2011-
Adopted _____

AN ORDINANCE TO AMEND CHAPTER 4, GENERAL AND SPECIAL REGULATIONS, AMEND CHAPTER 3, ZONING DISTRICTS, AND AMEND CHAPTER 2, DEFINITIONS, OF THE VERGENNES TOWNSHIP ZONING ORDINANCE.

VERGENNES TOWNSHIP HEREBY ORDAINS:

Section 1. Amend Section 201.415 to delete the existing language and add a reference to a new section of 201.441 as shown below:

201.415 Mobile homes.

C. *Accessory Dwelling.* [Reference section 201.441 Accessory Dwellings.](#)

Section 2. Amend Section 201.202 Definitions to add the following term as shown below:

[Accessory Dwelling: A dwelling unit consisting of either a stick built house, mobile home, converted out-building or other habitable space/structure used in conjunction with the main dwelling for the housing of non-paying visitors, guests or family, separate from the primary dwelling containing separate kitchen, sleeping and bathroom facilities, and not exceed the size of the main floor of the primary dwelling unit.](#)

Deleted: The Township Board may grant a Special Exception Use Permit authorizing the location not to exceed one (1) mobile home upon any tract of land not less than three (3) acres in area where the mobile home is provided with running water and adequate sewage facilities and where the mobile home is incident or accessory to a permanent dwelling on the lot or parcel and so located as to be screened from adjoining dwellings and public rights-of-way, and provided further that an accessory mobile home shall not be authorized for rental, commercial or business purposes. The application for such Special Exception Use Permit shall be made in accordance with Section 5.02 [201.502] of this Ordinance.

Section 3. Add a new Section 201.441 Accessory Dwelling as shown below:

201.441 Accessory Dwellings

4.41

A. Accessory dwelling units (ADU), as defined in section 201.202, are allowed with a special exception use permit and subject to the following provisions:

1. The design of the ADU shall be compatible with the height, mass, and general design of local buildings and not detract from the general character in the immediate vicinity of the site.
2. A maximum of one ADU is permitted per lot or parcel and must accompany a primary residence.
3. ADU's shall be allowed in the R-A district and any other residential district on a parcel of at least 2 acres. ← --- Formatted: Bullets and Numbering
4. Setbacks for the underlying zoning district shall apply to ADU's but it may not be located in front of the primary residence. ← --- Formatted: Bullets and Numbering
5. Height of ADU shall not exceed the height of the primary dwelling. ← --- Formatted: Bullets and Numbering
6. Minimum square footage of an ADU shall be 400 square feet. ← --- Formatted: Bullets and Numbering
7. Maximum square footage of an ADU shall not exceed the size of the main floor of the primary dwelling on the lot. ← --- Formatted: Bullets and Numbering
8. Owners of the property may occupy as a primary residence either the principal or the accessory dwelling but must live on the parcel. For purposes of this section, the "owner" shall mean one who holds legal or beneficial title. ← --- Formatted: Bullets and Numbering
9. Regulations and permits for water and septic/sewer must be approved by the Kent County Health Department. ← --- Formatted: Bullets and Numbering
10. A building permit must be approved and all codes met before a certificate of occupancy is issued. ← --- Formatted: Bullets and Numbering
11. No ADU shall be separated by ownership from the principal dwelling unit unless sufficient land area and frontage is met for the underlying zoning district and the regular dwelling square footage size of the ADU is met or exceeded. ← --- Formatted: Bullets and Numbering
12. Mobile homes must also meet the applicable standards of section 201.415. ← --- Formatted: Bullets and Numbering

- 13. In addition to parking required for the principal dwelling, sufficient additional parking spaces shall be provided for the accessory residence. ← --- Formatted: Bullets and Numbering
- 14. The ADU shall not be rented or used for commercial or business purposes. ← --- Formatted: Bullets and Numbering
- 15. All ADU Permits for second dwelling units shall be recorded with the Kent County Register of Deeds, prior to issuance of any building permit. The purpose of recording the Special Exception Use Permit (SEUP) is to ensure that future property owners are made aware of the conditions and standards under which the second unit was approved and potential revocation for non-compliance with the conditions. The property owner is responsible for recording the SEUP. ← --- Formatted: Bullets and Numbering
- 16. The application for such special exception use permit shall be made in accordance with section 201.502 of this ordinance. ← --- Formatted: Bullets and Numbering

Section 4. Amend Section 201.405 with a reference to the new section 201.441 as shown below:

201.405 Basement and garage living prohibited.

4.05. No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings.

Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary (attached) to a residence already being occupied upon the premises and unless it also complies with all the provisions of this Ordinance relating to the buildings for residential purposes but may be permitted under the accessory dwelling ordinance, section 201.441.

Section 5. Amend each applicable zoning district special exception use permit sections to add the *Accessory Dwelling* use as shown below:

- R-A District Section 201.304 (C) (19) Accessory Dwelling subject to section 201.441.
- R-1 District Section 201.305 (C) (10) Accessory Dwelling subject to section 201.441.
- R-2 District Section 201.306 (C) (10) Accessory Dwelling subject to section 201.441.
- R-3 District Section 201.306A (C) (10) Accessory Dwelling subject to section 201.441.
- F-R District Section 201.307 (C) (2) Accessory Dwelling subject to section 201.441.
- R-L District Section 201.307 (C) (5) Accessory Dwelling subject to section 201.441.

Section 6. 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 7. 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 8. 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: _____

By: _____
Timothy Wittenbach, Supervisor

Dated: _____

By: _____
Mari Stone, Clerk

Date Published: _____