

Vergennes Township  
Kent County

Ordinance # \_\_\_\_\_  
Adopted \_\_\_\_\_

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

**VERGENNES TOWNSHIP HEREBY ORDAINS:**

**Section 1. Add the following definitions to Section 2.02:**

*Commercial recreation establishment:* Any establishment whose main purpose is to provide the general public with a sport or recreational activity and where tickets are sold or fees are collected for the activity, including without limitation, skating rinks, miniature golf, driving ranges, arcades, bowling alleys, billiard halls, go-cart tracks, exercise and health clubs, tennis clubs, rural recreation facilities and similar uses.

*Country club:* A private club catering primarily to its membership, providing recreational, entertainment and social activities, which customarily includes golf, swimming, a clubhouse, riding, etc; but which does not include sleeping facilities.

*Golf course:* A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a clubhouse, shelters, driving ranges, incidental retail sales, repair of equipment used at the facility, and small-scale restaurant and banquet facilities as accessory uses, but shall not include miniature golf or other similar commercial enterprises.

*Improved park:* A noncommercial, not-for-profit facility designed to serve the recreation needs of the community, designed primarily as an outdoor, open space and for passive or active use. An improved park typically includes some ancillary constructed or installed facilities, such as playground equipment, modern restrooms or picnic shelters, but does not include a commercial recreation establishment or rural recreation facility.

*Rural recreation facility:* A place designed and equipped for the conduct of sports and leisure-time activities in an outdoor setting, including polo fields, archery clubs, outdoor sports fields, golf courses, country clubs and similar uses.

*Unimproved park:* A non-commercial, not-for-profit facility designed to serve the recreation needs of the community, designed as an outdoor, open space and for passive use, such as interpretive programs and trail systems that take advantage of geological, biological or scenic resources located within the park.

**Section 2. Add new Sections 3.04, B, 17. and 18, pertaining to permitted uses in the R-A District, as follows:**

17. Improved park, when direct access is provided from a public, paved road.
18. Unimproved park.

**Section 3. Revise Section 3.04, C, 6, pertaining to special exception uses in the R-A District, as follows:**

6. ~~Privately owned recreational facilities such as golf courses and sports clubs.~~ Rural recreation facility, subject to the following standards:
  - a. The use shall have direct access to a public, paved road.
  - b. No clubhouse or similar building shall be located within 150 feet of any road right-of-way line, and within 400 feet of any side or rear lot line.
  - c. Any clubhouse or similar building shall not exceed 5,000 square feet of floor area and must be designed consistent with structures on neighboring properties.
  - d. Any clubhouse or similar building may include light refreshments, restroom facilities or offices; but shall not include indoor sports facilities.
  - e. Outdoor lighting shall be the minimum required for safe use of the facility and be directed away from neighboring properties and public rights-of-way. Limitations on lighting may be imposed by the Planning Commission.
  - f. The Planning Commission may limit the hours of operation of the facility to protect the character of surrounding uses.
  - g. Facilities must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and other trajectories and trespassing onto neighboring properties. The Planning Commission may require fencing and other measures to prevent trespassing into neighboring properties.
  - h. The applicant shall demonstrate that large increases in the number of patrons and/or spectators shall not occur except upon approval of an amended special exception use application. All parking facilities shall be located on the property and shall not be allowed to spill over into any right-of-way or road.
  - i. Violation of these standards shall be cause for revocation of the special exception permit.
  - j. A traffic study may be required by the Planning Commission.
  - k. To approve the use, the Planning Commission must find that it would support the Township's goal of rural character preservation; and not create congestion or unsafe conditions for users of the development or the general public.

**Section 4. Delete Section 3.05, B, 4, pertaining to permitted uses in the R-1 District, and add two new sections; and renumber the entire section accordingly:**

- ~~4. Golf courses, parks, and other municipally owned or operated public recreational facilities.~~
10. Improved park, when direct access is provided from a public, paved road.
11. Unimproved park.

**Section 5. Add a new Section 3.05, C, 9, as follows, pertaining to special exception uses in the R-1 District:**

9. Rural recreation facility, subject to the following standards:
  - a. The use shall have direct access to a public, paved road.
  - b. No clubhouse or similar building shall be located within 100 feet of any property line.
  - c. Any clubhouse or similar building shall not exceed 5,000 square feet of floor area and must be designed consistent with structures on neighboring properties.
  - d. Any clubhouse or similar building may include light refreshments, restroom facilities or offices; but shall not include indoor sports facilities.
  - e. Outdoor lighting shall be the minimum required for safe use of the facility and be directed away from neighboring properties and public rights-of-way. Limitations on lighting may be imposed by the Planning Commission.
  - f. The Planning Commission may limit the hours of operation of the facility to protect the character of surrounding uses.
  - g. Facilities must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and other trajectories and trespassing onto neighboring properties. The Planning Commission may require fencing and other measures to prevent trespassing into neighboring properties.
  - h. The applicant shall demonstrate that large increases in the number of patrons and/or spectators shall not occur except upon approval of an amended special exception use application. All parking facilities shall be located on the property and shall not be allowed to spill over into any right-of-way or road.
  - i. Violation of these standards shall be cause for revocation of the special exception permit.
  - j. A traffic study may be required by the Planning Commission.
  - k. To approve the use, the Planning Commission must find that it would support the Township's goal of rural character preservation; and not create congestion or unsafe conditions for users of the development or the general public.

**Section 6. Add a new Section 3.06, C, 6, as follows, pertaining to special exception uses in the R-2 District:**

6. Rural recreation facility, subject to the following standards:
  - a. The use shall have direct access to a public, paved road.
  - b. No clubhouse or similar building shall be located within 100 feet of any property line.
  - c. Any clubhouse or similar building shall not exceed 5,000 square feet of floor area and must be designed consistent with structures on neighboring properties.
  - d. Any clubhouse or similar building may include light refreshments, restroom facilities or offices; but shall not include indoor sports facilities.
  - e. Outdoor lighting shall be the minimum required for safe use of the facility and be directed away from neighboring properties and public rights-of-way. Limitations on lighting may be imposed by the Planning Commission.
  - f. The Planning Commission may limit the hours of operation of the facility to protect the character of surrounding uses.
  - g. Facilities must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and other trajectories and trespassing onto neighboring properties. The Planning Commission may require fencing and other measures to prevent trespassing into neighboring properties.
  - h. The applicant shall demonstrate that large increases in the number of patrons and/or spectators shall not occur except upon approval of an amended special exception use application. All parking facilities shall be located on the property and shall not be allowed to spill over into any right-of-way or road.
  - i. Violation of these standards shall be cause for revocation of the special exception permit.
  - j. A traffic study may be required by the Planning Commission.
  - k. To approve the use, the Planning Commission must find that it would support the Township's goal of rural character preservation; and not create congestion or unsafe conditions for users of the development or the general public.

**Section 7. Revise Section 3.06A, C, 4, pertaining to special exception uses in the R-3 District, as follows:**

4. ~~Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.~~ Rural recreation facility, subject to the following standards:
  - a. The use shall have direct access to a public, paved road.
  - b. No clubhouse or similar building shall be located within 100 feet of any property line.

- c. Any clubhouse or similar building shall not exceed 5,000 square feet of floor area and must be designed consistent with structures on neighboring properties.
- d. Any clubhouse or similar building may include light refreshments, restroom facilities or offices; but shall not include indoor sports facilities.
- e. Outdoor lighting shall be the minimum required for safe use of the facility and be directed away from neighboring properties and public rights-of-way. Limitations on lighting may be imposed by the Planning Commission.
- f. The Planning Commission may limit the hours of operation of the facility to protect the character of surrounding uses.
- g. Facilities must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and other trajectories and trespassing onto neighboring properties. The Planning Commission may require fencing and other measures to prevent trespassing into neighboring properties.
- h. The applicant shall demonstrate that large increases in the number of patrons and/or spectators shall not occur except upon approval of an amended special exception use application. All parking facilities shall be located on the property and shall not be allowed to spill over into any right-of-way or road.
- i. Violation of these standards shall be cause for revocation of the special exception permit.
- j. A traffic study may be required by the Planning Commission.
- k. To approve the use, the Planning Commission must find that it would support the Township's goal of rural character preservation; and not create congestion or unsafe conditions for users of the development or the general public.

**Section 8. Add new Sections 3.07, B, 4. and 5, pertaining to permitted uses in the FR District, as follows:**

- 4. Improved park, when direct access is provided from a public, paved road.
- 5. Unimproved park.

**Section 9. Add new Sections 3.075, B, 4. and 5, pertaining to permitted uses in the R-L District, as follows:**

- 4. Improved park, when direct access is provided from a public, paved road.
- 5. Unimproved park.

**Section 10. Add new Sections 3.08, B, 11. and 12, pertaining to permitted uses in the C District, as follows:**

11. Improved park, when direct access is provided from a public, paved road.
12. Unimproved park.

**Section 11. Replace Section 3.08, C, 16, pertaining to special exception uses in the C District, as follows:**

16. ~~Indoor commercial recreation facilities.~~ Commercial recreation establishments, subject to the following standards:
  - a. Facilities that include outdoor activity (i.e., paintball, miniature golf) must employ effective physical barriers and isolation distances to ensure that on-site activities shall not be perceptible beyond the lot line, as determined by the Planning Commission.
  - b. A traffic study may be required by the Planning Commission.
  - c. The use shall have direct access to a public, paved road.

**Section 12. Add new Sections 3.09, B, 3. and 4, pertaining to permitted uses in the I District, as follows:**

3. Improved park, when direct access is provided from a public, paved road.
4. Unimproved park.

**Section 13. Edit Section 4.17, F, 6 and add a new Section 4.17, F, 7; and renumber the entire section accordingly.**

6. ~~Bowling alleys: three (3) parking spaces for each alley.~~ Commercial recreation establishments – bowling alleys: three (3) parking spaces for each alley; skating rinks, miniature golf, arcades, billiard halls, go-cart tracks, exercise and health clubs, and similar uses: seven (7) parking spaces for each one thousand (1,000) square feet of floor area; and tennis clubs: four (4) parking spaces for each court. Provided, the Planning Commission may require additional parking spaces, or may limit the number of parking spaces and/or patrons, for a proposed commercial recreation establishment where it finds that in doing so the rural character of an area would be preserved and the public health, safety and welfare would be protected.
7. Rural recreation facilities – golf courses and country clubs: nine (9) parking spaces for each hole; polo fields, archery clubs and similar uses: one (1) parking space per each member; outdoor sports fields: one (1) parking space per each five (5) seats, or per each five (5) anticipated patrons. Provided, the Planning Commission may require additional parking spaces, or may limit the number of parking spaces and/or patrons, for a proposed rural recreation facility where it finds that in doing so the rural character of an area would be preserved and the public health, safety and welfare would be protected.

**Section 14. 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 15. 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 16. 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: \_\_\_\_\_