

**Vergennes Township  
Kent County**

Ordinance #2017-2  
Adopted Date: May 15, 2017

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

**VERGENNES TOWNSHIP HEREBY ORDAINS:**

**Section 1. Amend Section 201.402 Accessory buildings, construction timing and location limitation as shown below:**

**201.402 Accessory buildings, construction timing and location limitation.**

4.02.

- A. Except as provided in Section 3.04, C, 10, in Section 3075 B 8, in Sections 4.02, B. and 4.02, C, below, and in this paragraph, no accessory building or use shall be used or engaged in prior to the establishment of the principal building or use upon the premises except as a construction facility for the principal building or buildings upon the premises. An accessory building may not be constructed prior to the principal building unless a surety bond, cash deposit or bank letter of credit of an amount approved and accessible by the Township Board is posted prior to the issuance of a building permit and kept in place until the dwelling is built and a certificate of occupancy issued. An applicant shall present to the Board a timeline graph of the proposed construction of the accessory building and the future dwelling and submit a signed statement of the proposed use of the building. The maximum number of years between construction of the accessory building and the dwelling may be set by the Township Board. Accessory buildings, other than minor accessory buildings, shall be subject to the same setback requirements as the principal building and shall be a minimum of ten (10) feet from any other building.

Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage materials, semi-trailer, vehicle or similar item shall be utilized as an accessory building or storage structure, provided, however, that such requirement shall not be applicable to tool sheds, or similar temporary storage structures utilized pursuant to the construction of a building as long as the period of construction does not exceed one year.

**Section 2. Amend Section 201.3075 R-L Lake Residential District as shown below:**

**201.3075 "R-L" Lake Residential District.**

3.075.

- A. *Statement of Purpose and Description.* This district classification is intended to (1) encourage the proper development of land abutting lakes and waterways, (2) avoid pollution and (3) preserve lakes and waterways for the best use of the land, and includes those properties in Section 4 on Lally Street, Causeway Drive or Murray Lake Avenue with frontage on Murray Lake.
- B. *Permitted Uses.* Only the following uses are permitted:
1. Single-family dwellings including earth-bermed dwellings.
  2. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.
  3. Home Occupations and Home Based Businesses as defined in this Ordinance.
  4. Improved park, when direct access is provided from a public paved road.
  5. Unimproved park.
  6. Cemeteries.
  7. Licensed family child care home (1-6 children in a private home).
  8. On a waterfront lot without a dwelling, one building for lake related storage purposes is permitted with a maximum of 200 square feet of floor area, not exceeding 12 feet in height, located a minimum of 30 feet from the high water mark, 5 feet from a side lot line and 35 feet from a street right of way. An application for a zoning permit is required before construction.
- C. *Special Exception Uses.*
1. Planned Unit Development (PUD) subject to Section 201.429.
  2. Marina, subject to Section 201.438 (*Marinas*) and Section 201.440 (*Key Street Segments*)
  3. Neighborhood Local Business, subject to Section 201.439 (*Neighborhood Local Business*), and Section 201.440 (*Key Street Segments*). All developed portions of a Neighborhood Local Business shall have primary access upon a Key Street Segment, being either Alden Nash Avenue or Lally Road. If the property gains access from Alden Nash, no developed portion of the site shall be more than 300 feet to the east of the front setback. If the property gains access from Lally, no developed portion of the site may be more than fifty (50) feet to the south of the front setback.
  4. Licensed group child care home (7-12 children in a private home)
    - a. Application shall meet section 125.3206 of the Michigan Zoning Enabling Act 110 of 2006 and the Child Care

Licensing Act 116 of 1973 and the State Construction Code Act 230 of 1972, as amended.

- b. The Township shall be provided with a copy of the state license and each re-issued license. The day care facility shall not operate without a state license.
  - c. The exterior of the private home must have residential characteristics consistent with the neighborhood.
  - d. All parking must be off street and adequate size for the number of patrons dropping off and picking up children and employee parking. Parking is also subject to the provisions of section 201.417.
5. Accessory Dwelling subject to section 201.441.
- D. *Height.* No residential building shall exceed thirty-five (35) feet or two and one-half ( $2\frac{1}{2}$ ) stories, whichever is lesser. No accessory building shall exceed a height of sixteen (16) feet.
- E. *Set Back and Side Line Spacing.* No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following set back and side line spacing requirement are met in connection with the lot or parcel on which such building, structure or enlargement is located except as provided for in section (B) (8) above:
- 1. *Set Back.* There shall be a set back 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 building, structure or enlargement to the rear line of lot or not less than thirty (30) feet from a waterfront property line, or the highwater of a body of water, whichever is greater.

**Section 3. 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 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 eight (8) days after its publication in a newspaper of general circulation in the Township.

VERGENNES TOWNSHIP

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Timothy Wittenbach, Supervisor

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Heather Hoffman, Clerk

Date Published: \_\_\_\_\_

Certification

I, Heather Hoffman, Township Clerk of the Township of Vergennes, hereby certify that Ordinance 2017-2 was adopted at a regular meeting of the Vergennes Township Board on May 15, 2017, 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 May 24, 2017.

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Heather Hoffman  
Vergennes Township Clerk