

VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN

ORDINANCE # 2020-02
ADOPTED DATE 07/20/2020

AN ORDINANCE TO AMEND THE VERGENNES TOWNSHIP ZONING ORDINANCE; TO AMEND CHAPTER 4 SECTION 201.415 "B" RELATED TO TEMPORARY RESIDENCES; TO AMEND CHAPTER 3 SECTION 201.306 "C" RELATED TO BED AND BREAKFASTS IN THE R-2 DISTRICT; TO AMEND CHAPTER 3 SECTION 201.306A "C" RELATED TO BED AND BREAKFASTS IN THE R-3 DISTRICT; AND TO AMEND CHAPTER 3 SECTION 201.306A "C" RELATED TO HOTELS AND MOTELS.

VERGENNES TOWNSHIP, KENT COUNTY, MICHIGAN, ORDAINS:

Section 1. Amendment of Chapter 4, Section 201.415.

Chapter 4, Section 201.415 subsection "B" of the Vergennes Township Zoning Ordinance is amended to read in its entirety as follows:

- B. Temporary Residence. The Zoning Administrator may grant a Zoning Compliance Permit or Temporary Residence Permit authorizing the occupancy of a mobile home, existing dwelling unit, or recreational vehicle as a temporary residence for a period not to exceed one year during construction or reconstruction of a permanent dwelling or new dwelling unit for occupancy by the applicant on the lot or parcel on which the mobile home, recreational vehicle, or existing home is proposed to be temporarily located. If further review is deemed beneficial, the Zoning Administrator may refer the application for review by the Planning Commission. The following requirements shall apply in addition to the other provisions of this Ordinance:
1. The applicant shall demonstrate his ability and intent to erect a permanent dwelling unit on the premises within the one (1) year period of the permit.
 2. The wastewater system shall be regularly maintained in accordance with an approved sewage disposal system, or shall be directly connected to a sanitary sewer or drainage field on the site.
 3. The applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.

In considering authorization for approval of a mobile home, existing dwelling unit, or recreational vehicle as a temporary dwelling, the Zoning Administrator shall consider the following standards:

1. Whether or not the temporary residence creates an unreasonable detrimental effect upon adjacent properties;

2. Whether or not the temporary residence is reasonably necessary for the convenience and safety of the construction proposed;
3. Whether or not the temporary residence has a negative affect upon the nature of the surrounding neighborhood;
4. Whether or not access to the site of the temporary residence is located at the least offensive point.

Upon expiration of the one (1) year period of a Zoning Compliance Permit or Temporary Residence Permit granted hereunder, the Zoning Administrator may renew the permit for one (1) additional period of one (1) year upon sufficient showing that the house construction could not be completed within one (1) year but has substantially progressed during the period. The Zoning Administrator may require a Performance Bond, in an amount satisfactory to it, which shall guarantee removal of the mobile home, recreational vehicle, or existing dwelling from the premises on expiration of the Zoning Compliance Permit or Temporary Residence Permit.

Section 2. Amendment of Chapter 3, Section 201.306.

Chapter 3, Section 201.306 subsection C of the Vergennes Township Zoning Ordinance is amended to add a new subsection "11", which reads in its entirety as follows:

11. Bed and Breakfast, subject to the following:
 - a. The use is not incompatible with other allowed uses in the vicinity.
 - b. The impact of the establishment is no greater than that of a private home with houseguests.
 - c. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - d. A bed and breakfast shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
 - e. Signs shall be in accordance with Section 4.03, D, (1) (b).
 - f. Two (2) off-street parking spaces shall be provided for the use of the owner/occupant and one (1) off-street space per rental sleeping room. Parking shall be located within two hundred (200) feet of the building.
 - g. The parcel or parcels on which the use is located shall be owned and operated by a single proprietor.
 - h. The establishment shall have at least two (2) exits to the outdoors.
 - i. The Bed and Breakfast shall not alter the residential character of the building or structure.
 - j. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
 - k. Special Exception Use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed

substantially.

- l. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1"=8' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.
- m. The permit holder shall secure and maintain all required state and local permits. Any food preparation areas shall be licensed and approved by the Health Department, as applicable.
- n. No conference/meeting room facilities will be permitted.
- o. The Bed and Breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings, and children.
- p. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

Section 3. Amendment of Chapter 3, Section 201.306A.

Chapter 3, Section 201.306A subsection C of the Vergennes Township Zoning Ordinance is amended to add a new subsection "11", which reads in its entirety as follows:

11. Bed and Breakfast, subject to the following:
 - a. The use is not incompatible with other allowed uses in the vicinity.
 - b. The impact of the establishment is no greater than that of a private home with houseguests.
 - c. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - d. A bed and breakfast shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
 - e. Signs shall be in accordance with Section 4.03, D, (1)(b).
 - f. Two (2) off-street parking spaces shall be provided for the use of the owner/occupant and one (1) off-street space per rental sleeping room. Parking shall be located within two hundred (200) feet of the building.
 - g. The parcel or parcels on which the use is located shall be owned and operated by a single proprietor.
 - h. The establishment shall have at least two (2) exits to the outdoors.
 - i. The Bed and Breakfast shall not alter the residential character of the building or structure.
 - j. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
 - k. Special Exception Use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.

- l. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1"=8' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.
- m. The permit holder shall secure and maintain all required state and local permits. Any food preparation areas shall be licensed and approved by the Health Department, as applicable.
- n. No conference/meeting room facilities will be permitted.
- o. The Bed and Breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings, and children.
- p. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

Section 4. Amendment of Chapter 3, Section 201.306A.

Chapter 3, Section 201.306A subsection (C)(4) of the Vergennes Township Zoning Ordinance is amended to read in its entirety as follows:

- 4. Hotels and motels

Section 5. Conflicts.

- A. If any provision of the Vergennes Township Ordinance conflicts with this amendment to the Zoning Ordinance, the terms of this amendment shall prevail.
- B. To the extent any provision of this ordinance may be preempted by state or federal law, then any such provision shall be enforced up to the fullest extent of any state or federal law before such preemption would occur.

Section 6. Miscellaneous, Severability.

- A. 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.
- B. Those terms and phrases used in this Section 201.432 which are also similarly used in MCL 125.3514, as amended, shall have the same meaning as set forth in MCL 125.3514.

Section 7. Effective Date. This Ordinance shall become effective seven (7) days after its publication, of a summary thereof, in a newspaper of general circulation in the Township.

ROLL CALL VOTE:

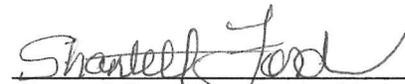
YES: 5

NO: 0

Declared adopted on: July 20, 2020



Timothy Wittenbach, Township Supervisor



Shantell Ford, Township Clerk