

TOWNSHIP OF VERGENNES
COUNTY OF KENT, MICHIGAN
ORDINANCE NUMBER _____

At a regular meeting of the Vergennes Township Board of Trustees held at the Vergennes Township Hall on _____, 2021, 7:00 p.m., the following Ordinance to amend the Vergennes Township Zoning Ordinance was offered for adoption by Board Member _____ and was seconded by Board Member _____:

AN ORDINANCE TO AMEND THE VERGENNES TOWNSHIP ZONING ORDINANCE; TO AMEND CHAPTER 3 TO ADD A NEW ZONING DISTRICT TITLED "R-F FALLASBURG SINGLE-FAMILY RESIDENTIAL DISTRICT"; AND TO AMEND THE VERGENNES TOWNSHIP ZONING MAP

THE TOWNSHIP OF VERGENNES, COUNTY OF KENT, STATE OF MICHIGAN, ORDAINS:

Section 1. Amendment of Chapter 3. Chapter 3 of the Vergennes Township Zoning Ordinance is amended to include a new Section 201.206(C), which reads in its entirety as follows:

201.306C "R-F" Fallasburg Single-Family Residential District.

3.06C.

- 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 Fallasburg area. The R-F District will preserve the heritage of historic Fallasburg and create lot sizes that better reflect the historic nature of the area.
- B. Permitted Uses.
 - 1. Essential services (See Section 4.11).
 - 2. Private single-family dwellings including earth-bermed dwellings.
 - 3. Home Occupations and Home Based Businesses as defined in this Ordinance.
 - 4. Accessory buildings and uses customarily incidental to any of the permitted uses when located on the same lot or parcel of land.
 - 5. Cemeteries.

6. Amateur radio antennas conforming to the terms of this Ordinance.
7. Improved park, when direct access is provided from a public, paved road.
8. Unimproved park.
9. Licensed family child care home (1-6 children in a private home).

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 child care center, provided that they are constructed in appearance as a residence. Off street parking shall be subject to section 201.417.
3. 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.
4. Farming and agricultural operations, including raising livestock and horses, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.
5. Planned Unit Development (PUD) subject to Section 201.429. PC delete?
6. Open Space Preservation Development, subject to Section 4.35. PC delete?
7. Rural recreation facility, subject to the following standards: PC delete?
 - 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.
- 8. Schools, libraries, community buildings and other municipal structures and uses.
 - 9. Churches and parish houses.
 - 10. Accessory Dwelling subject to section 201.441.
- 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 1/2) stories.
- E. *Lot area; Single Family Dwellings.* The minimum lot area for use in this District shall be one acre 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 one acre, 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 Administrator of the Township or by the applicant for a building permit.

Section 2. Amendment of Zoning Map. The Official Zoning Map of Vergennes Township, which is a part of the Vergennes Township Zoning Ordinance, is amended such that the following parcels are rezoned to and included within the R-F Fallasburg Single-Family Residential District, as shown on the attached Exhibit A:

14061 COVERED BRIDGE RD NE	LOWELL	MI 49331
14045 COVERED BRIDGE RD NE	LOWELL	MI 49331
13835 COVERED BRIDGE RD NE	LOWELL	MI 49331
13871 COVERED BRIDGE RD NE	LOWELL	MI 49331
13989 COVERED BRIDGE RD NE	LOWELL	MI 49331
13959 COVERED BRIDGE RD NE	LOWELL	MI 49331
13850 COVERED BRIDGE RD NE	LOWELL	MI 49331
13810 COVERED BRIDGE RD NE	LOWELL	MI 49331
14135 COVERED BRIDGE RD NE	LOWELL	MI 49331
14041 COVERED BRIDGE RD NE	LOWELL	MI 49331
14011 COVERED BRIDGE RD NE	LOWELL	MI 49331
846 MONTCALM AVE NE	LOWELL	MI 49331
13879 COVERED BRIDGE RD NE	LOWELL	MI 49331
850 MONTCALM AVE NE	LOWELL	MI 49331

13894 COVERED BRIDGE RD NE	LOWELL	MI 49331
13837 COVERED BRIDGE RD NE	LOWELL	MI 49331
844 MONTCALM AVE NE	LOWELL	MI 49331
13856 COVERED BRIDGE RD NE	LOWELL	MI 49331
13848 COVERED BRIDGE RD NE	LOWELL	MI 49331
13885 COVERED BRIDGE RD NE	LOWELL	MI 49331
13893 COVERED BRIDGE RD NE	LOWELL	MI 49331
13970 COVERED BRIDGE RD NE	LOWELL	MI 49331
13944 COVERED BRIDGE RD NE	LOWELL	MI 49331
13907 COVERED BRIDGE RD NE	LOWELL	MI 49331
13889 COVERED BRIDGE RD NE	LOWELL	MI 49331
13836 COVERED BRIDGE RD NE	LOWELL	MI 49331
13838 COVERED BRIDGE RD NE	LOWELL	MI 49331
13852 COVERED BRIDGE RD NE	LOWELL	MI 49331
853 MONTCALM AVE NE	LOWELL	MI 49331
852 MONTCALM AVE NE	LOWELL	MI 49331
14050 COVERED BRIDGE RD NE	LOWELL	MI 49331
13923 COVERED BRIDGE RD NE	LOWELL	MI 49331
14165 COVERED BRIDGE RD NE	LOWELL	MI 49331

Section 3. 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 4. Miscellaneous, 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 seven (7) days after its publication, of a summary thereof, in a newspaper of general circulation in the Township.

The vote to adopt/approve the above Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSTAIN/ABSENT: _____

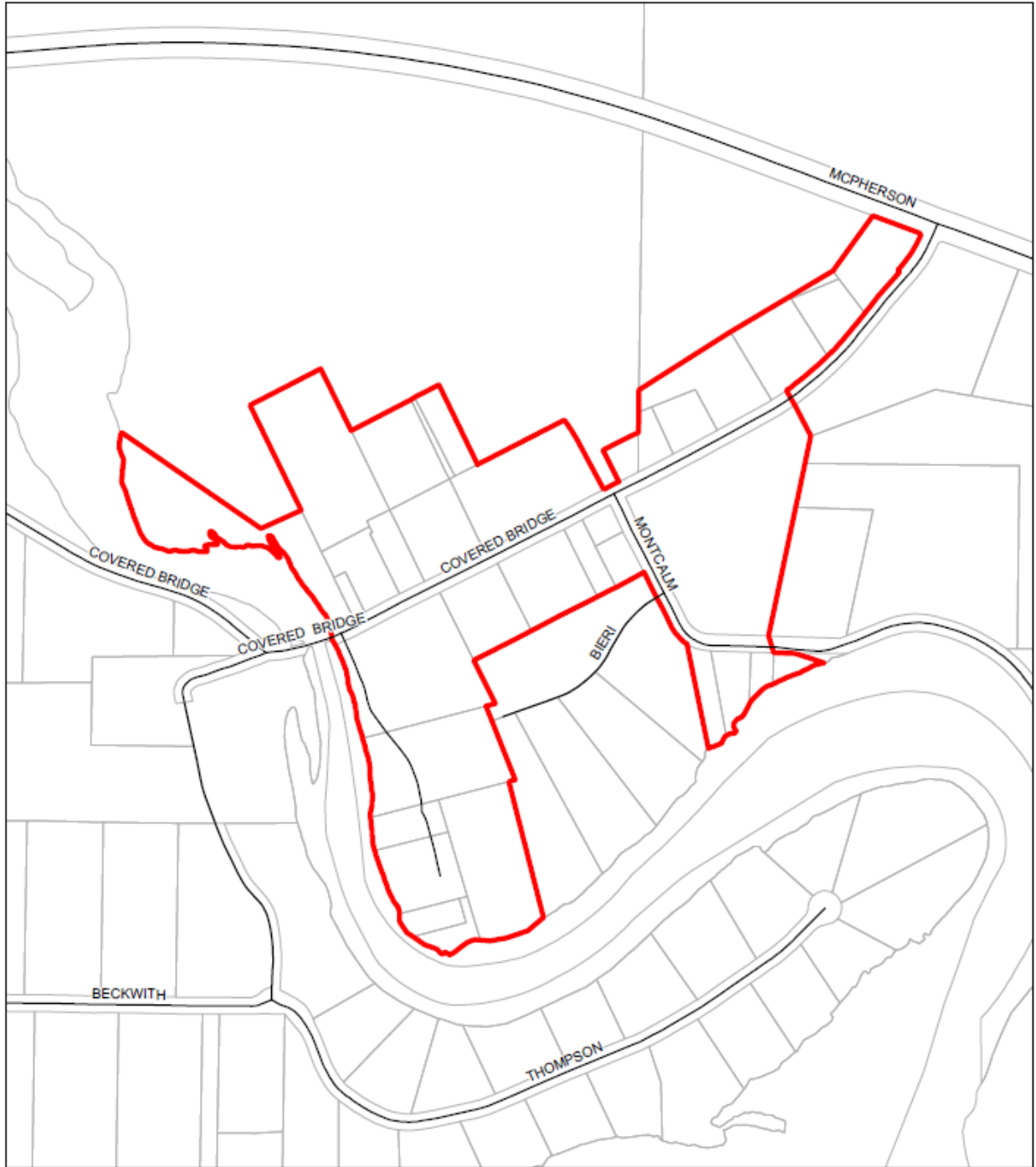
ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Shantell Ford, Clerk for the Township of Vergennes, hereby certify that the above amended Ordinance was adopted at a regular meeting of the Vergennes Township board on _____, 2021 and a summary was published in the Lowell Ledger, a newspaper of general circulation in the Township, on _____ (**date published**), was entered into the Ordinance Book of the Township on _____ (**date published**) and was effective on _____ (**30 days after publish date**).

Respectfully submitted by

Shantell Ford
Township of Vergennes Clerk



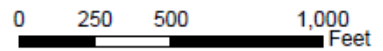
Parcel Data Source: Kent County

Vergennes Township

Kent County, Michigan

Proposed Fallsburg Overlay Zoning District

1 inch = 500 feet



williams&works
engineers | surveyors | planners