

HOPKINS TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE HOPKINS TOWNSHIP ZONING ORDINANCE - Ordinance No. 01-2019

Adopted: 9-9-19

Effective: \_\_\_\_\_

AN ORDINANCE TO AMEND SECTIONS 157.085-157.090, REGULATIONS FOR THE R-1 RURAL ESTATES DISTRICT, OF THE HOPKINS TOWNSHIP ZONING ORDINANCE IN ITS ENTIRETY.

**HOPKINS TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:**

At a regular meeting of the Township Board for the Township of Hopkins, Allegan County, Michigan, held at the Township Hall on 9-9-19, the following amendment to the Hopkins Township Zoning Ordinance was offered for adoption by Township Board Member Warmhoff and seconded by Township Board Member Morris.

Yeas: Warmhoff, Madreska, Morris,  
Alberda, Evans.

Nays: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

Motion

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Passed

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Failed

**ARTICLE I.** Amend Sections 157.085-157.090, Regulations For The R-1 Rural Estates District, Of The Hopkins Township Zoning Ordinance In Its Entirety To Read As Follows:

**R-1 RURAL ESTATE DISTRICT**

**§ 157.085 DESCRIPTION OF INTENT AND PURPOSE.**

This zoning district is intended for large rural residential estates and farming by allowing a predetermined number of lots to reduce the loss of agricultural land.

(Prior Code, Ch. XV, § 6.01) (Ord. 1977-1, passed 10-10-1977)

**§ 157.086 USE REGULATIONS.**

(A) Land, buildings or structures in this zoning district may be used for the following purposes only:

(1) Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms. Temporary housing for migratory workers is prohibited;

(2) Greenhouses, nurseries, orchards, vineyards or blueberry farms;

(3) Single-family dwellings;

(4) Type A home occupations by Zoning Administrator approval, as defined in § 157.053 of this chapter;

(5) Roadside stands; and

(6) Publicly-owned athletic grounds, parks and cemeteries.

(B) Special uses by permit and in accordance with the provisions of §§ 157.345 through 157.350 of this chapter:

- (1) Type B home occupations;
- (2) Removal and processing of top soil, sand, gravel or other such minerals;
- (3) Kennels;
- (4) Mobile homes as temporary use; and
- (5) Child or adult daycare for seven to 12 non-related individuals.

(Prior Code, Ch. XV, § 6.02) (Ord. 1977-1, passed 10-10-1977; Ord. 1992-3, passed - -1992; Ord. 2001-1, passed 7-17-2001; Ord. 2-2014, passed 8-11-2014)

#### § 157.087 HEIGHT REGULATIONS.

No residential building or structure shall exceed 35 feet in height. All other buildings and structures shall not exceed their usual and customary heights.

(Prior Code, Ch. XV, § 6.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

#### § 157.088 LOT AREA REGULATIONS.

(A) *Front yard.* There shall be a front yard of not less than 50 feet from road right-of-way, except as provided in § 157.046 of this chapter.

(B) *Side yard.* For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that, no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 50 feet each.

(C) *Rear yard.* There shall be a rear yard of not less than 50 feet.

(D) *Lot area.*

1. Lots for all uses in this district shall be either:

- a. Minimum ten (10) acres with minimum width of 330 feet
- b. Minimum 1.25 acres, maximum 2 acres, with the following conditions:
  - i. Have at least 220 feet of frontage on the same public road serving the parcel from which the new lot was created
  - ii. Have a width-to-depth ratio of not more than 1:4
  - iii. Be in compliance with the applicable provisions of the Michigan Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended
  - iv. Not result in the parcel from which the new lot is being created (i.e., the parent parcel) from falling below ten (10) acres in size and/or having less than 330 feet of frontage of the public road from which the new lot was created.

2. Exceptions.



- a.* Parcels which are larger than two (2) acres but less than four (4) acres shall be approved if substantial evidence is found by the Zoning Administrator and the Assessor indicating the following conditions:
  - i.* The increased parcel size serves to accomplish one or both of the following purposes:
    - 1.* To encompass existing farmstead and related accessory buildings and meet required setbacks.
    - 2.* To follow natural topography and/or barriers that would make farming impracticable upon the remainder parcel.
  - ii.* All other provisions of section 157.088(D)1.b are met.
- b.* Parcels which are larger than four (4) acres may be permitted as a Special Use subject to all other provisions of (D)1.b above and Sections 157.345 through 157.350 of this chapter.

(Prior Code, Ch. XV, § 6.04) (Ord. 1977-1, passed 10-10-1977; Ord. 1992-2, passed - -1992; Ord. 2001-1, passed 7-17-2001) Penalty, see § 157.999

#### **§ 157.089 MINIMUM FLOOR AREA.**

Each dwelling unit, unless specified elsewhere, shall have a minimum of 900 square feet of usable floor area on the main or ground floor.

(Prior Code, Ch. XV, § 6.05) (Ord. 1977-1, passed 10-10-1977; Ord. 2001-1, passed 7-17-2001; Ord. 2012-1, passed 11-5-2012)

#### **§157.090. DIVISION OF PARCELS IN THE R-1 RURAL ESTATES DISTRICT.**

- (A) The total number of new lots created shall not exceed in whole number, that derived by dividing the total parcel acreage prior to the division (i.e., the parent parcel) by 10 acres. (For example, if the parent parcel is 24.6 acres, divided by 10 equals 2.46, thus two parcels could be created from a 24.6 acre parcel if all the other requirements of this section are met.)
- (B) Each application for the creation of lots under this section shall be processed as follows:
  - 1. The Zoning Administrator and Assessor shall jointly review each application.
  - 2. All applications meeting all the standards of this section as jointly agreed by the Zoning Administrator and Assessor shall be approved. All applications which fail to meet the standards of this section in the opinion of both the Zoning Administrator and Assessor shall be denied. All applications that do not meet one or more of the standards in this section in the opinion of either the Zoning Administrator or the Assessor, but not both, shall be referred to the Planning Commission, whose decision shall be final.
  - 3. In reviewing each application to create lots under this section, the Zoning Administrator and Assessor shall ensure:
    - a.* Newly created lots do not consist of the best quality agricultural soils on the parent parcel unless, due to practical problems of access, there are no other locations available;
    - b.* The size and shape of each new lot is adequate for permitted principal and accessory buildings;
    - c.* The erections of a dwelling and permitted accessory structures on each new proposed lot would not have a negative effect on existing or foreseeable agricultural operations on the

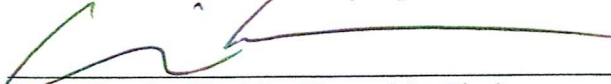
- remainder of the parent parcel or on adjoining parcels (see especially § 157.042 of this chapter);
- d. The erection of a dwelling and permitted accessory structures on each new proposed lot would not have a negative effect on adjoining properties or the surrounding neighborhood;
  - e. The proposed new lots are located in a manner which permits governmental agencies to efficiently provide necessary public services for the present and foreseeable future;
  - f. All the standards of this section are met by so documenting on forms accompanying each application.
4. The Township shall apply the following procedures in administering this section.
- a. Concurrent with the adoption of this section, an official map indicating existing lots and land ownership shall be established.
  - b. An allotment of lots possible under this section shall be made for each parcel in the district.
  - c. As allotments are used up by approval of lots under this section, the official map shall be updated to reflect these changes.
  - d. The official map shall be maintained by the Township Clerk and copies made available for inspection by the public.

#### **ARTICLE II. SEVERABILITY:**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

#### **ARTICLE III. REPEAL AND EFFECTIVE DATE:**

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

 \_\_\_\_\_ Date: 9-9-19  
Eric Alberda, Hopkins Township Clerk

Publication date: \_\_\_\_\_

Effective date: \_\_\_\_\_