HOPKINS TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE HOPKINS TOWNSHIP ZONING ORDINANCE - Ordinance No. 02-2019

AMENDMENT TO THE HOPKINS TOWNSHIP ZONING ORDINANCE - Ordinance No.
Adopted: $9-9-19$
Effective:
AN ORDINANCE TO AMEND SECTIONS 157.065-157.070, REGULATIONS FOR THE AGAGRICULTURAL ZONING 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 was offered for adoption by Township Board Member was less was a seconded by Township Board Member was hoff, was less was a seconded by Township Board Member was hoff, was less was less was a seconded by Township Board Member was less was
Nays:,,
Motion Passed Failed
ARTICLE I. Amend Sections 157.065-157.070, Regulations For The AG Agricultural Zoning District, Of The

ARTICLE I. Amend Sections 157.065-157.070, Regulations For The AG Agricultural Zoning District, Of The Hopkins Township Zoning Ordinance In Its Entirety To Read As Follows:

AG AGRICULTURAL DISTRICT

№ § 157.065 DESCRIPTION AND PURPOSE.

This zoning district is intended for large tracts of land used for farming, animal husbandry, dairying, horticultural or other agricultural activities, and to allow a predetermined number of lots to reduce the loss of agricultural land. (moved from Section 157.070)

(Prior Code, Ch. XV, § 5.01) (Ord. 1977-1, passed 10-10-1977)

№ § 157.066 USE REGULATIONS.

- (A) Land, buildings and structures in this zoning district may be used for the following purposes only:
- (1) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers; provided, such housing and its sanitary facilities are in conformance with all requirements of the County Health Department and/or any other federal, state or local regulating agency having jurisdiction;
 - (2) Greenhouses, nurseries, orchards, vineyards, apiaries, chick hatcheries, blueberry and poultry farms;
 - (3) Riding stables, where horses are boarded and/or rented;

- (4) Single-family dwellings, one per lot;
- (5) Kennels;
- (6) Roadside stands;
- (7) Publicly-owned athletic grounds, parks and cemeteries; and
- (8) Type A home occupations.
- (B) Special uses by permit and in accordance with the provisions of §§ 157.345 through 157.350 of this chapter:
 - (1) Removal and processing of topsoil, sand, gravel or other such minerals;
 - (2) Type B home occupations;
 - (3) Veterinary clinics;
- (4) Commercial storage and retail sale of seed, feed, fertilizer and other products essential to agricultural production;
 - (5) Blacksmith shops;
 - (6) General repair of farm vehicles, machinery and equipment;
 - (7) Facilities used in the research and testing of farm products and techniques;
- (8) Farm amusement businesses such as petting farms or hay rides if done in conjunction with a special event such as Halloween which may general a large amount of traffic and other similar businesses if conducted as an accessory use to the farm;
- (9) Agricultural/rural enterprises when conducted such as a supplemental business to an immediately adjacent farm. Such businesses shall have a rural or "country" architectural style or theme and may sell farm products produced on-site, as well as other farm-related products from off of the site. Products from off-site shall consist of not more than 25% of the total product inventory. Such businesses may operate on a year-around basis and are not considered seasonal farm market stands; and
 - (10) Licensed adult or child daycare for seven to 12 unrelated individuals.
 - (C) Mobile homes as a temporary use when authorized by the Planning Commission:
- (1) The Planning Commission may authorize the Zoning Inspector to issue a temporary use permit for a mobile home for a period of one year in the Agricultural District zoning classification; provided, the following conditions are found to exist:
 - (a) The mobile home is connected to an approved water well and septic tank system;
 - (b) All yard and setback requirements of the Agricultural Zone are met;
 - (c) The mobile home has at least 650 square feet of usable floor area; and
 - (d) At least one of the following conditions are also found to exist:

- 1. The mobile home is to be occupied by a member of the immediate family or an employee whose income is derived from the farm where the mobile home is to be located, as long as there are no more than two mobile homes per farm; and
- 2. The mobile home is to be used by a disabled, infirm or otherwise dependent member of the property owner's family.
- (2) In considering the authorization of the temporary use permit for a mobile home, the Township Planning Commission shall consider the following standards in addition to those provided for elsewhere in this chapter for the issuance of special use permits:
- (a) The locations of the proposed mobile home in respect to whether it would interfere or substantially hinder any existing or potential future farming operations or activity within the immediate area;
- (b) The present and future ability of the Township, county and school district to provide adequate vehicular access, schools, public safety and other necessary public services;
 - (c) The effect of the mobile home on the surrounding neighborhood and adjacent properties;
 - (d) The nature of the surrounding neighborhood;
- (e) Mobile homes permitted as temporary uses pursuant to this section shall be installed according to the manufacturer's setup instructions, and the minimum requirements for installation promulgated by the State Mobile Home Commission. All such dwellings shall be secured to the premises by an anchoring system or device compatible with those required by the State Mobile Home Commission for mobile homes. A mobile home allowed as a temporary use shall not be required to comply with § 157.221 of this chapter, except that the underside or chassis and towing mechanism of said home shall be completely enclosed by skirting constructed and installed according to the minimum standards promulgated by the State Mobile Home Commission; and
- (f) The Zoning Inspector may renew the temporary use permit for a mobile home for two additional oneyear periods upon determining at the expiration of each period that the same factors considered by the Planning Commission in granting the initial temporary use permit still exist.

§ 157.067 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, § 5.03) (Ord. 1977-1, passed 10-10-1977) Penalty, see § 157.999

§ 157.068 AREA REGULATIONS.

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard, lot area and building coverage requirements.

(A) Front yard. There shall be a front yard of not less than 50 feet as measured from the road right of way for parcels that are a minimum of 1.25 acres and a maximum of two acres except as provided in § 157.046. For all other parcels there shall be a front yard of not less than 50 feet or nor more than 100 feet from the road right of way, unless the proposed location of a dwelling that is more than 100 feet from the road right away is positioned on a parcel to meet the following conditions:

- (1) The dwelling location will protect existing tillable farm land as determined by the Zoning Administrator.
- (2) All new driveways shall be located and constructed along property lines and or existing natural features such as drainage ditches and wood lines in order to protect tillable farm land.

(B) Side yard.

- (1) 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.
 - (2) 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 38 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 38 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 not greater 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 157.068(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)2.a above and Sections 157.345 through 157.350 of this chapter.

§ 157.069 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.

- (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 20 acres. (For example, if the parent parcel is 84.6 acres, divided by 20 equals 4.23, thus four parcels could be created from an 84.6 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.

As Recommended by the Hopkins Twp. Planning Commission on 5/28/2019

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

Effective date: