

**VILLAGE OF HOPKINS
ZONING ORDINANCE
ORDINANCE NO. _____**

Prepared by:

The Hopkins Village Planning Commission

Adopted:

_____, 1998

Project No: F96428ZO

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ORDINANCE NO. _____
THE VILLAGE OF HOPKINS ZONING ORDINANCE

AN ORDINANCE to establish zoning for the Village of Hopkins, Allegan County, Michigan, pursuant to the provisions of Act 207 of the Public Acts of 1921, as amended. This ordinance is intended to meet the needs of the Village's residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure those uses of the land will be in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare. The land development regulations and districts of this ordinance are made and will be modified according to the plan adopted pursuant to Act 285 of 1931.

WHEREAS, Act 207, P.A. 1921, as amended, empowers the Village to enact a zoning ordinance and to provide for its administration, enforcement, and amendment;

WHEREAS, the Village Council of the Village of Hopkins deems it necessary for the purpose of promoting and protecting the health, safety, morals, and general welfare of the people of the Village, to enact such an ordinance;

WHEREAS, the Village Council, pursuant to the provisions of Act 285, P.A. 1931, as amended, has appointed a Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein;

WHEREAS, the Planning Commission has divided the Village into districts and has prepared regulations concerning such districts according to a basic plan; and

WHEREAS, all requirements of Act 207, P.A. 1921, as amended, regarding the preparation of this ordinance and subsequent action of the Village Council have been met;

NOW, THEREFORE, IS IT ORDAINED BY THE VILLAGE OF HOPKINS, ALLEGAN COUNTY, MICHIGAN AS FOLLOWS:

ARTICLE 1

TITLE

1.01 SHORT TITLE

This ordinance will be known as the "Hopkins Village Zoning Ordinance" and will be referred to herein as "this ordinance."

1.02 PURPOSE

This ordinance is enacted to: (1) to regulate, restrict, and distribute the use of land, buildings, and structures within the Village to meet the needs of its residents for food, fiber, energy, and other natural resources, (2) to establish the boundaries of districts for residences, recreation, industry, trade, service, location of buildings designed for specific purposes and uses of land within those districts, (3) to ensure that uses of land, buildings, and structures will be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities, (4) to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other necessary public services and facilities; to provide for and establishing setback lines and to otherwise promote the public health, safety, and welfare to the full extent authorized by Act 207 of the Public Acts of the State of Michigan of 1921, as amended, and other applicable laws.

This ordinance provides for the violation of the said ordinance; and repealing all ordinances or parts of ordinances in conflict herewith. The text, map, and schedules contained herein shall constitute this ordinance.

1.03 SCOPE AND INTERPRETATION

Except as otherwise expressly provided, this ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, or with private restrictions placed upon property by covenant, deed, or other private agreements, or with restrictive covenants running with the land to which the Village is a party. Where this ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land, the height of buildings or structures, lot coverage, lot areas, yards or other open spaces, or any other use of land than imposed or required by other existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this ordinance will supersede.

1.04 EFFECT OF ZONING

Zoning applies to every building, structure, and use within the Village. No land, building or structure or part thereof shall be built, moved, placed, reconstructed, extended, enlarged, altered, used, or occupied except in conformance with this ordinance.

1.05 LEGAL BASIS

This ordinance is enacted to protect the public health, safety, and general welfare of the residents of the Village of Hopkins pursuant to the provisions of the City or Village Zoning Act, Act No. 207 of the Public Acts of the State of Michigan of 1921, as amended.

1.06 RULES OF INTERPRETATION APPLYING TO THE TEXT

Any words not herein defined shall be construed as defined in the Housing Code of Michigan, Act 167, Public Acts of 1917 and amendments thereto.

The following rules of interpretation apply to the terminology in the text of this ordinance:

- A. The particular will control the general.

- B. The title of an article, section, or subsection of this ordinance is for convenience only and will not be considered to enlarge or restrict the terms and provisions of this ordinance in any way.
- C. The words "will" and "shall" are always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly implies the contrary, words used in the present tense will include the future tense; words used in the singular number will include the plural number; and words used in the plural number will include the singular number.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any similar entity, firm, association, joint venture, trust, or equivalent entity or a combination of any of them, as well as a natural person.
- G. The words "used" or "occupied" as applied to any land, building, or structure will be construed to include the words "intended," "arranged," or "designed to be used or occupied." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- H. Any word or term not defined herein will have the meaning customarily assigned to them.
- I. In case of any difference of meaning or implication between the text and any caption or illustration, the text will take precedence.

ARTICLE 2

TERMINOLOGY AND DEFINITIONS

2.01 DEFINITIONS

The following definitions will apply to words and phrases used in the text:

- A. **Accessory Uses and Structures:** Accessory uses and structures are subordinate to the principal building or use and are customarily accessory and clearly incidental to, and on the same parcel as the permitted principal or special uses and structures in any zoning district.

- B. **Adult foster care.**

Medium group home: A facility that is operated by staff in a ratio of one staff for each six residents in which from seven to twelve adults who are aged, mentally ill, developmentally disabled, or physically disabled are received for care and supervision 24 hours a day. The physical facility and operation of the home shall comply with all applicable federal, state, and local laws or regulations.

Large group home: A facility, which may or may not be a private home, in which 13 to 20 adults who are aged, mentally ill, developmentally disabled, or physically disabled are received for care and supervision 24 hours a day. The physical facility and operation of the facility shall comply with all applicable federal, state, and local laws or regulations.

- C. **Alteration:** Any change in size, shape, character, occupancy, or use of a building, structure, or land. Structural alterations include any change in the supporting members of a building such as bearing walls, columns, beams, or girders, except as required for safety.
- D. **Bed and Breakfast:** A use that is subordinate to the principal use of a single-family dwelling unit in which transient guests are given a sleeping room with or without board in return for payment. Also known as a rooming house, boarding house, or lodging house.
- E. **Board of Appeals:** The Zoning Board of Appeals of the Village of Hopkins.
- F. **Boarding House.** A building other than a hotel where lodging and meals for more than five persons are served for compensation. See Bed and Breakfast.
- G. **Building:** A building is a structure supported by columns, walls, or other enclosure having a roof for the shelter of persons, personal belongings, or animals. When separated by dividing walls from the ground up, each portion of such building shall be considered a separate building fully or partially enclosed with walls and roof providing protection against the elements. See structure.
- H. **Building Inspector:** The duly authorized official or designated representative of the Village of Hopkins who is responsible for the administering and enforcing of the building code.
- I. **Child Care Center:** A facility, other than a private home, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day for not less than two consecutive weeks (despite the number of hours of care per day), and where the parents and guardians are not immediately available to the children, including facilities described as day care centers, day nurseries, nursery schools, preschools, pre-kindergarten, play groups, and drop-in centers.
- J. **Child Care Institution:** A facility, other than a private home, receiving children under the age of 18 for care 24 hours a day. These facilities provide food, clothing and shelter for children who are orphaned or who by court order have been removed from their domestic home and where the parents or guardians are not available to the children.

- K. **Communications Towers:** A dedicated structure for mounting transmitter equipment and antennas that are necessary for providing the full range of wireless communications or mobile telecommunications services. Communications towers may be for personal or commercial use. Wireless communications include mobile telephones, radio, television, fire, police, 911, emergency rescue, hospital, and other similar public service organizations.
- L. **Development:** The process of changing the use of a vacant parcel through the construction of facilities, buildings or structures, or the conversion of a non-vacant parcel from one type of use to another.
- M. **Domestic pets:** Dogs, cats, or other household animals.
- N. **Drive-through or drive-in establishments:** Any place or premise which offers the sale of goods or services to customers in vehicles, including those establishments where customers may serve themselves and use the goods or services on the premises.
- O. **Dwelling or dwelling unit:** One or more habitable rooms which are occupied or intended for occupancy by one family with facilities for living, sleeping, cooking, and eating. Any building or structure thereof that is occupied, in whole or in part, as a home, residence, or sleeping place, either permanently or temporarily. This includes mobile homes, tents or recreational vehicles when not in approved parks or campgrounds, but does not include boarding houses, motels, hotels, tourist rooms, bed and breakfasts, or cabins.
- P. **Dwelling, multi-family:** A residential building containing three or more dwelling units designed and used for occupancy by three or more families, living independent of each other, with the number of families not exceeding the number of dwelling units provided.
- Q. **Dwelling, single-family:** A detached residential building designed and used for occupancy by not more than one family.
- R. **Dwelling, two-family:** A detached residential building containing two dwelling units designed and used for occupancy by not more than two families living independent of each other.
- S. **Educational services:** Accredited public, parochial, or private elementary and secondary schools, colleges, universities, professional schools, junior colleges, technical institutes, libraries, trade schools, vocational schools, and other establishments primarily engaged in offering educational courses and services, including job training and vocational rehabilitation services.
- T. **Essential services:** The term "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, gas regulator stations, and other similar equipment and accessory structures in connection herewith (but not including buildings) reasonable necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the essential service equipment.
- U. **Family:** One or more persons occupying a building and living together as a single, nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration and should be distinguished from an individual or group of persons occupying a boarding house, lodging house, or hotel.

- V. Fence: A permanent barrier enclosing or bordering a plot of land or portion thereof composed of manmade materials erected on posts, for preventing or controlling entrance or to confine within, or to mark a boundary.
- W. Floor area: The interior floor space of a building. Gross floor area (GFA) includes all floor space. Usable floor area (UFA) excludes areas not used for general occupancy such as closets, storage, mechanical, and utility areas.
- X. Foster family homes: A private home that is the bona fide permanent home of the operator who is also legal guardian in which children under the age of 18 are placed for care and supervision 24 hours a day.
- Y. Garage - private: An attached or unattached accessory building serving a residential dwelling unit designed and used for motor vehicles and storage only.
- Z. Gasoline service station: Any structure or premises arranged, designed, or used for the retail sale of convenience items including food, fuels, lubricants, air, water, and other operating commodities for motor vehicles. It may also include facilities for the automated washing or polishing of such vehicles. Gasoline service stations shall not include: (1) the customary space and facilities for the repair and installation of parts or other commodities on or in vehicles or (2) the use of space or facilities for the refinishing of motor vehicles or (3) for the dismantling for reuse or resale of motor vehicles or parts thereof or (4) for the outdoor storage or repair of motor vehicles or parts thereof.
- AA. Greenbelt: An open space area of landscaping or vegetation typically along the periphery of a parcel intended to provide a buffer or relief from overcrowding.
- AB. Height of structure: The vertical distance measured from the established grade at the center of the front of the structure to the midpoint of the roof line.
- AC. Home occupation: Any occupation or income-generating activity traditionally or customarily conducted entirely within a dwelling and/or accessory structure by its occupants which is clearly incidental and subordinate to the use of the home as a dwelling place that conforms to the provisions applicable to home occupations in this ordinance. Home occupations are carried on by the residents of the dwelling, are secondary to the use of the lot and do not change the character or visual appearance of the dwelling or its surroundings.
- AD. Hotel: A building occupied as more or less a temporary abiding place for individuals who are lodged with or without meals, in which as a rule, the rooms are occupied single for hire and in which no provision is made for cooking in any individual apartment and in which there are more than 15 sleeping rooms and a public dining room for at least 15 guests and general kitchen.
- AE. Inoperable or unregistered motor vehicles: Motor vehicles that are incapable of being operated or moved under their own power or are dismantled or wrecked. Vehicles requiring registration will be considered inoperable if unregistered.
- AF. Junk: Unused, discarded, or abandoned materials, machinery, furniture, garbage, bottles, tires or any other materials not enclosed in an approved principal or accessory structure.
- AG. Junk yard: A business operating for the purpose of acquiring, salvaging, dismantling, storing and reselling parts and scrap materials. Processing of materials may be necessary where scrap metals, reclaimed machinery or materials are bought, sold, exchanged, stored, packed, disassembled, handled, kept, abandoned, dismantled, demolished, dumped, displayed, baled, cleaned, or salvaged.
- AH. Licensed day care.

Family home: A private home (that is the bona fide permanent residence of the operator of the family day care home) in which from one to six minor children is received for care and supervision for periods of less than 24 hours a day for more than four weeks during a calendar

year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Group home: A private home (that is the bona fide permanent residence of the operator of the group day care home) in which from seven to 12 minor children are received for care and supervision for periods of less than 24 hours a day for more than four weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

- AI. Loading space, off-street: Space logically and conveniently located for merchandise or passenger pickups and deliveries, on the same lot with the use which it is to serve for the temporary parking of vehicles which are performing the said pickups and deliveries.
- AJ. Lot: A parcel, tract, or portion of land separated from other parcels or portions of land identified by description or for the purposes of taxation. A lot is occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses according to this ordinance. In the case of a site condominium subdivision, a "site condominium building site" will be considered the equivalent of a "lot" for purposes of determining compliance with the applicable requirements of the zoning ordinance and with other applicable laws, ordinances, or regulations.
- AK. Lot area: Lot area is the precise square footage or acreage of a lot and shall not include any part of a public right-of-way.
- AL. Lot, corner: Any lot having at least two contiguous sides abutting upon one or more streets, if the interior angle at the intersection of the two sides is less than 135 degrees. Any lot line along any street will be considered a front lot line.
- AM. Lot, double frontage: Any lot including a corner lot, as defined herein, with two or more sides abutting on one or more streets. Any lot line along any street will be considered front lot line.
- AN. Lot line: The lines of ownership defining the limits of a parcel or lot.
1. Front Lot Line: The lot line(s) that coincides with the street right-of-way.
 2. Rear Lot Line: The lot line(s) opposite to and most distant from the front lot line as designated for each lot; for irregularly-shaped lots, the rear lot line will be determined by the zoning administrator.
 3. Side Lot Line: Any lot line other than a front or rear lot line as determined by the zoning administrator.
- AO. Mobile home: A mobile home is a dwelling unit which is licensed by HUD, built upon a permanently attached undercarriage and designed to be transportable from one location to another in one or more sections. This definition does not include recreational vehicles such as "travel trailers," "fifth wheels," "trailer coaches," "motor homes," or "campers."
- AP. Mobile home park: A lot, parcel, or a tract of land used as the site of occupied mobile homes, under the control of a person and licensed or licensable under the provisions of Act No. 96, Public Acts of 1987, State of Michigan, as amended, and the provisions of this ordinance, upon which three or more mobile homes are located on a continual, non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made, therefore, together with any building, structure, enclosure street, equipment, or facility used, or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as a recreational vehicle park. (Act 419, Michigan Public Acts of 1976)
- AQ. Modular home: A dwelling which consists of prefabricated units built upon a chassis and includes plumbing, heating, and electrical systems transported in one or more sections on a removable undercarriage or flatbed and assembled for permanent location on the lot.

- AR. Motor vehicle: Any motorized vehicle whether licensed or unlicensed including automobiles, tractors, motorcycles, trucks, semi-tractors, motor homes, go-carts, snowmobiles, etc.
- AS. Motor vehicle repair: Any building or premises used for housing or care of more than four motor vehicles or where any such vehicles are kept for repairs, rebuilding, or reconditioning of engines, replacement of parts, motor service, collision service (including body repair and frame straightening), painting, or vehicle cleaning and undercoating, as a business operation or kept for remuneration, hire or sale.
- AT. Nonconforming use or structure: Any use, lot, or structure which lawfully existed immediately before the time this Ordinance became effective that does not now comply with the district requirements in which it is located.
- AU. Nursing and personal care facilities: Establishments primarily engaged in providing inpatient nursing and health related personal care, which may or may not be a private home, in which one or more children and/or adults who are aged or physically impaired by accident, disease, or otherwise disabled are received for care and supervision for extended periods. Establishments of this type include: Homes for the aged, assisted living facilities, extended care facilities, nursing homes, intermediate care facilities, convalescent homes, rest homes, establishments commonly described as alcohol or substance abuse rehabilitation center, and personal care facilities with health care. The construction and operation of the facility shall comply with all applicable federal, state, and local laws or regulations. This does not include a facility for persons released from or assigned to adult correctional institutions.
- AV. Outdoor commercial recreation: Commercial establishments related to outdoor recreational activities such as, but not limited to, miniature golf courses, driving ranges, skating rinks, and batting cages, etc., but not including golf courses and country clubs.
- AW. Outdoor sales: Retail businesses whose principal activity is the sale or rental of merchandise in an outdoor setting such as, but not limited to, farm implements, plants and trees, mobile homes, building supplies, and motor vehicles.
- AX. Parcel: A division of land available for development. (See lot.)
- AY. Parking space, off-street: Any space used for the off-street parking of motor vehicles in all districts according to the parking standards of this Ordinance.
- AZ. Personal pet facilities, including dog runs: Facilities used in the permanent housing or temporary restraining of household pets.
- BA. Pool, private swimming: Any artificially constructed basin or other structure for the holding of 500 or more gallons of water for use by the owner, his family, or guests for aquatic sports or recreation.
- BB. Principal structure: The structure within which the principal use is located.
- BC. Principal use: The primary or chief purpose for which a lot is used. A lot may contain only one principal use.
- BD. Public and institutional uses: churches; nonprofit parks and recreational uses; municipal, county, state, and federal administration buildings, police and fire stations, public libraries, museums, art galleries, parks, play fields, playgrounds, community centers, recreational clubs, tennis courts, and swimming pools; government-owned facilities; cemeteries; and/or similar uses providing services necessary to the community.
- BE. Public utility facilities: Electric transformer stations, gas regulator stations, gas valve houses, booster stations, telephone exchange buildings, and telephone repeater buildings and other similar utility uses.

BF. Public utility: Any person, firm, corporation, or board, duly authorized to furnish and furnishing to the public under Federal, State, or municipal regulations, electrivillage, gas, steam, communications, transportation, etc.

BG. Salvage/junk yard: An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. Also, including an auto wrecking yard, but not including uses established entirely within closed buildings.

BH. State licensed residential facilities: State licensed residential facilities are establishments engaged in the provision of residential care for children, the aged, and special categories of individuals with limitations on ability for self-care, but where medical care is not a major element. State licensed residential facilities are structures constructed for residential purposes that specifically provide resident services for six or fewer persons under 24-hour supervision or care. Eligible facilities, therefore, are determined by the design of the facility. If a facility does not meet all three of these criteria, it is subject to Special Land Use or other zoning provisions. By definition then, these facilities are conventional homes or homes converted to accommodate the required number of residents licensed by the State of Michigan pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of 1979, as amended), or the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended). A "state-licensed residential facility," as defined by this Section, does not include any establishment commonly described as an alcohol or a substance abuse rehabilitation center. Nor does it include a facility for the care and treatment of persons released from or assigned to adult correctional institutions.

Foster family homes: a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. These children are often awaiting adoption. Because they are State licensed residential facilities, these uses should be permitted by right in residential zoning districts.

Foster family group home: a private home in which either five or six minor children who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for more than four days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. These children may be awaiting adoption.

Adult foster care (AFC) family homes: private homes with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The AFC Family Home licensees must provide the care and be a member of the household and an occupant of the home.

BI. Setback area: The area between the lot line and the setback line. Also called the "Required Setback Area."

BJ. Setback: The line that establishes the minimum required distance between a structure and a property line. The setback will be measured from and be horizontal to the front, rear, and side lot lines. The setback line also is called the "required setback line." Steps may be located between the required setback line and the lot line. Porches are considered part of the building or structure. The area between the lot line and the setback line will be called the "Required Setback Area."

BK. Sexually oriented businesses: Sexually oriented businesses include the following:

1. Adult book or video store. An establishment having a substantial or significant portion of its business devoted to books, magazines, periodicals, films, or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

2. Adult cabaret. A cabaret which regularly features go-go dancers, strippers, or similar entertainers; or waiters, waitresses, or other employees showing specified anatomical areas or specified sexual activities.
3. Adult motion picture theater. An establishment regularly used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" "as defined herein", for observation by patrons therein.
4. Adult novelty store. An establishment that has a substantial or significant portion of its business devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation.
5. Adult panorama. An establishment having a substantial or significant portion of its business devoted to an entertainment use where patrons view in individual viewing booths, films, tapes, or live entertainment showing specified sexual activities or specified anatomical areas.
6. Burlesque hall. An establishment which regularly features entertainers showing specified anatomical areas or specified sexual activities.
7. Cabaret. A cafe, restaurant, or bar where patrons are entertained by performers who dance or sing or play musical instruments.

BL. Shopping center: A grouping of stores within a single building under similar ownership.

BM. Sign: Any device designed or intended to inform or attract the attention of any person, according to the sign provisions of this Ordinance.

BN. Site condominium: A division of land based on a plan or project consisting of two or more site condominium units established according to the Condominium Act, Public Act No. 59 of the Public Acts of Michigan of 1978, as amended.

BO. Site plan: A scale drawing that shows the locations and dimensions of improvements upon a parcel of land, such as but not limited to buildings, driveways, parking area, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities, as set forth in this Ordinance.

BP. Special land use: A use that would not be appropriate generally or without restriction throughout the Zoning District which, if controlled as to number, location, size, or relation to the surrounding area, would be in the best interest of the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted according to the provisions set forth in this Ordinance.

BQ. Specified anatomical areas. Specified anatomical areas are defined as:

1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region.
 - b. Buttock.
 - c. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

BR. Specified sexual activities. Specified sexual activities are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

BS. Street: A publicly owned and maintained right-of-way that affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drives, land, boulevard, highway, road, or other thoroughfare.

BT. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including buildings, walls, fences, and signs.

BU. Substantial or significant portion. A business will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:

1. Thirty-five percent or more of the stock, materials, or services provided are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, specified anatomical areas, or both.
2. Thirty-five percent or more of the usable floor area of the building is used for the sale, display, or provision of services distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, specified anatomical areas, or both.
3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

BV. Swimming pools. The term "swimming pool" shall mean any artificially constructed, non-portable, outdoor pool, capable of being used for swimming or bathing, having a depth of 2 feet or more at any point.

The term "private" shall mean that the swimming pool is not open to the public; that it is not publicly owned; or not otherwise regulated by the State of Michigan, either by statute or by rules and regulations of one of its administrative bodies.

The term "swimming pool type 1" shall mean any swimming pool constructed wholly or partially below the natural or graded surface of the surrounding area.

The term "swimming pool type 2" shall mean any swimming pool constructed wholly above the surface of the surrounding terrain.

The term "wading pool" shall mean any small pool designed for the use of small children, with a water depth not to exceed 2 feet, constructed entirely above ground and designed to be portable.

BW. Tourist rooms: See Bed and Breakfast.

BX. Upper floor dwelling: A dwelling on the second floor or above an existing building designed or used as a commercial business establishment.

BY. Wall: A barrier constructed of masonry or other solid materials on a continuous concrete footing for controlling entrance, sound, and/or view.

BZ. Yard: An open space on the same lot with a structure, unoccupied and unobstructed on or above grade level, except as otherwise permitted in this ordinance, between the lot line and the principal structure.

CA. Yard, front: The open space extending the full width between the side lot lines and the full depth between the front lot line and the principal structure.

- CB. Yard, rear: The open space extending the full width between the side lot lines and the full depth from the rear lot line to the principal structure.
- CC. Yard, side: The open spaces on either side of the principal structure between the front yard and the rear yard and the full width from the side lot lines to the principal structure.
- CD. Zoning districts: The areas into which the Village of Hopkins has been divided and for which the regulations and requirements governing use and size of lots and structures are specified in this Ordinance.
- CE. Zoning administrator: The duly authorized official of the Village of Hopkins who is responsible for administering and enforcing this Ordinance.

ARTICLE 3 GENERAL PROVISIONS

3.01 SCOPE OF REGULATIONS

- A. The provisions of this Article will be held to be the minimum requirements and apply uniformly to each kind or class of structure or land.
- B. Where the conditions imposed by any provision of this Article upon the use of structures or land is either more or less restrictive than comparable conditions imposed by the provisions of any other lawful ordinance or of any law, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) will govern.
- C. This Article is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Article are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the regulations of this Article will govern.

3.02 APPLICABILITY

- A. All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, will be subject to all regulations of this Ordinance which are applicable to the Zoning Districts in which such structures, uses, or land will be located.
- B. Nothing contained in this Article will be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure or facility or to conduct any trade, industry, occupation, or activity.

3.03 PROVISIONS

- A. Access to a Street.

All lots created after the effective date of this ordinance shall have frontages on a public street for a distance equal to the minimum lot width requirement of the district in which it is located. For a lot abutting the turnaround area of a dead end street, the frontage on a street shall be a minimum of 50 feet, provided that the lot width at the required setback will meet the lot width requirements of the district in which it is located. The front of the principal structure must face the street.

- B. Accessory Buildings or Structures.

- 1. In any zoning district, not more than two accessory buildings or structures may be erected.
- 2. Detached accessory buildings or structures shall meet the required setbacks of the district in which they are located. In no case may accessory buildings or structures be located closer than five feet to the rear or side lot line. Accessory structures shall not be located in any front yard.
- 3. The distance between a detached accessory building or structure and any principal building shall not be less than ten feet. Accessory buildings and structures will be considered attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade, or similar architectural devices.

4. Accessory buildings and structures in residential and commercial districts shall not exceed 14 feet in height. The maximum height may be increased to 16 feet if one additional foot of setback is provided for each foot greater than 14 feet.
5. No accessory building or structure shall include residential living quarters.
6. Accessory buildings having a floor area less than 100 square feet need not meet the minimum setback requirements.

C. Annexations.

All land, property, or territory hereafter to be annexed to the Village of Hopkins will be considered to be in an R-1 District until otherwise classified.

D. Basement Dwellings.

The use of any basement as a dwelling unit is prohibited.

E. Corner Clearance.

On any corner lot in all zoning districts (except C-1), nothing will be erected, placed, planted, or allowed to materially impede vision between a height of two and one-half feet and eight feet above the established curb grade within a triangle formed by the 2-street right-of-way lines and a line connecting them at points 25 feet from the intersection of the right-of-way lines.

F. Double-frontage Lots.

On double-frontage lots, a front setback as prescribed for the district as herein established shall be provided on both streets.

G. Dwelling Size.

The square footage of a dwelling will be measured in the conventional manner using the outside dimensions of the structure minus stairwells and not including attached garages or storage areas.

H. Dwelling Units

All dwelling units will comply with the following conditions:

1. Meet the dimensional requirements of the district in which they are located.
2. Be a minimum width of 24 feet throughout 75 percent of the entire width and length of the dwelling unit.
3. Shall have a minimum ceiling height of 7½ feet.
4. Be placed in such a manner so that the longest side is parallel to or facing a public street or roadway. In the event that a lot has frontage on more than one public street or roadway then the zoning administrator shall decide which street said home shall face.
5. Exterior building materials of all dwelling units shall extend to the foundation on all sides.
6. Be firmly attached to the foundation and be watertight, as required by the construction code adopted by the Village.

7. Dwellings without basements must have a frost-free footing with the slab positioned lengthwise of the said unit and extend 3 feet past each end and 6 inches beyond the outside dimension of sides of said unit. Minimum depth of the slab will be at least 3 inches.
8. Be connected to public water supply as provided by Village Ordinance and State Ordinances or to such private facilities approved by the Health Department.
9. All additions to dwellings shall meet all of the requirements of this ordinance.
10. Be aesthetically compatible in design and appearance with other nearby homes, with either a roof overhang of not less than 6 inches on all sides, or alternatively with a roof drainage system concentrating roof drainage at collection points along the sides. There must be not less than two exterior doors with the second one being in either the rear or side of the dwelling with steps where required because of a difference in elevation. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
11. All dwellings shall meet the requirements of the construction code adopted by the Village. All mobile homes must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development's regulations entitled, "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. When the dwelling is a mobile homes, it is necessary to obtain a zoning permit and building permit before being placed outside of a mobile home park and must among other requirements abide by the following:
 - a. Have the same minimum square foot living area as required for conventionally built homes, as in the building code.
 - b. All wheels, towing mechanisms, and tongues shall be removed completely. None of the undercarriage shall be visible from outside the mobile home.
 - c. Mobile homes shall be anchored to the foundation by an anchor system designed and constructed to meet the United States Department of Housing and Urban Development's regulations entitled, "Mobile Home Construction and Safety Standards." Mobile homes may be installed on a basement foundation, complying with code requirements.
 - d. All mobile homes without basements must have a masonry or metal or fiberglass skirting erected between slab and bottom of home on all sides. An access panel of sufficient size to allow full access to area below dwelling be available.
 - e. The dwelling shall contain a storage area equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less. The storage area shall be located in a basement located under the dwelling, in an attic, in a closed area, or in a separate structure of standard construction similar to or of better quality than the principal dwelling.
 - f. All construction including applicable additions and remodeling shall be commenced only after a building permit has been obtained in accordance with the Village building code.
 - g. The mobile home must be aesthetically compatible in design and appearance with other conventional onsite homes and meet all standards of the United States Department of Housing and Urban Development of Mobile Home Construction and Safety standards. All mobile homes shall bear the Michigan State Construction Seal. No person may occupy any mobile home as a dwelling until a certificate of occupancy is issued by the building inspector.
 - h. A mobile home must obtain a building permit to be connected to the required utilities including plumbing, heating, air conditioning, and electrical systems contained therein.

I. Essential Services.

The erection, construction, alteration, or maintenance of essential services by governmental units, boards, or commissions is permitted in any zoning district. Building and structures must meet the setback requirement of the district in which they are located.

J. Home Occupation Requirements.

All home occupations shall meet all of the following conditions:

1. The home occupation must be operated entirely within the principal dwelling or accessory building located upon the premises.
2. The home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
4. No radios, televisions, computers, or other equipment or process that creates noise, vibration, glare, fume, odors, or electrical interference detectable to the normal senses off the premises shall be used in such home occupation.
5. The total area of such use must not exceed 50% of the total gross floor space of the principal structure.
6. The business will not create traffic more than that which is normal and customary for a residential use.
7. No display of goods is visible from any public way.
8. No persons shall be employed other than dwelling occupants.
9. The occupation shall not involve or require interior or exterior alterations or the use of mechanical equipment except that customarily found or utilized for residential or office purposes.
10. One unlighted wall sign is permitted providing it does not exceed two square feet.
11. The use may not involve the retail sale of goods.

K. Inoperable, Dismantled, or Unregistered Vehicles.

The storage and outdoor parking of inoperable or unregistered, partially dismantled or nonoperating motor vehicles, chassis or body, tractor trailers, house trailers, and new or used parts or junk therefrom is prohibited in any district unless confined within an enclosed structure so as not to be visible from surrounding property. Unregistered shall mean not bearing a currently valid motor vehicle license registration plate.

L. Junk.

The unreasonable accumulation of junk is prohibited. The owner or occupant of any property upon which such junk exists shall be deemed to have permitted the same. Junk may be kept in commercial zones on the lots of dealers regularly engaged in the sale of junk. This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating and shall be in addition to any other laws or ordinances controlling and regulating rubbish, refuse, litter, trash, or junk.

M. Keeping of Animals, Livestock, And Poultry.

The keeping of customary household pets such as domestic cats, dogs, birds, and fish shall be permitted. The keeping of any other animals, livestock, or poultry for any purpose is not permitted.

N. Lots.

No existing lot shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this ordinance shall meet at least the minimum requirements of this Ordinance.

L. Outdoor Storage.

Unless otherwise specifically allowed by this ordinance, outdoor storage, display, and sales is prohibited. All merchandise, personal property, junk, vehicles, etc. must be stored in an enclosed structure.

O. Principal Use or Structure on a Lot.

In all Districts, only one principal use or structure will be permitted on a lot. The front of the principal structure must face the street.

P. Public Sewer.

All proposed developments must be served by public sewage disposal facilities.

Q. Public Utilities Facilities.

Public utility facilities are permitted in all zoning districts. Facilities located outside of the right-of-way will require a Special Land Use Permit.

R. Required Setbacks.

1. No part of a required setback area shall be used for any purpose other than off-street parking or loading space, walls and fences, landscaped areas, and screening similarly required for a principal structure or use.
2. In the case of a lot which is adjacent to a more restrictive zoning district, said setbacks shall not be less than that required for the more restrictive district.
3. No part of any required setback area or front yard shall be occupied by any accessory use or structure or for the storage of motor vehicles.

S. Satellite Dish Antennae.

A satellite dish antenna is one of the disc-shaped or other type of structures commonly used to intercept signals for television reception.

1. No part of a satellite dish shall be used for any purpose other than reception of communication signals. It may not be used as a sign, communications tower, or any other use.
2. Satellite dishes shall not be mounted more than 3 feet above the highest point of the roof and may not exceed the height limitations of the district in which they are located even if mounted on a communications tower.
3. No part of any satellite dish may be located within a front yard or any required setback area.

4. No satellite dish antenna more than 36 inches in diameter shall be attached to the roof of any building or other structure.
5. No more than two such satellite dish antennas shall be placed on any residential lot.
6. The satellite dish antenna shall be setback at least 10 feet from any property line.
7. Satellite dish antennas shall be permanently anchored to a foundation or structure.
8. Any exterior satellite dish antenna more than 36 inches in diameter, not attached to the principal building shall be deemed an accessory structure and the location shall comply with the regulations applicable thereto in the particular zoning district. Further, such "satellite-dish antennae" shall be so located to be as obscure as possible to public view.

T. Swimming Pools.

Swimming pools may be installed in any district as an accessory use to any principal permitted use if the following conditions are met:

1. There shall be erected a good quality fence not less than four feet in height, with posts embedded in concrete at intervals of not more than eight feet. The fence must enclose the entire portion of the premise upon which such pools are installed or entirely surrounding an area in which such pool is located.
2. Pools may be installed only in the side and rear yards of lots in residential districts.
3. Pools shall not be erected closer than ten feet from the rear and side property lines of the lot.
4. Pools may be installed in the front or the rear yard of lots occupied by motels or hotels.
5. A permit shall be applied for and issued by the Village Council before construction shall begin on any private swimming pool. The application for the permit shall be accompanied by a complete and detailed set of plans and specifications of said pool. Before any permit shall be issued, such plans and specifications shall be approved by the Village Council, and no such pool shall be used without its having obtained a final inspection and approval by said Council.
6. All applications for permits shall be accompanied by a permit fee.
7. All private swimming pools type 1 shall be enclosed by fence which shall be at least 4 feet in height above the grade and which shall be of a type not readily climbed by children. Such fences shall be so constructed as not to have any openings, holes, or gaps large enough for a child to use such fence as a ladder, except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension of the space between pickets shall not exceed 4 inches. A dwelling house, or other building may be used as part of such enclosure. Each gate or door in said fence, except a door or gate opening directly into a house used as part of the enclosure, shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.
8. All swimming pools type 2 above ground shall be so constructed that the ladder, steps, or other means of access to the pool shall be removed or raised and firmly fastened in such a manner as to prevent use by children not under authorized supervision.
9. Swimming pools type 2, where the sides are less than 48 inches at any given point, above the graded surface of surrounding area, shall be fenced in the same manner as swimming pools type 1, as provided above.
10. Vacant houses. When a house has become vacated, the fence shall be securely locked where a swimming pool type 1 exists. The ladder or other means of entrance to the

pool shall be securely locked in a safe position on swimming pools type 2. If pools are abandoned and not made safe as provided in this Section, the Village will thereby have the authority to enter the property and make such pool safe. All cost of making such pool safe shall be a lien against the property on which said pool is located.

11. Every private swimming pool shall be equipped with one or more throw ring buoys, not more than 18 inches in diameter, and fitted with a 1/4-inch manilla line of equivalent width, sufficient length and equal to the diagonal distance of the pool as taken from the corners at opposite ends, and at least one lightweight strong pole with bunted ends not less than 12 feet in length for making each assist or rescue.
12. Any drainage shall be made in an indirect method. Water drained from the pool shall not be discharged into the sanitary sewer system.
13. No electrical wires or conductors shall cross, either overhead or underground, any part of a private swimming pool, nor shall any electric wiring be installed parallel to any pool wall closer than 5 feet, if underground, unless enclosed in rigid conduit, or within 5 feet, if overhead.
14. All underwater lights must be watertight, self-contained units with their own ground connections running from waterproof junction boxes to proper grounding facilities or mediums. All underground electric wires supplying current to said light or lights, within a distance of 5 feet of the pool wall or walls, must be enclosed in a rigid conduit.
15. All metal fences, enclosures, or railing, near or adjacent to private swimming pools, which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively ground.
16. Adequate provision shall be made for positive germicidal or bacterial control by the use of chlorine, bromine, or such other disinfecting agents as may be approved by the Health Officer of Allegan County. Such disinfecting agents shall be applied to the pool water at a uniform rate. Provision shall be made for adjusting the application of the water in the pool equal to a standard of 0.5 parts per million to 1.0 parts per million chlorine residual. Testing devices capable of accurately measuring such residual shall be provided.
17. Each private swimming pool shall be equipped with a recirculating system which shall consist of pumping equipment, hair and lint catcher, filter catcher, filters, together with the necessary pipe connections necessary for backwashing filters or cleaning them.
18. The entire recirculation system shall be capable of producing at least an 18-hour turnover of the entire pool water volume content.
19. The recirculating system pump shall have sufficient capacity to discharge the volume of water required for an 18-hour turnover of the pool against the maximum head in a recirculating system.
20. The pump used in any filtration system shall have sufficient capacity to provide a filter flow and backwash rate so as to meet the requirements set forth in subsection E1, E2, and E3a of this section.
21. Recirculating systems shall contain a filter capable of meeting the following requirements:
 - a. Sufficient filter area to adequately filter the entire contents of the pool in 18 hours.

- b. To furnish water of such chemical and physical quality that when in the pool the following clarity criterion is met: A black disk, 6 inches in diameter on a white field, when placed on the bottom of the deepest point, is clearly visible from the side of the pool at all distances up to 10 yards measured from a line drawn across the pool through the center line of the disc.

- c. 1) Filters used shall have the following backwash rate:

<u>Type of Filter Media</u>	<u>Flow Rate, Gallons per Minute per Square Feet</u>	<u>Backwash Rate, Gallons per Minute per Square Feet</u>
Rapid sand and gravel	6	10
Diatomite:		
Pressure Type	3	
Vacuum Type	4	

- 2) The filter bed shall have an adequate and simple means for cleaning either by backwash, "spray off" or by manually cleaning same. The differential available for dirt collection between a clean and dirty filter to meet turnover rates shall be a minimum of 30 feet and provide water to meet the charity test hereinafter set forth.
- 3) All backwash water and effluents shall be discharged to the sewer through an indirect connection and provide adequate visible inspection.
- 4) Pressure filters shall be equipped with readily accessible air relief valves, loss of head shown by pressure gauges on the outlet lines and access head or hole large enough to permit inspection, maintenance, and repair work.
- 5) A hair and lint catcher or strainer shall be installed on the suction side of the circulation pump to prevent hair, lint, and other extraneous matter from reaching the pump and filters. The hair and lint catcher shall be designed so that it can be easily dismantled for cleaning and inspection and shall be located as to be easily accessible for cleaning. The design features shall be as follows: Water passes through the strainer from the inside, the strainer is to be made of noncorrosive material; the width or diameter of strainer openings is not more than 1/8 inch; the area of the strainer opening shall be at least 5 times the cross sectional area of the inlet pipe to the strainer.

U. Temporary Structures Incidental to Construction Work.

Temporary accessory structures for uses incidental to construction work may be authorized by permit from the ordinance enforcement officer after issuance of a building permit for the proposed structure. The temporary permit will specify the location of the temporary accessory structure and will expire 12 months after the date of its issuance. The zoning administrator or building inspector may renew the permit for an additional period not to exceed 12 months, if construction of the principal structure has been reasonably progressing. Construction trailers may not be used for sleeping quarters.

V. Vehicle Parking.

Recreational vehicles, boats, trailers, and trucks over one ton capacity may not be parked or stored in the front yard.

ARTICLE 4

DESIGNATION AND PURPOSE OF ZONING DISTRICTS AND ZONING MAP

In order to regulate and restrict the location of trades and industries and the location of buildings erected or altered for specific uses, the Village of Hopkins is hereby divided into the use districts described below. The boundaries of said districts are shown upon the map attached hereto, and made a part of this ordinance, being designated as The Village of Hopkins Zoning Map. Said maps and all notations, references, and other things shown thereon shall be as much as part of this ordinance as if the matters and things set forth by said map were all fully described therein.

4.01 INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists as to those boundaries of districts as shown on the zoning map, the following rules shall apply:

- Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline.
- Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- Boundaries indicated as approximately following Village boundaries shall be construed to follow Village boundaries.
- Boundaries indicated as following watercourses shall be construed to follow the centerline of such watercourses and in the event of changing watercourses shall be construed as following such changing watercourse.
- Boundaries indicated as approximately following property lines or section lines or other lines of a survey shall be construed to follow such property lines as of the effective date of this ordinance.
- Boundaries indicated as following railroad lines shall be construed to follow the centerline of the railroad right-of-way.
- Boundaries indicated as parallel to or extensions of features as shown on the Zoning Map, unless otherwise indicated, will be construed as following lot lines, Village Limits lines, center lines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes, or these center lines extended or projected.
- Where physical or cultural features existing on the ground are at a variance with those shown on the Zoning Map Resolution of questions concerning district boundary lines as shown on the Zoning Map or in other circumstances not covered by the subsections above, the Zoning Administrator shall interpret the district boundaries.

4.02 ZONING DISTRICTS

The following Zoning Districts are hereby established and the purpose or intended use of each district is stated. Permitted uses in each district are listed in this Ordinance.

- A. The "R-1" District is established to provide areas of low-density single-family, residential development. Desired development includes single-family dwellings and uses incidental or accessory to dwellings. This district maintains the largest minimum lot size, lot widths, and dwelling size.
- B. The "R-2" District is established to provide areas of higher density of residential development than is permitted in the R-1 District. This is generally accomplished through reduced

minimum lot sizes, lot widths, and housing sizes. Regulations include uses permitted in the R-1 District. Uses incidental or accessory to single-family dwellings are included.

- C. The "R-3" District is established in recognition of the need for affordable housing opportunities within the Village, primarily for renter-occupied. This district is intended for apartment complex development and conversion of single-family to multiple-family, duplexes, and condominiums. Development standards themselves provide additional location and site-related standards for development. This district is intended for mobile home park development that may include modular and double-wide plus single-wide mobile homes. Although the park development standards themselves are established by the Mobile Home Commission, this type of use requires additional location and site-related standards for development via Special Land Use Permit approval.
- D. The "R-4" District is established to provide for mobile home parks. It is expected that mobile and modular type home construction is the predominate housing type in this district. Mobile home parks will require approval of the Mobile Home Commission.
- E. The "C-1" District is established to provide areas of high concentrations of pedestrian-oriented retail, office, and service activities within the traditional central business district. Desired development includes compatible commercial uses accompanied by on-street, off-street, and municipally-provided parking. This district provides additional location and site-related standards for development.
- F. The "IND" District is established to provide areas of light industrial development in which the uses do not emit excessive noise, fumes, smoke, vibrations, odors, or other similar nuisances not compatible with adjacent residential neighborhoods. It is not intended to permit residential or commercial development or similar uses except as authorized by this Ordinance. This district provides additional location and site-related standards for development.
- G. The "PUD" Overlay District is established to provide flexibility in design for the development of larger tracts of land. These standards allow innovative design for unique sites and circumstances that allow the developer and the community an opportunity to maximize the quality of the project while affording maximum protection of the environment. The use of "PUD" zoning may be used to accommodate residential, industrial, or commercial development and provides additional location and site-related standards for development.
- H. The "BEAR CREEK" Overlay District is established to provide additional protection for those areas of the community where parcels are adjacent to or may be affected by the flooding characteristics of the Bear Creek. This overlay zoning district provides flexibility in design for the development of land and may impose additional measures to ensure the protection of property and to preserve the health and welfare of Village residents. These standards afford maximum protection of the environment and may be used to provide additional location and site-related standards for development.

4.03 SUMMARY OF DISTRICT REGULATIONS

District	Min. Lot Size	Min. Lot Width	Setbacks			Min. Dwelling Size	Max. Structure Height	Min. Building Width
			Front	Side	Rear			
R-1	15,000 sf	100	25	15	35	1,200	35	24'
R-2	7,500 sf	66	25	10	20	1,000	35	24'
R-3	10,000 sf	100	25	15	35	~ see below	35	24'
R-4	15,000 ac	500	50	50	50	N/A	N/A	N/A
C-1	N/A	N/A	0*	0**	25	N/A	40	N/A
IND	N/A	100	45	35	35	N/A	35	N/A
PUD†	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Bear Creek‡	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Footnotes * = The setback must be established
** = Most restrictive shall apply

† = Overlay Districts

~ Efficiency	475
1 Bedroom	600
2 Bedrooms	780
3 Bedrooms	940
4 or more Bedrooms	940 plus 80 for each additional bedroom

4.04 ZONING MAP

The areas comprising the Zoning Districts and the boundaries of said districts are hereby established as shown on the official zoning map entitled, "Zoning Map, Village of Hopkins, Michigan."

- A. The Zoning Map with any explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Zoning Map will be maintained in the Hopkins Village Hall and will show all changes which are made in district boundaries according to procedures set forth in this Ordinance.
- C. District boundary lines as shown on the Zoning Map, unless otherwise indicated, will be construed as following lot lines, Hopkins Village Limits lines, center lines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes, or these center lines extended or projected.
- D. Resolution of questions concerning district boundary lines as shown on the Zoning Map will be decided by the Zoning administrator.

*****ZONING MAP INSERTED HERE*****

ARTICLE 5

"R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT LOW DENSITY

5.01 "R-1" DISTRICT - INTENT AND PURPOSE

This zoning district is intended to provide for low density housing in areas where higher density housing may be impractical and is oriented toward a family type environment, restricted to one and two family structures, along with other facilities normally attendant to such districts. Public utilities are either provided or are expected to be provided in the future. Within any R-1 District, no structure or premises shall hereafter be used, erected, converted, or altered internally or externally in whole or in part unless herein provided.

5.02 PRINCIPAL USES ALLOWED BY RIGHT

- A. Single-family dwellings.
- B. Two-family structures.
- C. School, libraries, and other municipal buildings and uses.
- D. Churches.
- E. Essential services.
- F. Detached accessory buildings, customarily incident to any of the foregoing uses.

5.03 ACCESSORY STRUCTURES AND USES

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Home occupations.
- E. Personal pet facilities, including dog runs.
- F. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
- G. State licensed residential facilities for six persons or less.
- H. Swimming pools.
- I. Storage buildings.
- J. Sheds.
- K. Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

5.04 SPECIAL LAND USE PERMITS

- A. Bed and breakfasts.
- B. Campgrounds and recreational vehicle parks.

- C. Education services.
- D. Essential government services.
- E. Funeral homes.
- F. Golf courses and country clubs.
- G. Group day care home.
- H. Home occupations.
- I. Hospitals.
- J. Public and institutional uses.
- K. Public utility facilities (without storage yards).
- L. State licensed residential facilities for seven persons or more.

5.05 DISTRICT STANDARDS

All principal uses, accessory uses, and special uses in the R-1 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Ordinance.

- A. Density: Three dwelling units per acre.
- B. Lot Size: Minimum lot area is 15,000 square feet.
- C. Setbacks: Front: 25 feet
Rear: 35 feet
Side: 15 feet
- D. Lot Width: 100 feet

E. Structure Height: 35 feet or 2½ stories in height

F. Floor Area:

- 1. Single-Family.

The minimum floor area per dwelling unit shall be 1,200 square feet for a single-family structure.

- 2. Two-Family.

Structures shall have a minimum of 1,000 square feet of floor area per unit. Minimum floor area is intended to mean finished living area.

G. Dwelling Width: 24 feet

H. Accessory Buildings:

Accessory buildings shall not be erected in front yards, or within 5 feet of any other building.

ARTICLE 6

"R-2" SINGLE-FAMILY RESIDENTIAL DISTRICT

MEDIUM DENSITY

6.01 "R-2" DISTRICT - INTENT AND PURPOSE

Medium density residential areas are characterized as fully developed neighborhoods with paved streets and sidewalks and served by public water and sewer. Within any R-2 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses.

6.02 PRINCIPAL USES ALLOWED BY RIGHT

- A. Single-family dwellings.

6.03 ACCESSORY STRUCTURES AND USES

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Home occupations.
- E. Personal pet facilities, including dog runs.
- F. Private gardens and/or greenhouses when plants, flowers, or produce is not offered for sale.
- G. Sheds.
- H. State licensed residential facilities for six persons or less.
- I. Storage buildings.
- J. Swimming pools.
- K. Temporary stands for display or sale of garden products raised on the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.
- L. Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

6.04 SPECIAL LAND USE PERMITS

- A. Bed and breakfasts.
- B. Clubs or lodges.
- C. Education services.
- D. Essential government services.
- E. Group day care home.
- F. Public and institutional uses.

- G. Public utility facilities (without storage yards).
- H. State licensed residential facilities for seven persons or more.

6.05 DISTRICT STANDARDS

All principal uses, accessory uses, and special uses in the R-2 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Ordinance.

- A. Density: Four dwelling units per acre.
- B. Lot Size: Minimum lot area is 7,500 square feet.
- C. Setbacks: Front: 25 feet
Rear: 20 feet
Side: 10 feet
- D. Lot Width: 66 feet
- E. Structure Height: 35 feet
- F. Dwelling Size: 1,000 square feet
- G. Dwelling Width: 24 feet

ARTICLE 7

"R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT

HIGH DENSITY

7.01 "R-3" DISTRICT - INTENT AND PURPOSE

These areas of dense residential development are typically older neighborhoods with small lots resulting from original plats. Within any R-3 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses. Within any R-3 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses. This district is intended to provide for the greater residential density uses in the Village.

7.02 PRINCIPAL USES ALLOWED BY RIGHT

- A. Multi-family dwellings and condominiums.
- B. Two-family dwellings.
- C. Essential services.
- D. Single-family dwellings.

7.03 ACCESSORY STRUCTURES AND USES

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Home occupations.
- E. Personal pet facilities, including dog runs.
- F. Parking.
- G. Private gardens and/or greenhouses when plants, flowers, or produce is not offered for sale.
- H. Sheds.
- I. State licensed residential facilities for six persons or less.
- J. Storage buildings.
- K. Swimming pools.
- L. Temporary stands for display or sale of garden products raised on the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.
- M. Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

7.04 SPECIAL LAND USE PERMITS

- A. Child care centers.
- B. Clinics.
- C. Education services.
- D. Essential services.
- E. Nursing and personal care facilities.
- F. Public and institutional uses.
- G. Professional offices.
- H. Public utility facilities (without storage yards).
- I. State licensed residential facilities for seven persons or more.
- J. Boarding and lodging houses.
- K. Funeral homes.
- L. Hospitals.
- M. Bed and breakfasts.

7.05 DISTRICT STANDARDS

All principal uses, accessory uses, and special uses in the R-3 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Ordinance.

- A. Density: A maximum of ten dwelling units per acre.
- B. Lot Size: There shall be a minimum of 10,000 square feet per unit.
- C. Setbacks: Front: 25 feet
Rear: 35 feet
Side: 15 feet
- D. Lot Width: Minimum lot width is 100 feet.
- E. Structure Height: 35 feet or 2 stories in height
- F. Building Width: 24 feet
- G. Floor Area: Minimum floor area for multiple family units is as follows:

<u>TYPE OF UNIT</u>	<u>SQUARE FEET PER UNIT</u>
Efficiency	475
1 Bedroom	600
2 Bedrooms	780
3 Bedrooms	940
3 Bedrooms Plus	940 plus 80 for each additional bedroom

H. Accessory Building.

Accessory building shall not be erected in front yards, or within 10 feet of any other. All principal uses, accessory uses, and special uses in the R-3 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Ordinance.

ARTICLE 8

"R-4" MOBILE HOME PARK RESIDENTIAL DISTRICT

8.01 "R-4" DISTRICT - INTENT AND PURPOSE

This use is intended to provide for well located and properly developed mobile home parks. These districts should be located in areas that can accommodate higher density residential uses and should have full municipal utilities and adequately sized roadways. Residential dwellings may be single-wide, double-wide or modular manufactured homes. No structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses.

8.02 PRINCIPAL USES ALLOWED BY RIGHT

- A. Single-family dwellings.
- B. Modular homes.

8.03 ACCESSORY STRUCTURES AND USES

- A. Children's play equipment.
- B. Clubhouses.
- C. Garages.
- D. Home occupations.
- E. Laundry.
- F. Managers office.
- G. Parking.
- H. Parks, playgrounds, and recreational open spaces.
- I. Personal pet facilities, including dog runs.
- J. Private gardens and/or greenhouses when plants, flowers, or produce is not offered for sale.
- K. Sheds.
- L. State licensed residential facilities for six persons or less.
- M. Storage buildings.
- N. Swimming pools.
- O. Tool and storage sheds.
- P. Visitor parking.

8.04 SPECIAL LAND USE PERMITS

- A. Education services.
- B. Essential services.

- C. Public and institutional uses.
- D. Public utility facilities (without storage yards).

8.05 DISTRICT STANDARDS

All principal uses, accessory uses, and special uses in the R-4 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Ordinance.

- A. Density: A maximum of twenty dwelling units per acre.
- B. Lot Size: A mobile home park must have a site size of not less than 15 acres.
- C. Setbacks: Front: 50 feet
Rear: 50 feet
Side: 50 feet
- D. Lot Width: Minimum lot width is 500 feet.
- E. Structure Height: 35 feet or 2 stories in height.
- F. Building Width: 12 feet.
- G. Floor Area: 940 plus 80 for each additional bedroom.
- H. Accessory Building.

Accessory building shall not be erected in front yards, or within 10 feet of any other. All principal uses, accessory uses, and special uses in the R-4 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Ordinance.

- I. Each mobile home shall be placed on a designated site within the mobile home park.
- J. Skirting and Anchoring.
 - a. A certificate of occupancy will not be issued until the mobile home is skirted as required by the building inspector.
 - b. All mobile homes must be anchored in accordance with the most current HUD setup and installation standards.

K. Landscaping:

All unpaved ground surfaces shall be covered with grass, trees, shrubs, flower beds, woodchips, stones, or other suitable ground cover capable of preventing soil erosion.

L. Greenbelt Planting Strip:

Where the mobile home park parcel is adjacent to a non-vacant parcel or public right-of-way, there shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines. The planting strip shall contain: (1) At least a single row of deciduous or evergreen trees or shrubs spaced not more than 5 feet apart, (2) at least two staggered rows of deciduous or evergreen trees or shrubs with each row being spaced not more than 12 feet apart, or (3) at least three rows of deciduous or evergreen trees or shrubs with each row being spaced not more than 20 feet apart. Trees and shrubs shall not be less than three feet in height at the time of installation. Alternative screening devices such as walls and fences may be utilized providing they are determined to be as effective as the natural vegetation in providing concealment.

M. Signs:

There shall be a maximum of one sign which will bear only the name of the establishment; have a maximum area of 32 square feet; may be lighted, provided the source of light is not visible and not the flashing or intermittent type; and be located from the street a distance equal to the required setback. As an alternative, there may be two signs, each of which is a maximum of 16 square feet.

N. Commercial Uses Within the Park:

A building for retail sales of groceries and sundries may be permitted provided such building is located within the central area of the "development" and is not adjacent to a public street. Provided further that there will be no signs of any type advertising such business, any article being sold within, or any other item. Such business shall serve only the occupants of the "development." There shall be no sales or display of mobile homes within any portion of the "development."

O. Utilities:

All public and private utilities shall be located underground. Public sewer systems shall be required in mobile home parks, if available within 200 feet at the time of preliminary plan approval. If a public system is unavailable, the park shall connect to a state-approved sewage system.

P. Circulation:

A circulation plan, including all pedestrian ways, bike paths; streets, parking areas, etc. must be included in the preliminary application. Access to the park shall be from public roads and no less than two access points must be provided. A boulevard entrance extending to the first internal street intersection shall satisfy this requirement.

ARTICLE 9

"C-1" COMMERCIAL DISTRICT

CENTRAL BUSINESS DISTRICT

9.01 "C-1" DISTRICT - INTENT AND PURPOSE

This district is intended to provide for retail sales and commercial services use. Within any C-1 District, structures or premises shall hereafter be used, erected, converted, or altered in whole or in part only according to this Section herein provided, and for the following uses.

9.02 PRINCIPAL USES ALLOWED BY RIGHT

- A. Apparel and accessory stores.
- B. Appliance stores.
- C. Banks and other Depository institutions.
- D. Barber shops and beauty salons.
- E. Book stores.
- F. Camera and photographic supply stores.
- G. Candy, nut, and confectionery stores.
- H. Coin-operated laundries and dry cleaners.
- I. Dairy products stores.
- J. Department stores.
- K. Drug stores.
- L. Eating and drinking places, including taverns.
- M. Engineering, accounting, research, and consulting services.
- N. Florists.
- O. Funeral homes.
- P. General merchandise stores.
- Q. Gift, novelty, and souvenir shops.
- R. Governmental administrative facilities.
- S. Grocery stores.
- T. Hardware stores.
- U. Hobby, toy, and game shops.
- V. Holding and other investment offices.
- W. Home furniture, furnishings, and equipment stores.

- X. Ice Cream Shops.
- Y. Indoor commercial recreation facilities, including bowling alleys.
- Z. Individual and family social services.
- AA. Insurance carriers.
- AB. Insurance agents, brokers, and services.
- AC. Jewelry stores.
- AD. Legal services.
- AE. Liquor stores.
- AF. Luggage and leather goods stores.
- AG. Membership organizations and fraternal associations.
- AH. Movie and stage theaters.
- AI. News dealers and stands.
- AJ. Nondepository credit institutions.
- AK. Offices, including medical related.
- AL. Optical goods stores.
- AM. Radio and television broadcasting studios without communications towers.
- AN. Real estate.
- AO. Retail bakeries.
- AP. Security and commodity brokers, dealers, exchanges, and services.
- AQ. Sewing, needlework, and piece goods stores.
- AR. Shoe repair shops.
- AS. Sporting goods stores, including sale of live bait.
- AT. Stationery stores.
- AU. Tanning salons.
- AV. Tobacco stores and stands.
- AW. Used merchandise stores.
- AX. Tax preparation services.
- AY. Variety stores.
- AZ. Video rental.

9.03 ACCESSORY USES AND STRUCTURES

- A. Landscaping.

- B. Loading and delivery areas.
- C. Parking.
- D. Public restrooms.
- E. Signs.
- F. Trash and garbage receptacles.

9.04 SPECIAL LAND USE PERMITS

- A. Child care centers.
- B. Drive-through or drive-in businesses, including eating or fast food establishments.
- C. Essential services.
- D. Education services.
- E. Farm Supply.
- F. Gasoline service stations.
- G. Lumber yards.
- H. Outdoor automobile sales.
- I. Public and institutional uses.
- J. Public utility facilities (without storage yards).
- K. Sexually oriented businesses.
- L. Sign shop.
- M. Upper floor dwellings.

9.05 DISTRICT STANDARDS

All principal uses, accessory uses, and special uses in the C-1 District will be subject to review by the Planning Commission prior to approval and be subject to off-street parking and loading regulations as specified in this Ordinance. All storage, display, and sales must be contained within an enclosed structure. Outdoor storage, display, or sales are prohibited. Approval for any use permitted in this district shall be obtained by following the site plan review procedures and conditions:

- A. Density: N/A
- B. Lot Size: N/A
- C. Setbacks: Front: 0 feet *
Rear: 25 feet
Side: 0 feet **
- D. Lot Width: N/A
- E. Structure Height: 40 feet
- F. Dwelling Size: N/A

G. Dwelling Width: N/A

***The setback must be established to comply with the average of the existing buildings in the block.**

****When adjacent to a commercial district, none is required. When adjacent to a district other than commercial, the required side setback shall be 20 feet.**

ARTICLE 10

"IND" INDUSTRIAL DISTRICT

10.01 "IND" DISTRICT - PURPOSE AND INTENT

This District is intended to provide for manufacturing, fabricating and assembling uses including any kind of industrial manufacturing operations, and any compounding or assembling of articles of merchandise which does not emanate noise, vibration, odor, dust, smoke, noxious gases, glare or heat to such an extent as would be a nuisance to owners and/or occupants of surrounding property. Within any "IND" District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following uses.

10.02 PRINCIPAL USES ALLOWED BY RIGHT

- A. Grain elevator/mill.
- B. Industrial research facilities.
- C. Industrial plants for manufacturing, processing, and assembling.
- D. Landscape Nursery.
- E. Machine shops and welding shops.
- F. Mini-storage self-storage warehousing.
- G. Monuments, cut stone, and stone products.
- H. Motor vehicle repair.
- I. Public utility facilities.
- J. Storage yards.
- K. Trade contractors, building materials suppliers, and wholesalers.
- L. Transportation, maintenance, and servicing facilities.
- M. Warehousing.
- N. Waste container rental.

10.03 ACCESSORY USES AND STRUCTURES

- A. Landscaping.
- B. Loading and delivery areas.
- C. Parking.
- D. Signs.
- E. Trash and garbage receptacles.

10.04 SPECIAL LAND USE PERMITS

- A. Salvage/junk yards.

10.05 DISTRICT STANDARDS

All principal uses, accessory uses, and special land uses in the Industrial District will be subject to review by the Planning Commission prior to approval and be subject to off-street parking and loading regulations as specified in this Ordinance. Approval for any use permitted in this district will be obtained by following the site plan review procedures and conditions:

- A. Density: N/A
- B. Lot Size: The minimum lot size in the Industrial District shall be 1 acre.
- C. Setbacks: Front: 45 feet
Rear: 35 feet
Side: 35 feet
- D. Lot Width: 100 feet
- E. Structure Height: 35 feet*
- F. Dwelling Size: N/A
- G. Dwelling Width: N/A

* Storage tanks, cooling towers, chimneys, and emission equipment ancillary to the principal use may exceed the height limitations with the approval of the Planning Commission.

ARTICLE 11

"PUD" PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

11.01 INTENT AND PURPOSE

The provisions of this Article are intended to provide flexibility and creativity in the site planning and development process and to provide requirements and standards for the submission, review, and approval of applications for planned unit developments (PUDs). The purposes and objectives of these PUD regulations include the following:

- A. To accomplish the intent, purposes, and objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.
- B. To permit flexibility in the regulation of land development.
- C. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
- D. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
- E. To encourage provision of useful open space and more desirable living and shopping environments by preserving the natural character of open fields, stands of trees, wetland and surface water features, floodplains, hills, and similar natural assets.
- F. To provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the Village and to encourage the development of recreational facilities and neighborhood commercial facilities in a generally central location within reasonable distance of all living units.
- G. To ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

11.02 PERMITTED USES

- A. Land uses, buildings, and structures may be permitted in the PUD district as in the underlying zoning district. Land uses may be permitted within a PUD pursuant to an approved site plan and in accordance with all other applicable requirements of this Article.
- B. PUDs located in residential districts with a minimum size of 20 acres may allocate up to ten percent of the land area for use for commercial retail and service uses primarily serving the residents of the PUD and adjacent areas. Such commercial uses shall be encouraged to locate at major intersections rather than on local residential streets. Appropriate screening between commercial and residential uses may be required.

11.03 MINIMUM REQUIREMENTS

- A. Except as otherwise expressly provided, the area, depth, frontage, setback, height, and other bulk and placement regulations for permitted uses in a PUD shall not be less than the minimum standards for the regulations applicable in the District in which it is located.
- B. All other uses permitted within the PUD district shall meet, as a minimum, the regulations that would otherwise be applicable to the use as provided by the "Schedule of

District Regulations." If the use is permitted in more than one district or is subject to more than one set of regulations, the most restrictive regulations applicable to that use shall constitute the minimum standards for purposes of the PUD in question.

- C. Parking requirements for the PUD shall be equal to the sum of the parking requirements for all uses proposed for the PUD as provided in this Ordinance.

11.04 MODIFICATION OF MINIMUM REQUIREMENTS

- A. The Planning Commission may determine that a better or more appropriate project design can be achieved, consistent with the purposes and objectives of this Article, by not applying the otherwise applicable minimum requirements provided by this ordinance based on the application of site planning criteria and the characteristics of the project area. In some cases, adherence to minimum requirements is not required to ensure the health, safety, and welfare of those using the development or adjacent property or to achieve the purposes and objectives of this ordinance; then the Planning Commission may authorize less restrictive minimum requirements to be integrated into the approved PUD site plan for the project in question.
- B. The overall site density for a PUD project for which any of the minimum requirements have been modified shall not exceed the density that would otherwise be permitted by the density limitations applicable under this Article without any modification of the minimum requirements.

11.05 CLUSTERING

- A. The purpose of permitting residential clustering is to provide savings in sewer, water, facilities, land resources, and energy use through the concentration of dwellings, construction, and physical impact to specific areas of a tract. Cluster development permits variation in lot size, shape, and orientation without an increase in overall site density.
- B. Clustering may be permitted by the Planning Commission for PUD developments approved pursuant to this Article. The decision of the Planning Commission as to whether or not to permit clustering for a particular project shall be guided by the following standards:
 - 1. Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural features and topography.
 - 2. Individual lots and buildings shall be arranged and situated to relate to surrounding properties to provide improved views from the buildings.
 - 3. Individual lots, buildings, streets, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site and to lessen the area devoted to motor vehicles.
 - 4. Diversity, originality, lot layout, and individual building design shall be encouraged to achieve a more compatible relationship between development and the land.
 - 5. Cluster open space intended for recreational or public use shall be easily accessible to pedestrians. Open space intended for scenic value shall be visible from a significant number of units or buildings.
- C. Front, side, and rear yard requirements and lot areas that are otherwise required by this ordinance shall not apply in a cluster development except for perimeter lots. Variations from these required dimensions shall be shown on the PUD site plan and must be approved by the Planning Commission.

7. The status of ownership or control of the PUD such that there is a single person or entity having responsibility for completing the PUD in conformance with an approved site plan.
- D. If the site of a proposed PUD has not previously been rezoned as a PUD district, the applicant must also apply for the necessary rezoning as a part of the application for PUD approval.
- E. The required PUD application materials shall be filed with the zoning administrator, who shall transmit the materials and the petition for rezoning to the Planning Commission. The application must be filed at least 30 days prior to the Planning Commission hearing at which it is first to be considered. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Village Council. No part of this fee shall be refundable. No transmittals shall be made unless the required fees have been paid in full.

11.07 PLANNING COMMISSION REVIEW OF SITE PLANS AND REQUEST FOR REZONING

- A. Following receipt of a completed PUD application, the Planning Commission shall schedule a public hearing on the request for PUD approval, including a review of the PUD site plan and consideration of the petition for PUD rezoning. Notice of the public hearing shall be given in the same manner as required by this ordinance for public hearings on special land uses.
- B. At the public hearing or within a reasonable time following the public hearing, the Planning Commission shall take the following actions:
 1. The Planning Commission shall approve, approve with conditions, or deny the request to approve the PUD site plan. The Planning Commission shall prepare a report stating its conclusions on the request to approve the site plan, the basis for its decision, and any conditions relating to an affirmative decision.
 2. The Planning Commission shall also review and make a recommendation to the Village Council on the proposed rezoning of the property to a PUD district in accordance with the standards for approval for rezoning requests as provided by this ordinance.
 3. The Planning Commission's report and recommendation to the Village Council, as required above, shall include its determination as to whether the PUD project as described by the site plan meets the standards provided herein.
- C. A PUD site plan shall not be approved by the Planning Commission unless the commission finds that the PUD project, as proposed, will meet each of the following conditions and requirements as applicable to the project in question:
 1. The proposed development conforms to the intent and to all applicable requirements and standards of this Article and complies with all other applicable local, state, or federal laws and regulations.
 2. The proposed development conforms to the Village's master plan.
 3. The overall density of the PUD does not exceed that which would be allowed under the applicable minimum density limitations for single-family dwelling units, two-family dwelling units, multiple-family dwelling units, and any permitted nonresidential uses as applied to the actual number of each of those types of units and uses included within the PUD.
 4. The project is designed to enhance environmental features, such as the preservation of trees, floodplains, and natural areas, and promotes proper site landscaping.

5. The proposed development will be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal; or the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Planning Commission, any such facilities and services.
6. The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open and recreational area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.
7. The applicant has made provision, satisfactory to the Planning Commission, to assure that open space areas and rights-of-way shown on the site plan for use by the public or by residents of the development will be or have been irrevocably committed for that purpose. The applicant has also made provision, satisfactory to the Planning Commission, for the financing of any improvement shown on the plan for open space area and common use areas that are to be included within the development; and maintenance of such improvements is assured by a means satisfactory to the Planning Commission.
8. The location of the proposed uses, the layout of the site, and its relation to streets giving access to it is such that traffic to, from, and within the site and assembly of persons in connection therewith will not be hazardous or inconvenient to the project or the surrounding area. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area. Where open parking areas or roadways are to be located immediately adjacent to any peripheral boundary, a separation or buffer of a type sufficient to ensure the privacy of the adjacent property shall be provided.
9. The mix of housing unit types and densities and the mix of residential and nonresidential uses, if any, is acceptable in terms of convenience, privacy, compatibility, and similar measures.
10. Noise, odor, light, or other external effect from any source whatsoever that is connected with the proposed use will not adversely affect adjacent and neighboring lands or uses.
11. Streets follow the topography, are properly spaced, and are located and aligned in accordance with the intended function of each street. The property has adequate access to public streets. The plans provide for logical extensions of public streets and provide suitable street connections to adjacent parcels, where applicable.
12. Adequate access for fire and other emergency vehicles shall be provided on the site.
13. Pedestrian circulation is provided for within the site, as appropriate, and interconnects all residential areas, community areas, and commercial and other services, where applicable. The pedestrian system provides a logical extension of the pedestrian ways from outside the site and provides pedestrian connections to the edges of the site, where appropriate.
14. If a project is proposed for construction in phases, the planning and designing are such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.

- D. Reasonable conditions may be required by the Planning Commission, in conjunction with the approval of a PUD site plan, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity; protecting the natural environment and conserving natural resources and energy; ensuring compatibility with adjacent uses of land; and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project; those immediately adjacent; and the community, as a whole. The conditions shall be necessary to meet the intent and purpose of this Article and shall be related to the objective of ensuring compliance with the standards of this Article. All conditions imposed shall be made a part of the record of the approved PUD site plan.

11.08 VILLAGE COUNCIL REVIEW OF REQUEST FOR REZONING

- A. The Village Council shall be provided with a copy of the Planning Commission's report regarding its decision of approval, approval with conditions, or denial of the PUD site plan along with a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the PUD request.
- B. The Village Council shall also be provided with the Planning Commission's recommendation on the proposed rezoning of the PUD site. After receipt of the recommendation of the Planning Commission on the proposed rezoning, the Village Council may hold a public hearing to consider the rezoning request. Notice of the public hearing, if held, shall be given in the same manner as required by this ordinance.
- C. In making its determination on the proposed PUD rezoning, the Village Council may consider the Planning Commission's report and decision regarding the Planning Commission's approval or denial of the PUD site plan; but the Village Council shall not engage in a substantive review of the details of a site plan that has been approved by the Planning Commission.
- D. The Village Council shall approve or deny the petition to rezone the site, subject to the site plan, as approved by the Planning Commission, or shall refer the petition back to the Planning Commission for further review.
- E. No construction shall commence, and no construction permits shall be issued for all or any phase of a PUD, until a site plan has been approved by the Planning Commission and the property has been rezoned by the Village Council as provided by this Article.

11.09 EFFECT OF APPROVAL OF SITE PLAN BY PLANNING COMMISSION

The PUD site plan, as approved by the Planning Commission, including all approved maps and accompanying written materials and any conditions of approval, shall be binding upon the applicant and owners of record and upon their heirs, successors, and assigns with respect to all future development of the property. No construction of buildings or structures or any other site improvements or changes shall be made except in strict compliance with the approved site plan.

11.10 AMENDMENT OF SITE PLAN

An approved PUD site plan shall not be varied or modified in any respect without an amendment approved by the Planning Commission. An application for a proposed amendment to a PUD site plan shall be reviewed and approved, approved with conditions, or denied by the Planning Commission pursuant to the procedures prescribed by this Article for original submittal and review of the site plan.

11.11 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the Planning Commission at the time of approval of a site plan.

11.12 ENFORCEMENT

A site plan approved by the Planning Commission in connection with a PUD shall have the full force and effect of the zoning ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the Village to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Village. In addition, a violation of any approved site plan or failure to comply with any requirements of this Section, including conditions of approval, shall be considered a violation of this ordinance.

ARTICLE 12

BEAR CREEK OVERLAY DISTRICT

12.01 INTENT AND PURPOSE

- A. The purpose of the Bear Creek Overlay District is to protect water quality, to keep nutrients from entering lakes and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve the aesthetic and scenic values of the watershed environment by slowing the rate of storm water runoff and reducing soil erosion and sedimentation.

12.02 ALLOWED USES

All uses permitted within the underlying zoning district are permitted within this overlay zone.

12.03 PROHIBITED USES

The following uses shall not be permitted within 100 feet of the ordinary high water mark:

1. Confined feedlots.
2. Slaughterhouses.
3. Gas stations.
4. Auto repair shops.
5. Auto washes.
6. Oil-change establishments.
7. Industrial uses involved in the manufacturing, compounding, processing, or treating of products.
8. Livestock.

12.04 LOCATION OF DISTRICT

The "Zoning Map" shall be used to identify the generalized location of parcels in private and public ownership that are within this defined area.

12.05 MINIMUM REQUIREMENTS

- A. Setbacks:
1. Front: The required front setback shall be the same as the underlying zoning.
 2. Side: Shall be the same as the underlying district.
 3. Rear: Shall be the same as the underlying district.
- B. Lot Area: Shall be the same as the underlying district.
- C. Lot Width: Shall be the same as the underlying district.
- D. Floor Area: Shall be the same as the underlying district.

12.06 DESIGN REQUIREMENTS

All new development, including additions or extensions to existing buildings, shall meet the design requirements of this Section.

1. All principal buildings shall be set back at least 65 feet from the ordinary high water mark.
2. Within 35 feet of the ordinary high water mark, a maximum of 400 square feet of land shall be covered by impervious surfaces, including all structures and paving for each 100 linear feet of water frontage.
3. No unsightly, offensive, or potentially polluting material, including, but not limited to, lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk, appliances, or toxic materials may be dumped or stored within 35 feet of the ordinary high water mark.
4. Structures that extend more than five feet into the water are prohibited.
5. Pump houses that exceed three feet in height or nine feet in total square feet in size are prohibited.
6. Accessory structures may not be located within five feet of the high water mark.
7. Natural drainage courses shall be protected from grading activity.
8. Where known, groundwater flow patterns shall not be interrupted.
9. Slopes created by the grading of the site should generally not exceed a slope ratio of one foot of vertical slope to three feet of horizontal distance.
10. Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.
11. Screening along roadways shall make maximum use of berming and landscaping but shall not interfere with site distances.

12.07 DRAINAGE OF SURFACE WATER

Storm water discharge must meet minimum water quality standards. Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.

12.08 REVIEW REQUIREMENTS

No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Environmental Quality (MDEQ) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the site plan review procedures provided for in this ordinance, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDEQ when it is apparent from the "Zoning Map" that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this Section has been documented.

1. In reviewing an application and the standards for approval of a use permitted under this Section, the Planning Commission shall consider the following factors before rendering a decision on the request for approval:
 - a. Any possible danger to life and property due to increased flood heights or velocities caused by encroachments on the floodplain.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - c. The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the development to the community.
 - e. The requirement of the proposed development for a waterfront location.
 - f. The availability of alternative locations for the proposed use that are not subject to flooding.
 - g. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - h. The relationship of the proposed use to the Village's master plan and floodplain management program for the area.
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - k. The location, elevation, and construction of all public utilities and facilities for sewer, gas, electrical, and water systems designed relative to minimizing or eliminating flood damage.
 - l. The measures taken to assure adequate drainage so as to reduce exposure to flood hazards.
 - m. Such other factors that are, in the opinion of the Planning Commission, relevant to the purposes of this district.
 - n. If, in the opinion of the Planning Commission, topographic data, engineering studies, or other studies are needed to determine the effects of flooding on a proposed use and/or the effects of the use on the floodway, the Planning Commission may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.
2. To the extent not otherwise provided pursuant to the site plan requirements in this ordinance, the Planning Commission shall require, as applicable, submission of the following materials in connection with a request for approval of any use under this Section:
 - a. Plans drawn to a scale of one inch = 100 feet; the nature, location, dimensions, and elevation of the lot; existing or proposed structures; fill; storage of materials; and the relationship of the above to the location of the channel floodway and regulatory flood protection level.
 - b. A plan (surface view) showing elevations or contours of the ground at five-foot intervals; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing buildings on the site; location and

elevations of streets; photographs or maps showing existing land uses and vegetation; upstream and downstream soil types; and other pertinent information that may be required by the Planning Commission.

3. The Planning Commission may impose reasonable conditions to the granting of approvals under this Section, including limitations on period of use and operation; imposition of operational controls, sureties, deed restrictions, and covenants; and requirements for construction of channel modifications, dikes, levees, and other protective measures.

ARTICLE 13

SPECIAL LAND USES

13.01 SPECIAL LAND USES

- A. The development and execution of this Ordinance are based upon the division of the Village into districts, within which districts the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for particular use at the particular location. Such special land uses fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest, such as public utilities facilities, public meeting buildings, and transportation facilities.
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities such as drive-in facilities, special medical care facilities, outdoor recreation, and neighborhood shopping facilities.

Special land uses are allowed in the various districts within the Village, and require special land use permits as issued by the Planning Commission. The special land use must conform to all the requirements of this ordinance, as well as the special land use requirements listed below. The granting of a special land use permit does not negate the issuance of any other required permits.

- B. The purpose of this Article is to establish equitable procedures and criteria that shall be met before the following special land uses are permitted:

1. Bear Creek Overlay District uses.
2. Bed and breakfasts.
3. Campgrounds and recreational vehicle parks.
4. Child care centers.
5. Communications towers.
6. Drive-through or drive-in businesses.
7. Education services.
8. Funeral homes.
9. Gasoline service stations.
10. Golf courses and country clubs.
11. Individual and family social services.
12. Membership organizations and fraternal associations.
13. Mini-storage and self-storage warehouses.
14. Nursing and personal care facilities.
15. Outdoor auto sales.
16. Public and institutional uses.
17. Public utility facilities.
18. Sexually oriented businesses.
19. Residential care facilities (for seven persons or more).
20. Upper floor dwellings.

13.02 STANDARDS

- A. No special land use shall be approved by the Planning Commission unless the Commission finds:
1. That the establishment, maintenance, or operation of the special land use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. That the special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special land use will not impede the normal and orderly development and improvements of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the special land use shall in all other respects conform to the applicable regulations of the district in which it is located.
7. The Planning Commission shall consider the following in making its determination:
 - a. Adequate accessibility of the property to police and fire protection.
 - b. Traffic conditions, and the impact of the special land use upon them.
 - c. Transportation design requirements.
 - d. The potential impact of the special land use on adjacent properties and property values.
 - e. The conformity of the special land use with the intent of the ordinance.
 - f. The conformity of the use with the district standards of dimensions and allowed uses.
8. The issuance of a special land use permit may be made with conditions, and require that remedies be taken by the applicant to meet the special land use standards of this ordinance. These include, but are not limited to drainage, soil erosion, landscaping, site design, parking, and signing. Such requirements must be incorporated by the applicant into the site plan, and be maintained at all times.
9. Site plan approval is required for all Special Land Use Permits.
10. A Special Land Use Permit may authorize only one particular land use type and shall expire, if that specific land use ceases for a period of twelve months for any reason.
11. The Planning Commission, in granting or denying a Special Land Use Permit, shall state the reason(s) for its particular section.
12. No Special Land Use Permits shall be issued for a property where there is a violation of this ordinance, with respect to a new use or structure.
13. Any and all appeals regarding a Special Land Use decision may be made to the Zoning Board of Appeals within 25 days from the date of decision by the Planning Commission.

13.03 PUBLIC HEARING REQUIRED

Before a Special Land Use Permit is approved or denied, public notice of a public hearing is required. This shall be in accordance with Public Act 207 of 1921, as amended.

13.04 APPLICATION FOR SPECIAL LAND USE

An application for a special land use or expansion of a special land use shall be filed with the Zoning Administrator on a prescribed form. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator as required by this ordinance. The application must include a statement in writing by the applicant along with adequate evidence showing that the proposed special land use will conform to the standards as set forth.

13.05 APPLICATION PROCEDURES

An application for a special land use shall be submitted and acted upon in accordance with the following procedures:

- A. Applications for a special land use shall be submitted through the zoning administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Village Council to cover the costs of processing the application. No part of this fee shall be refundable.
- B. An application for a special land use shall be accompanied by the following documents and information:
 1. A special land use application form that has been completed in full by the applicant and submitted to the zoning administrator.
 2. A site plan as required in this Ordinance.
- C. Upon receipt of a complete application for a special land use, the Planning Commission shall publish notice of a public hearing for a special land use in a newspaper that circulates in the Village. In addition, said notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Notice shall also be given to the owner or manager of all structures with more than one dwelling unit who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than five and not more than 15 days before the application will be considered. The notice shall:
 1. Describe the nature of the special land use request.
 2. Indicate the property that is subject to the special land use request.
 3. State when and where the special land use request will be considered.
 4. Indicate when and where written comments concerning the request will be received.
- D. The Planning Commission shall hold a public hearing to receive public comment on the request. The Planning Commission, based upon its review of the application for a special land use, comments received at the public hearing, and other material submitted in relation to the request, shall make a determination on the special land use application. Such determination shall be in accordance with standards contained in this ordinance that relate to the special land use under consideration.
- E. The decision of the Planning Commission on a special land use shall be incorporated in a statement that sets forth the findings, determinations, and conclusion relative to the special land use under consideration. Said statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

13.06 AUTHORIZATION

For each application for a special land use, the Planning Commission shall document its findings and recommendations, including the stipulations of additional conditions and guarantees, that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Planning Commission may grant or deny any application for a special land use.

13.07 BASIS OF DETERMINATION

- A. Prior to the approval of a special land use application, the Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the special land use under consideration.
- B. The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards and shall approve a special land use only upon finding that the proposed use complies with each of the following standards as well as all applicable standards established elsewhere in this ordinance:
 - 1. The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
 - 2. The special land use shall not impair the essential character of the surrounding area.
 - 3. The special land use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the general health, safety, and welfare.
 - 4. The special land use shall not place demands on public services and facilities in excess of current capacities.
 - 5. The special land use complies with the Village's Master Plan.
- C. Reasonable conditions may be required by the Planning Commission in conjunction with the approval of a special land use for ensuring that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity; for protecting the natural environment and conserving natural resources and energy; for ensuring compatibility with adjacent uses of land; for promoting the use of land in a socially and economically desirable manner; and for protecting natural resources and the public health, safety, and welfare of individuals who will use the land, those immediately adjacent, and the community as a whole. Conditions imposed shall be necessary to meet the intent and purpose of this ordinance and shall be related to the objective of ensuring compliance with applicable standards. All conditions imposed shall be made a part of the approved special land use permit and shall be enforced by the zoning administrator.

13.08 CONDITIONS AND GUARANTEES

Prior to the granting of any special land use, the Planning Commission shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this ordinance. In all cases in which special land uses are granted, the Planning Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

13.09 CONDITIONS AND LIMITATIONS

Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of any special land use request as may in its judgement be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

13.10 DESIGN STANDARDS

All special land uses shall be subject to the following design standards in addition to the requirements of the district in which they are located:

A. Bear Creek Overlay District Uses:

Bear Creek Overlay District uses shall be permitted subject to the procedures and conditions provided in this ordinance.

B. Bed and Breakfasts:

Bed and breakfast uses shall be permitted subject to the following procedures and conditions:

1. Such uses shall only be established in single-family dwellings.
2. One parking space per room to be rented shall be provided onsite in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
3. Kitchen facilities are allowed, as approved by the appropriate Village, county, and state agencies.
4. Additions to a structure for the purpose of accommodating additional guests shall be prohibited. Physical modifications to the structure may be permitted, including but not limited to the provision of barrier-free access in order to meet building code requirements.
5. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
6. Only one sign shall be allowed for identification purposes, with approval of the Planning Commission. Such signs shall be mounted flat against the wall of the principal building, and shall not exceed four square feet in area.
7. The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the homeowner, who shall live on the premises while the operation is active.
8. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, and bakeries.
9. Meals may be served only to residents, employees, family members, and overnight guests.

C. Campgrounds and Recreational Vehicle Parks:

Campground and recreational vehicle park uses shall be permitted subject to the following procedures and conditions:

1. The total area of the campground shall be at least ten acres.
2. There shall be a required yard of not less than 50 feet along all property lines. No campsite or any structure shall be located in this required yard.
3. There shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines and may be within the 50-foot yard as required in this Ordinance. Such greenbelt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than eight feet apart and which grow to an ultimate height of 12 feet.
4. There shall be recreational areas at a ratio of at least 20 percent of the gross area of the campground. These recreational areas may be located within the 50-foot required yard but not within the 20-foot greenbelt.
5. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.
6. No structure shall exceed 15 feet in height.
7. The grounds of the campground shall be sloped to drain properly and to satisfactorily meet the approval of local engineering standards.
8. Each site shall be arranged to satisfactorily and safely accommodate a travel trailer, camper, or other similar camping apparatus.
9. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required yard but not within the greenbelt.
10. There shall be permitted a facility for the retail sale of groceries, sundries, and other similar commodities provided this facility is centrally located and have hours of operation coincidental with hours of operation of the campground.
11. There shall be no sales or display of camping vehicles.
12. There shall be located, within the campground, approved sanitary dumping facilities.
13. All requirements, as regulated by Act 368, P.A. 1978, as amended, shall be complied with.
14. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the people of the Village of Hopkins and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner, but in so doing, complying with other applicable provisions of this Ordinance.

D. Child Care Centers:

Child care center uses shall be permitted subject to the following procedures and conditions:

1. If the child care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. Other facilities, design elements, and operational

requirements shall be provided or complied with, as determined necessary by the Planning Commission, for the safety of the children attending the child care center.

2. Based upon the established capacity of the child-care center, a minimum of 150 square feet of outdoor play area per child, with not less than 5,000 square feet of outdoor play area per facility, shall be provided and maintained on the lot. For purposes of this Section, "outdoor play area" means the area located within the side or rear yard of the facility that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The outdoor play area shall be free from sharp gravel, glass, or cinder and shall be well-drained. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.
3. The child care center shall be registered and licensed as required for child care centers or day care centers under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended).

E. Drive-Through or Drive-In Restaurants:

Drive-through or drive-in restaurants uses shall be permitted subject to the following procedures and conditions:

1. A minimum of three off-street, parking spaces shall be provided for drive-through service.
2. Service windows shall be set back at least 100 feet from any lot line adjacent to a residential district.

F. Educational Services:

Educational service uses shall be permitted subject to the following procedures and conditions:

1. A minimum of three off-street, parking spaces shall be provided.
2. Buildings shall be set back at least 100 feet from any lot line adjacent to a residential district.

G. Funeral Homes:

Funeral home uses shall be permitted subject to the following procedures and conditions:

1. All activities shall be set back a minimum of 50 feet from any lot line in a residential district.
2. The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

H. Gasoline Service Stations:

Gasoline service station uses shall be permitted subject to the following procedures and conditions:

1. All activities shall be set back a minimum of 50 feet from any lot line in a residential district.
2. The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

I. Golf Courses and Country Clubs:

Golf courses and country club uses shall be permitted subject to the following procedures and conditions:

1. Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.
2. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood and to protect adjacent property owners.

J. Individual and Family Social Services:

Individual and family service uses shall be permitted subject to the following procedures and conditions:

1. All activities shall be set back a minimum of 50 feet from any lot line in a residential district.
2. The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

K. Membership Organizations and Fraternal Associations:

Membership organizations and fraternal association uses shall be permitted subject to the following procedures and conditions:

1. All activities shall be set back a minimum of 50 feet from any lot line in a residential district.
2. The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

L. Mini-storage and Self-storage Warehouses:

Mini-storage and fraternal organization uses shall be permitted subject to the following procedures and conditions:

Applicant must demonstrate that the site requested for special land use Permit is not well suited for traditional commercial purposes and has marginal commercial value relative to other vacant sites. Sites considered prime commercial land would not be favorably received.

M. Nursing and Personal Care Facilities:

Uses shall be permitted subject to the following procedures and conditions:

1. The facility shall not alter the character of the neighborhood in which it is located.
2. The facility shall be located along major roads and entrance ways to the residential developments or shall act as buffers between residential and higher-intensity uses whenever practical.
3. All off-street parking requirements shall be met.
4. All off-street parking areas and refuse disposal containers shall be screened from adjacent residential districts.

N. Outdoor Auto Sales:

Uses shall be permitted subject to the following procedures and conditions:

1. No merchandise shall be located in the road right-of-way or within five feet of any adjacent lot line.
2. All structures shall be set back a minimum of 30 feet from any lot line in a residential district.
3. The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

O. Public and Institutional Uses:

Uses shall be permitted subject to the following procedures and conditions:

1. Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.
2. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood and to protect adjacent property owners.

P. Public Utility Facilities.

Uses shall be permitted subject to the following procedures and conditions:

1. All activities shall be set back a minimum of 50 feet from any lot line in a residential district.
2. The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent residential districts.

Q. Sexually Oriented Businesses:

Uses shall be permitted subject to the following procedures and conditions:

1. The use is located within a C-2 zoning district.
2. The use is located outside a 500-foot radius of a residential zone district, a church, school, day care center or park. All measurements under this section shall be made in a straight line, without regard to intervening structures or objects, from the property line of the use to the property line containing a church, school, day care center, or park.
3. The sexually oriented business is not located within a 1,000 foot radius of another sexually oriented business.
4. Persons operating a sexually oriented business shall not permit any person under the age of 18 to be on the premises of said sexually oriented business either as an employee or as a customer.
5. Hours of operation of the sexually oriented business shall be limited to 8 a.m. to 10 p.m.
6. Adult products or services or any picture or other representation thereof, shall not be displayed so as to be visible from the street or neighboring property.

7. Off-street parking shall be provided the same as other non-sexually oriented businesses of the same nature (e.g., movie theaters, retail sales, and eating and drinking establishments); except that all areas of the parking lot shall be illuminated from dusk until one hour after business closes.
8. No application for a special land use which has been denied wholly or in part by the Village Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Planning Commission and the Village Council.
9. Once established, a sexually oriented business shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission.
10. If a sexually oriented business is discontinued and events cause the area to not be available for the location of a sexually oriented business, the use may not be reestablished without applying for and receiving the approval of the Planning Commission.
11. Approval of the Planning Commission required by this section shall be pursuant to the following procedures:
 - a. The Zoning Administrator will serve notice on all owners and occupiers of all property within 300 feet of the proposed use.
 - b. Said notice will give a minimum of 30 days from the mailing of the notice until the Planning Commission hearing on the matter.
 - c. Said notice will include a postcard addressed to the Village, containing spaces for stating approval or disapproval of the proposed sexually oriented business and including space for commentary.
 - d. The total number of postcards or other written responses returned prior to the hearing will be tallied. The votes yea and nay will also be tallied. The votes will be considered as evidence in the Planning Commission decision.
 - e. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed.
 - f. That the proposed use will not enlarge or encourage the development of a blighted area in its immediate surrounds.
 - g. That the establishment of a sexually oriented business, or an additional sexually oriented business, in the area will not be contrary to any neighborhood conservation, nor will it interfere with any urban renewal.
 - h. That all applicable state laws and local ordinances will be observed.

R. Residential Care Facilities (for seven persons or more):

Uses shall be permitted subject to the following procedures and conditions:

1. The proposed facility shall be consistent with and shall promote the intent and purpose of this ordinance and shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed facility. In making its determination regarding a proposed facility, the Planning Commission shall consider the following factors:
 - a. The design and location of the proposed facility; the density of population; the adequacy of educational, recreational, and other public support

facilities; traffic volumes and circulation; compatibility with existing development; adequate provision for light and air; adequate provision of parking; and accessibility of fire and police protection.

- b. The density of similar uses in the area; the cumulative effects of allowing the proposed facility (including effects upon the capacities of existing community recreation, social service, and other support facilities); and whether the proposed facility will alter the character of the neighborhood. In order to prevent an excessive concentration of facilities and consequent alteration of a neighborhood's character and protect existing facilities from overdevelopment that could result in an undesirable atmosphere, no facility shall be located within a 1,500-foot radius of any other facility unless the Planning Commission finds that a lesser distance is compatible with the goals of this ordinance and that the facility would not contribute to an excessive concentration of such facilities within a particular neighborhood.
 - c. The accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; to employment opportunities; and to community resources and agencies, including medical and social services, that might be used by the facility's residents.
2. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform with the character of the adjacent neighborhood and to protect adjacent property from adverse impacts.
3. If the Residential Care Facility is an adult foster care facility it shall:
- a. Be located on a major arterial street, and an off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. Other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
 - b. Be a minimum of 150 square feet of rear yard area per person, with not less than 5,000 square feet of rear yard area per facility, shall be provided and maintained on the lot. For purposes of this Section, "rear yard area" means an area that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The rear yard area shall be free from sharp gravel, glass, or cinder and shall be well-drained. The rear yard area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.
 - c. Be registered and licensed as required under the appropriate state Act (Act No. 116 of the Public Acts of 1973, as amended).
4. If the Residential Care Facility is a licensed day care facility it shall:
- a. Have a child drop-off and pickup areas and other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission, for the safety of the children attending the State Licensed Residential Facility.
 - b. Have a minimum of 150 square feet of outdoor play area per child, with not less than 5,000 square feet of outdoor play area per facility, shall be provided and maintained on the lot. For purposes of this Section, "outdoor play area" means the area located on the lot behind the established front yard setback of the facility that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or

required parking areas. The outdoor play area shall be free from sharp gravel, glass, or cinder, and shall be well-drained. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.

- c. Not be located closer than 1,500 feet (measured along a road, street, or other public thoroughfare) to any other similar facility; to any facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan; or to any community correctional center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the State Department of Corrections.
- d. Not exceed 16 hours during any 24-hour period and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area, shall be limited from six a.m. to ten p.m. daily.
- e. Be maintained consistent with the visible characteristics of the neighborhood.
- f. Be registered and licensed as required by the state of Michigan.

S. Upper Floor Dwellings:

Uses shall be permitted subject to the following procedures and conditions:

- 1. All off-street parking requirements shall be met.
- 2. All off-street parking areas and refuse disposal containers shall be screened from adjacent residential districts in accordance with this ordinance.
- 3. All upper floor dwellings shall have their own access independent of the first floor business.
- 4. All applicable Village ordinances designed to protect the public health, safety, and welfare, such as, but not limited to, building codes and health codes, shall be met.

13.11 SUBMITTAL OF PLANS

A completed site plan review application must be received twenty days prior to the Planning Commission meeting at which it will be introduced. Twelve (12) copies of the preliminary plan and related information (documents) shall be submitted to the Village together with the site plan review application. Plans must comply with the site plan review requirements of this ordinance. Upon submission of a complete set of documents, the Planning Commission will review the plans in accordance with the conditions specified in this ordinance including location, layout and general design. The Planning Commission will provide a written response of approval or disapproval within 60 days following the receipt of a complete application. In the case of disapproval the Planning Commission will provide the applicant an explanation as to the reasons for disapproval. Failure of the Village to approve a complete set of documents within 60 days shall constitute approval.

13.12 BASIS FOR APPROVAL

The Planning Commission will consider the following in review and approval of an application:

- A. Impact on adjacent land uses and the relationship of the development to the surrounding neighborhood.

- B. Location and design of driveways in relation to streets giving access to the site and pedestrian circulation.
- C. Traffic circulation and parking areas.

13.13 OTHER REQUIREMENTS

All requirements shall be complied with. No change or alterations in an approved preliminary plan may be made without the approval of the Planning Commission.

13.14 FINAL CONSTRUCTION PLANS

A copy of the final construction plans shall be submitted to the Village. Building permits will not be issued until the final construction plans are on file with the Village.

13.15 HEARING ON APPLICATION

Upon receipt in proper form of the application, the Planning Commission shall hold at least one public hearing on the proposed special land use. At least 15 days in advance of each hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation in Village of Hopkins, in the official Village publication, and by registered United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the corporate Village limits, and by registered United States mail to all property owners as listed in the last assessment roll within 300 feet of any portion of the property in question.

13.16 INITIATION OF SPECIAL LAND USE

Any person owning or having an interest in the subject property may file an application to use such land for one or more of the special land uses provided for in this Ordinance in the zoning district in which this land is situated.

13.17 INTENT AND PURPOSE

Special land uses are those uses of land that are not essentially incompatible with the uses permitted in a zoning district, but that possesses characteristics or locational qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.

13.18 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the Planning Commission at the time of approval of a special land use.

13.19 REVOCATION

In any case where a special land use has not been established within one year after the date of granting thereof, then without further action by the Planning Commission or the Village Council, the special land use authorization shall be null and void.

ARTICLE 14

PARKING AND LOADING

14.01 OFF-STREET PARKING AND LOADING FACILITIES

For all structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as herein required.

14.02 MINIMUM NUMBER OF PARKING SPACES REQUIRED

The minimum number of off-street parking spaces shall be provided in all districts accessory to permitted uses as follows:

- A. Residential Structures - Two off street parking spaces shall be provided for each dwelling unit.
- B. Retail Stores, Office Buildings, Banks, Personal Services (Except Supermarkets and Convenience Stores) - One space for each 200 square feet of floor area.
- C. Industrial - One space for each two employees on the maximum shift shall be provided.
- D. Bowling Alleys - Two spaces for each bowling lane.
- E. Theaters, Auditoriums, Stadiums, and Churches - One space for each four seats plus one space for each two employees.
- F. Dance Halls, Assembly Halls, Exhibition and Conventions Halls (Without Fixed Seats) - One parking space for each 100 square foot of floor area to be used for dancing or assembly.
- G. Restaurants and Night Clubs - One parking space for each 100 square foot of usable floor space.
- H. Schools, private, or public elementary and junior high school: - One parking space for each employee normally engaged in or about the building or grounds (staff and faculty) plus one space for each five fixed seats in the auditorium or gymnasium. Senior high schools and institutions of higher learning - one parking space for each employee and one additional space for each 5 students enrolled in the institution.
- I. Automobile Sales, Gasoline Service Stations and Motor Vehicle Repair: One space for each employees plus one space for each 300 feet of usable floor space.
- J. Barber Shops and Beauty Shops: Three spaces for each chair or booth.
- K. Outdoor Commercial Recreation: Twenty-five percent of lot area, but in no case less than ten spaces.
- L. Drive-In or Drive -Through Restaurants - One parking space for each 100 square foot of floor area
- M. Drive-In Banks (and Similar Financial Institutions): Four spaces for each drive-in window.
- N. Drive-In Dry Cleaners, Drug Stores (and Other Retail Services With drive-in Service Facilities): Three parking spaces for each drive-in window.
- O. Funeral Home or Mortuaries: One space for each 25 square feet in service parlors or chapels plus one space for each funeral vehicle kept on the premises.

- P. Furniture Sales (Retail): One space for each 500 square feet of floor area.
- Q. Personal or Residential Care Facilities: One space for each two beds plus one space for each two employees and care providers.
- R. Launderette: One space per every three washer units.
- S. Libraries, Museums, Governmental Administration Buildings: One space for each 200 square feet of floor space shall be provided.
- T. Eating and Drinking Establishments - One space for each three seats provided for patron use plus one space for each two employees.
- U. Supermarket or convenience Store: One space for each 150 square feet of floor area.
- V. Warehouses, Storage Buildings, Lumber and Supply Yards, Wholesale Outlets: Two parking spaces for each employee.

14.03 MINIMUM STANDARDS FOR OFF-STREET PARKING FACILITIES

Parking or storage of motor vehicles shall be required in all districts and for all uses, except single-family dwellings, subject to the following standards and regulations:

- A. Any person desiring to establish, maintain, or alter an off-street parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surface material, marking, lighting, drainage, curb cuts, entrances, exits, and any other pertinent features of the parking facility. Any curb cuts, entrances, exits, and drainage design shall have the written approval of the Village Engineer or Zoning Administrator.
- B. Parking requirements for uses or premises not specifically mentioned above will be determined by the provisions of the use which is most similar.
- C. In the case of mixed or combined uses in the same structure or on the same zoning lot, the total requirements for off-street parking shall be the sum of the requirements for the individual uses computed separately.
- D. Required parking spaces for a permitted use shall be computed relative to the entire first floor area of the building; parking for uses on additional floors including basement shall be added to the total required for the first floor.
- E. Each off-street parking space shall have a minimum width of nine feet and a minimum length of 18 feet. The length of angled parking must be determined as the overall perpendicular distance of the spaces. Access drives to and from a parking space shall not be considered part of the required parking area.
- F. Driveways and internal circulation drives shall have a minimum width of 24 feet.
- G. If the use of a structure or premises changes, the minimum parking requirements shall apply to the new use.
- H. If a structure or premises is enlarged, the minimum parking requirements shall be applicable to the total area of the structure or premises.
- I. All off-street parking spaces shall be provided adequate access by means of maneuvering lanes. Backing onto a street or onto or across a public walk shall be prohibited.
- J. There shall be a curb or bumper rail provided wherever an off-street parking space is adjacent to a public sidewalk or right of way so designed to prevent any portion of the vehicle from extending beyond the limits of the required parking area.

- K. Any lighting used to illuminate any off-street parking area shall be so installed and maintained as to confine light within the parking area and direct light away from adjoining premises.
- L. Off-street parking areas including access drives shall have a hard surface (concrete or bituminous) and shall be sloped and drained to dispose of all surface water.
- M. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall be construed to mean one space.
- N. In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception.
- O. Any off-street parking area containing ten or more spaces shall contain one suitably hardy tree for each ten spaces. Trees shall be spaced not less than 50 feet apart and shall be protected by a curbed planter or similar element with dimensions not less than six feet by six feet.
- P. Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged as to ensure the maximum of safety and the least interference of traffic upon said streets.
- Q. All parking areas shall be screened on all sides which abut a Residential district or a street right of way with an ornamental fence or compact hedge not less than three feet or more than six feet of a type which will at all seasons obscure vision from adjoining premises, but will not interfere with corner vision as stipulated in this ordinance.
- R. Each off-street parking area entrance and exit shall have clearly defined drives at least 20 feet distant from adjacent property lines.
- S. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in any required parking area.
- T. The location of required off-street parking facilities shall be within 150 feet of the structure containing the use they are intended to serve, measured from the nearest point of the structure.
- U. Parking areas shall be setback a minimum of 10 feet from all property lines and shall not be located in any required front or side setback area.
- V. The Zoning Administrator shall require such assurance, surety, or performance bonds in the form, manner, and amount as in his discretion may be required to compel compliance with any performance of all off-street parking requirements of this Ordinance; provided, however, that such assurance, surety, or performance bond shall not be for amounts greater than the reasonable cost of complying with the off-street parking requirements of this Ordinance.

14.04 PUBLIC PARKING AS SUBSTITUTE FOR PARKING REQUIREMENTS

Where public parking is provided within 150 feet of a use in the Commercial District the Planning Commission may adjust the parking requirements as follows:

- A. If the required number of public parking spaces is provided within 150 feet of the structure in which the use occurs all parking requirements will be satisfied.
- B. When only a portion of the parking requirements are fulfilled by public parking spaces within 150 feet of the structure in which the use occurs the remainder of parking spaces must be provided until all parking requirements are satisfied.

14.05 OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL DWELLINGS

Parking areas to serve residential dwellings shall be required in all districts in which they are permitted subject to the following standards and regulations:

- A. Parking areas shall not be located in any required front or side setback area, except that the driveway in the required front setback leading to a garage or parking area may be used for parking.
- B. No commercial repair work, servicing, or selling of any kind shall be conducted in such areas and no sign of any kind shall be erected thereon. No charge shall be made for parking or storage of vehicles.
- C. No parking area shall be used for parking or storing of any commercial vehicle exceeding one-ton rated cargo weight.

14.06 MINIMUM LOADING SPACE REQUIRED

The minimum amount of off-street loading space shall be required in all districts accessory to permitted uses as follows:

- A. Industrial and Commercial Uses:
 - 1. 10,000 - 20,000 square feet of floor area: One space.
 - 2. 20,000 - 50,000 square feet of floor area: Two spaces.
 - 3. 50,000 - 100,000 square feet of floor area: Three spaces.
- B. Schools: Provide adequate space for safe loading and unloading of students from vehicles as approved by the Planning Commission.
- C. Medical Facilities: Provide adequate space for safe loading and unloading of patients as approved by the Planning Commission.

14.07 MINIMUM STANDARDS FOR OFF-STREET LOADING FACILITIES

Loading and unloading spaces shall be provided in all Commercial and Industrial Districts in connection with commercial and industrial uses subject to the following standards and regulations:

- A. Off-street loading areas shall be surfaced with a concrete or bituminous mix pavement and shall be sloped and drained to dispose of surface water.
- B. Any lighting used to illuminate off-street loading areas shall be so arranged as to direct light away from adjoining premises as required in the standards for site plan review.
- C. Each loading space shall be at least ten feet wide, 25 feet long, and shall have a clearance of 14 feet above grade.
- D. Required loading areas shall be in addition to required off-street parking areas.
- E. Loading spaces may occupy all or any part of any required yard or court space.
- F. No loading spaces shall be located closer than 50 feet to any lot in any Residential district unless wholly within an enclosed building or enclosed on all sides facing Residential districts, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six feet in height.

ARTICLE 15

LANDSCAPING, SCREENING, WALLS, AND FENCES

15.01 INTENT AND PURPOSE

It is the intent and purpose of this section to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas; effective and desirable sight distance from the front of all structures in all direction; safe and effective access for emergency equipment and vehicles to all structures in all directions; the right to provide for their own privacy within their properties; to protect plantings from damage by trespass; and to prevent such construction related thereto as would be hazardous.

15.02 FENCES AND WALLS

Fences and walls shall be permitted, subject to the following conditions:

A. Permits Required:

1. It shall be unlawful for any person to construct, or cause to be constructed, any wall or fence upon any property within the Village of Hopkins without first having obtained a permit therefore.
2. Any person desiring to construct, or cause to be constructed, a wall or fence shall first apply for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the Village Council. Such permit shall be issued by the Zoning Administrator upon a written application, and shall contain such information as may be required in order to determine that such wall or fence will not violate any provision of this ordinance or State Law.

B. Walls and fences:

Walls and fences may be erected in any yard area except that no wall or fence shall be located nearer than one foot to any drive or walkway. No wall or fence shall be constructed along the street line of a lot closer than one foot from the established sidewalk line. In front yard areas, walls and fences shall not exceed 100 feet in length in any and/or all directions without a gate or break for access and shall not exceed four feet in height. In rear yard areas, the height shall not exceed six feet.

C. Walls Only:

1. Walls shall be erected on continuous footings constructed below grade in accordance with the Village building code.
2. Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.

D. Fences Only:

1. Support posts of fences shall extend into the ground to a depth sufficient to support the structure.
2. All fences in public areas such as parks, hospitals, schools, or other public areas shall be transparent, such as chain link, but no barbed wire shall be allowed.
3. All fences shall be erected with all fence posts and supports on the interior side.

E. Walls and fences in All Districts:

1. All fences and walls shall be constructed of durable, weather-resistant, rustproof, and easily-maintained materials.
2. Under no circumstances shall walls and fences be constructed of materials, such as but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.
3. Wall or fence heights shall be measured from the surface of the ground immediately below the location of the fence.
4. All walls and fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
5. Retaining walls are exempt from these provisions.
6. Under no circumstances shall a wall or fence contain barbed wire, razor wire, spikes or electric current.

F. Walls and fences in Residential Districts:

1. Walls and fences not greater than six feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure.
2. Walls and fences not more than thirty inches in height are permitted in the front yard, if they are more than 25 percent solid.
3. Walls and fences not more than forty eight inches in height are permitted in the front yard, if they are less than 25 percent solid.
4. On corner lots, no wall or fence or other obstruction to vision shall be permitted within the triangular areas at the intersection of any street right-of-way line drawn between said right-of-way lines for a distance along each line of 25 feet from their point of intersection.
5. Fences and walls erected in the front yards of residential zoned areas shall be so constructed that they permit a reasonable passage of air through the materials utilized for said fence or wall. Solid or closed privacy walls and fences may be constructed in rear yards.

G. Walls and fences in Commercial and Industrial Districts:

1. Walls and fences not more than six feet in height are permitted in all yards.
2. Walls and fences containing barbed wire may be allowed in "Ind" Industrial Districts.
3. In Commercial zoned areas, walls and fences shall not exceed a height of six feet. On corner lots, no wall or fence or other obstruction to vision shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines for a distance along each line of 25 feet from their point of intersection.
4. In industrial zoned areas, fences and walls may be constructed up to eight feet in height. On corner lots, no wall or fence or other obstruction to vision shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of fences or walls on arms or supports angled toward the inside of the property at least eight feet above the adjacent grade level.

H. Prevention of Hazards:

No wall or fence shall have exposed beneath a height of eight feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing.

I. Placement:

All Walls and fences must be located entirely on the property of the person, firm, or corporation constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a wall or fence upon their common property line, such wall or fence may be so erected. No temporary type of wall or fence of any type shall be permitted in the front yard areas.

15.03 REQUIRED SCREENING

A. The following uses or structures shall be screened by walls, fences, vegetation, and berming or a combination of any of these as approved by the Planning Commission:

1. Outdoor storage.
2. Trash receptacles.
3. Mobile home parks.
4. Multiple-family dwellings.
5. Industrial and commercial uses abutting residential districts.
6. Parking and loading areas.

B. Fences and walls used for screening purposes shall meet the following conditions:

1. Fences and walls shall have no openings for vehicular traffic or other purposes except as otherwise provided in this ordinance and except such openings as may be approved by the Planning Commission.
2. Fences and walls shall be constructed of durable, weather-resistant, rustproof, and easily-maintained materials.
3. Fences and walls may not be constructed with openings that exceed 20 percent of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.
4. The height of the required screening shall be as follows:

Use	Minimum Required Height
Buildings in Commercial Districts	4½ feet
Buildings in Industrial Districts	6 feet
Multiple-Family Dwellings	4½ feet
Outdoor Storage Areas	6 feet
Off-Street Parking Area	4½ feet
Loading and Unloading Areas	6 feet

C. Vegetation used for screening purposes shall meet the following conditions:

1. Vegetation shall be comprised of one or more of the following upright conifers: Blue, green, white, or Serbian spruce; Douglas fir; Austrian pine; juniper; hemlock; or cedar.
2. Trees shall be planted 15 feet on center and may have up to 30-degree spacing.
3. Trees shall not be less than five feet in height at the time of planting.
4. Existing plant material that complies with the standards of this Section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.
5. All required plantings shall be maintained in a healthy, growing condition. Any required plantings that are destroyed, removed, diseased, or die, shall be replaced within six months with plantings that meet the requirements of this Section. Failure to maintain required plantings in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.
6. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas and shall maintain their density and screening effect throughout the calendar year.

D. Berming used for screening purposes shall meet the following conditions:

1. Berms shall be at least four feet-six inches in height, constructed with one foot of vertical rise for each three feet of horizontal rise.
2. Berms shall be seeded with perennial rye and an appropriate grass seed and shall be covered with an organic mulch.
3. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm and shall be maintained in a neat and attractive manner.

E. Establishing Lot Lines:

The Zoning Administrator may require the owner of property upon which a fence is to be constructed to establish lot lines upon said property, through the placing of permanent stakes located by a licensed surveyor. Surveyed property lines must be established before walls and fences can be erected. The Zoning Administrator may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.

F. Maintenance:

All fences shall be maintained by the property owner upon whose property the fence is erected.

ARTICLE 16

SIGNS

16.01 SIGNS

The purpose of this Section is to permit such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision, impede traffic safety; and further to regulate such permitted signs in such a way as to prevent them from causing annoyance or disturbance to the citizens and residents of the Village of Hopkins or to adversely impair property values. All signs shall conform to all codes and ordinances of the Village of Hopkins and, excepting "Exempted Signs" shall require approval and a permit issued by the Building Inspector for all signs erected or structurally altered.

16.02 EXEMPTED SIGNS

The signs and devices listed in this Section are exempted from the restrictions and requirements of this Ordinance and may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Ordinance.

- A. Signs erected by an official governmental body or agency and deemed necessary for the protection of the public health, safety, welfare, and morals.
- B. Signs not visible from any public way or from any point off the lot on which they are located.
- C. Official flags of governments when displayed in a manner approved by the government represented.
- D. Holiday decorations and greetings in season.
- E. Signs required by law to be displayed.
- F. Signs not exceeding one square foot in area and having thereon no letter or symbol exceeding two inches in any dimension.

16.03 PROHIBITED SIGNS

The signs and devices listed in this Section shall not be permitted, erected or maintained in any district.

- A. Signs which incorporate in any manner any flashing or moving lights.
- B. String lights used in connection with commercial premises for commercial purposes.
- C. Any sign which has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.
- D. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
- E. Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.

- F. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- G. Signs which make use of words such as "STOP," "LOOK," "DANGER," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- H. Any sign or other advertising structure containing any obscene, indecent, or immoral matter.
- I. Any sign unlawfully installed, erected, or maintained.
- J. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold.
- K. Any sign which is not accessory to the business being conducted on the property on which the sign is located.
- L. Portable signs.

16.04 TEMPORARY SIGNS

The signs and devices listed in this Section shall be permitted on a temporary basis and shall not require a permit.

- A. Construction signs which identify the name of the building, the owner, architect, engineer, contractor, and other individuals involved with the construction, but not including any advertisement of any product or service during the period of construction. Signs shall have a maximum surface area of 16 square feet, shall be confined to the site of construction, and shall be removed within 14 days following occupancy for the intended use of the project.
- B. Real estate signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed up to a total area of 6 square feet. Such signs shall be removed within 14 days after the sale, rental, or lease.
- C. Election campaign signs announcing a candidate or issue to be voted upon, up to a total area of 3 square feet for each premises. These signs shall be confined to private property and shall not be installed more than 60 days prior to the election and must be removed within 14 days following the election which they announce.
- D. Community or special event sign advertising a public entertainment or event, if specially approved by the Village Council and only for locations designated by the Village Council, during and for 14 days before and seven days after the event.

16.05 DISTRICT REQUIREMENTS FOR SIGNS

Signs and devices shall be permitted in designated zoning districts subject to the following regulations and requirements.

- A. Single-family Residential Districts: Signs except those at churches or schools shall have a maximum total surface area of four square feet per premises. Signs at churches or schools may have a maximum area of 12 square feet per premises.
 - 1. Signs shall be mounted flat on the principal structure or on a permanent wall or fence.
 - 2. Signs shall indicate only the name and title of the occupant and may include the address.

3. Signs, if illuminated, shall be lighted by a "white light" only. The source of light shall not be visible from any street or any adjoining property.
- B. Multiple-family Residential Districts: Signs except those at churches or schools shall have a maximum total surface area of four square feet per premises. Signs at churches or schools may have a maximum area of 12 square feet per premises.
1. Signs shall be permitted anywhere on the premises except in or extending over required front yards or required side yards and shall have a maximum height of 15 feet.
 2. Signs may include the name and title of occupant and in the case of rental units may indicate status of occupancy.
 3. Signs, with illumination shall be permitted providing the source of light is not visible from any street or any adjoining property.
- C. Commercial Districts: Wall-mounted signs shall have a maximum total surface area not to exceed ten percent of the area of the face of the wall upon which the sign or signs are attached but not to exceed 200 square feet of sign area per wall. Freestanding signs shall not exceed a total of 35 square feet of sign area on one side or 70 square feet of sign area on a double-sided sign.
1. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls which face a public street, or may be projecting but not to project beyond 24 inches from the wall, not to be lower than eight feet from sidewalk grade. Freestanding signs shall be permitted anywhere on the property on which the principal use is located providing the sign is within 100 feet from said principal use structure. Where a principal use structure has a marquee or canopy which is an integral part of said structure, for the purposes of administering this Section, the front line of said marquee or canopy shall be at least eight feet above the walk surface in front of the structure. No sign shall extend above the maximum height of the structure nor more than 20 feet above the average grade level at the base of the sign.
 2. Signs shall indicate only the name of the use product and/or occupant of the property upon which the sign is located and may include the address of said property.
 3. Signs with illumination shall be permitted providing the source of light is not visible from any street or any adjoining property.
- D. Industrial District: Signs shall have a maximum total surface area of 500 square feet per premises.
1. Signs may be located anywhere on the premises but no closer than 20 feet from any property line. No sign shall extend more than three feet above the height of the structure nor more than 25 feet above the average grade level at the base of the sign.
 2. Signs shall indicate only the name of the product and/or occupant of the property upon which the sign is located and may include the address of said property.
 3. Signs may be illuminated in accordance with the provisions of this Ordinance.

ARTICLE 17

SITE PLAN REVIEW

17.01 INTENT AND PURPOSE

This Article establishes standards and requirements for the review and approval, by the Planning Commission, of site plans. As used in this Article, "site plan" includes the documents and drawings, as specified by this Article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

The standards and requirements provided by this Article shall be in addition to those required elsewhere in this ordinance that are applicable to the use or activity under consideration.

The intent of this Article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of his/her land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

17.02 USES REQUIRING SITE PLAN APPROVAL

The construction, reconstruction, extension, enlargement, or movement of the following buildings, structures, and uses shall require site plan approval by the Planning Commission. The Zoning Administrator shall not issue a zoning permit for any land uses requiring a special land use permit under the zoning ordinance, or as required in this Ordinance until a site plan has been reviewed and approved by the Planning Commission.

- A. Commercial buildings/structures/uses.
- B. Industrial buildings/structures/uses.
- C. Essential services.
- D. Mobile home parks.
- E. Multi-family dwellings.
- F. Parking areas containing six or more parking spaces. Any expansion of existing parking areas containing six or more spaces shall require a site plan review, if the parking area is within 100 feet of any residential district or if ingress/egress or any other traffic circulation modifications are made.
- G. Planned unit developments (PUDs).
- H. Site condominium subdivisions.
- I. Special land uses.
- J. If an existing permitted land use is changed to another permitted land use that requires additional parking according to the "Schedule of Parking Requirements," such additional parking shall be required, and site plan approval from the Planning Commission shall also be required.

17.03 APPLICATION PROCEDURES

An application for Site Plan Review, plus either a preliminary or final site plan, shall be submitted 21 days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration.

17.04 PRELIMINARY PLAN REVIEW

Preliminary Plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Village to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall include the following as deemed necessary by the Zoning Administrator:

- A. Legal description of the property.
- B. Small-scale sketch of properties, streets, and use of land within one-half mile of the area.
- C. A generalized map showing any existing or proposed arrangement of:
 - 1. Streets.
 - 2. Lots.
 - 3. Access points.
 - 4. Other transportation arrangement.
 - 5. Buffer strips screening.
 - 6. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, dune classifications, dune crests, and similar natural assets.
 - 7. Signs - location and lighting.
 - 8. Buildings.
- D. A narrative describing:
 - 1. The overall objectives of the proposed development.
 - 2. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 - 3. Dwelling unit densities by type.
 - 4. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - 5. Proposed method of providing storm drainage.
 - 6. Proposed method of revegetating open sand areas, both pre-existing and newly created, to a stable condition.

In addition to the above, said applicant shall submit the site plan review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

17.05 REVIEW OF PRELIMINARY SITE PLAN

The Zoning Administrator will review the preliminary site plan and make recommendations to the Planning Commission. The Zoning Administrator may request review comments from other Village officials such as police chief, fire chief, Village engineer, and assessor, and base his recommendations on their comments as well as the purposes, objectives, and requirements in this Ordinance, and specifically, the following considerations when applicable:

- A. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency.
- B. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- C. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
- D. Screening and buffering with reference to type, dimensions, and character.
- E. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- F. Required yards.
- G. General compatibility with adjacent properties.
- H. The general purposes and spirit of this Ordinance and the Village Master Plan.

17.06 FINAL SITE PLAN REVIEW

Final site plan review is mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal as provided above. Final site plans shall contain the following information:

- A. The date, north arrow, and scale. The scale shall be at least one inch = 20 feet for property under three acres and one inch = 100 feet for those properties that are three acres or more.
- B. The name and address of the individual or firm responsible for the preparation of the site plan.
- C. The name and address of the property owner or petitioner.
- D. A locational sketch drawn to scale.

17.07 EXISTING INFORMATION

The following existing information must be shown and properly dimensioned:

- A. All lot and/or property lines, including building setback lines on corner lots.
- B. The location and height of all existing structures on and within 100 feet of the subject property's boundary.
- C. The location and dimensions of all existing drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas, and areas for public use and purpose.

- D. The location, pavement width, and right-of-way width of all abutting roads, streets, alleys, or easements.
- E. The location, height, and types of fences, walls, and landscaping.
- F. The location, extent, and character of all utilities, including connections to public sewer, water, or storm drainage systems.
- G. The location, extent, and character of all surface water drainage facilities.
- H. For multiple-family developments and parking areas with six or more spaces, contour intervals shall be shown (two-foot intervals for average slopes ten percent and under and five-foot intervals for slopes over ten percent). Topography, however, may be required on all site plans at the discretion of the Planning Commission.

17.08 PROPOSED INFORMATION

The following proposed information must be shown and properly dimensioned:

- A. The location and height of all proposed structures on and within 100 feet of the subject property's boundary.
- B. The location and dimensions of all proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas, and areas to be conveyed for public use and purpose.
- C. The location, pavement width, and right-of-way width of all proposed roads, streets, alleys, or easements.
- D. Proposed zoning changes for the subject property or abutting properties.
- E. The proposed location, height, and types of fences, walls, and landscaping.
- F. The proposed location, extent, and character of all utilities, including proposed connections to public sewer or water systems.
- G. All proposed surface water drainage facilities.
- H. For multiple-family developments and parking areas with six or more spaces, altered contour intervals shall be shown (two-foot intervals for average slopes ten percent and under and five-foot intervals for slopes over ten percent). Contour changes, however, may be required on all site plans at the discretion of the Planning Commission.

17.09 REVIEW PROCEDURE

- A. The Applicant shall submit his proposal to the Zoning Administrator by letter which shall be accompanied by a sketch of the proposed use or structure.
- B. The Zoning Administrator shall provide the applicant with the proper documents and instructions for completion of a site plan application.
- C. The Planning Commission may adopt procedures to encourage preliminary, informal review of proposed site plans with the applicant. The preliminary review shall not, however, affect the applicability of the standards and requirements for formal approval of site plans as required by this Article.
- D. The proposed site plan shall be submitted in five copies to the Zoning Administrator, who shall keep one copy and deliver four copies to the secretary of the Planning Commission.

- E. Within 60 days of its submittal to the Zoning Administrator, the Planning Commission shall review the site plan and shall either approve, approve with conditions, or disapprove the proposed site plan in accordance with this Article and applicable provisions of this ordinance. The basis for the decision and any conditions imposed relating to an affirmative decision shall be specified in the resolution of the Planning Commission approving or denying the site plan. If approved or approved with conditions, the site plan, as approved, shall become a part of the record of approval. After a decision of either approval or denial, the Planning Commission shall submit its action in writing to the applicant indicating either approval with any changes which were agreed upon by the Planning Commission, or denial with reasons for denial.
- F. Upon approval of a site plan, at least two copies of the site plan, as finally approved, shall be signed and dated by the secretary of the Planning Commission. One copy of the signed site plan shall be kept on file with the zoning administrator, and the other shall be returned to the applicant.
- G. For all site plans prepared on a computer, a single diskette copy shall be provided to the zoning administrator in digital format.

17.10 STANDARDS FOR SITE PLAN REVIEW

The Planning Commission shall review the site plan based on the purposes, objectives, and requirements of this ordinance and on the standards provided by this Section. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties. In reviewing the site plan, the Planning Commission shall specifically consider the following standards, as applicable:

- A. **Dimensional Requirements:** The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this ordinance.
- B. **Building Arrangement:** The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.
- C. **Drainage of Surface Water:** Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
- D. **Public Services and Utilities:** The location, availability, and compatibility of sewer, water, and storm drainage facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
- E. **Vehicular Access and Parking:** The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.

- F. **Exterior Lighting:** All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
- G. **Signs:** The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to avoid creating distraction or clutter.
- H. **Special Features:** Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.
- I. **Landscaping:** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking lots.
- J. **External Effects (General):** Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses.
- K. **Compliance With All Applicable Laws:** The Planning Commission shall not approve a site plan that violates or that is inconsistent with local, state, or federal laws or regulations.

17.11 CONDITIONS OF APPROVAL

The Planning Commission shall make a decision to approve the request based on the following conditions:

- A. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the people of Hopkins Village and shall have the authority to make any changes or alterations in submitted plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner; but in so doing, complying with other applicable provisions of this Ordinance.
- B. The Planning Commission may impose reasonable conditions upon the approval of a site plan. The conditions may include but are not limited to conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - 1. The proposed use or structure appears to be in accordance with the intent of the Zoning District in which it is located and is architecturally compatible with other conforming uses and structures in the District.
 - 2. Be designed to protect: Natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; or the community as a whole.

3. Be related to the valid exercise of the police power.
4. Be necessary to meet the intent and purpose of the zoning ordinance, related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
5. Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within 150 feet of the proposed use or structure.

17.12 REGULATIONS

The following regulations shall apply to all land uses requiring site plan approval:

- A. The secretary of the Planning Commission shall not sign the approved site plan until the applicant has submitted three copies of all permits that may be required by the county or the state for the construction of the use, such as but not limited to, permits for onsite wastewater disposal and permits required under the Soil Erosion and Sedimentation Act, Act 347 of the P.A. 1972; the Inland Lakes and Streams Act, Act 346 of the P.A. 1972; and the Wetland Protection Act, Act 203 of the P.A. 1979.
- B. The construction of improvements shall not commence for any development that requires a site plan approval until an approved site plan has been signed by the secretary of the Planning Commission.
- C. The zoning administrator shall not issue a zoning permit for any use requiring site plan approval until an approved site plan has been signed by the secretary of the Planning Commission.
- D. The building inspector shall not issue a building permit for any use requiring site plan approval until an approved site plan has been signed by the secretary of the Planning Commission.

17.13 PERFORMANCE GUARANTEES

Performance guarantees to assure compliance with the provisions of this ordinance and any conditions imposed under this ordinance may be required by the Planning Commission at the time of approval of a site plan as authorized under Section 4e of Act No. 207 of the Public Acts of 1921, as amended.

17.14 CHANGES TO SITE PLAN

Changes to a site plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

17.15 ENFORCEMENT

A site plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the zoning ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the Village to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Village. In addition, a violation of any approved site plan or failure to comply with any requirements of this Section, including conditions of approval, shall be considered a violation of this ordinance.

ARTICLE 18 NONCONFORMING USES

18.01 NONCONFORMING STATUS

Under the terms of this Ordinance or future amendments, The lawful use of a building or premises lots, uses of land, and structures or characteristics of use existing at the time of the adoption of this ordinance may be maybe continued although such use does not conform to the provisions thereof, but if such non-conforming use is discontinued, the future use of such premises shall be prohibited, regulated, or restricted in conformity with the provisions of this ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such nonconformities may be extended throughout the building in which they occur, provided no structural alterations are made therein, except those required by law, ordinance or general safety.

18.02 LOTS OF RECORD

In any District, a permitted use or structure and related accessory structures may be constructed on any single lot of record at the effective date of adoption of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals.

18.03 NONCONFORMING VACANT LOTS

Any lot platted or created and recorded prior to the effective date of this Ordinance that fails to comply with the minimum requirements of the zoning district in which it is located may be sold and/or utilized for uses as authorized by this ordinance provided the lot is not adjacent to other land, property, or lots in same ownership. Such lot must be in separate ownership and not contiguous with other lots in the same ownership. Landowners must remedy nonconformities by using adjacent land they own. No such nonconforming lot shall be decreased in size by sale or lease of the entire parcel or portions thereof.

18.04 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Any such nonconforming structure which has been damaged or destroyed by any means may be reconstructed provided it does not extend beyond the limits of the original foundation or exceed its prior square footage.
- C. Should such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

18.05 NONCONFORMING LAND USES

Where at the time of the effective date of adoption or amendment of this Ordinance lawful use of land exists or was occupied which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be modified, enlarged, or increased nor extended to occupy a greater area nor otherwise changed except to make the use less nonconforming or by change to a permitted use.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that previously occupied.
- C. When a nonconforming use is discontinued for any reason for a period of more than 180 days, the use may not thereafter be resumed or used except in conformity with the regulations of the district in which it is located and any subsequent use of such land shall conform with the regulations specified by the Ordinance.
- D. The nonconforming use may be extended through any parts of a building arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- E. No additional structure shall be erected in connection with such nonconforming use of land.
- F. No nonconforming use may be continued if it has been destroyed by natural or artificial means to an extent determined to be more than ½ its value based on the SEV as recorded in the most recent official tax roll. Nor can it be changed to another nonconforming use. All new or rebuilt structures shall be erected in conformance with the ordinance appropriate to the district in which it is located.
- G. The nonconforming use may be changed to another nonconforming use provided the Zoning Board of Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards.
- H. Any nonconforming use which is superseded by a permitted use, shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not thereafter be resumed.

18.06 REPAIR AND MAINTENANCE

Repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed in or on a nonconforming structure or portion of a structure containing a nonconforming use provided:

- A. During any consecutive 12 month period, extent of repair or replacement shall not exceed ten percent of the current replacement cost of the nonconforming structure.
- B. Cubic contents of the structure shall not be increased.
- C. If the nonconforming structure or portion of the structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, such structures shall not be restored, repaired, or rebuilt except in conformity with the current regulations of the district in which it is located.

18.07 ACQUISITION OF PROPERTY CONTAINING A NONCONFORMING USE OR STRUCTURE

For the purpose of removing nonconforming uses or structures, the Village, by purchase, condemnation, or otherwise, may acquire private property on which a nonconforming use or structure is located.

ARTICLE 19

ZONING BOARD OF APPEALS

19.01 ZONING BOARD OF APPEALS; APPOINTMENT AND ESTABLISHMENT

The Zoning Board of Appeals is authorized by the provisions of the City and Village Zoning Act, being Act 207, P.A. 1921, State of Michigan, which states that the Village Council may act as a Zoning Board of Appeals or the Village Council may appoint the Zoning Board of Appeals. The Board of Appeals shall be appointed in accordance with Section 5 of Act 207, P.A. 1921. Such Board of Appeals shall consist of not less than five members, and it may fix rules and regulations to govern its procedure.

19.02 BOARD DUTIES AND RESPONSIBILITIES

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision, or determinations made by an administrative official charged with the enforcement of this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property nor to make any change in the terms of this Ordinance, but does have the power to act on those matters where this Ordinance provides for administrative review or interpretation and to authorize a variance after proper review and public hearing. Any decision of the Zoning Board of Appeals, after following correct and lawful procedure, shall be final after the expiration of five days from the date of entry of such decision unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

19.03 APPEALS HEARINGS FOR INTERPRETATION, ADMINISTRATIVE REVIEW, OR VARIANCE

In specific cases, the ZBA may, after public notice and hearings, authorize by permit a variation of the application of the use and district regulations herein established in harmony with their general purpose and intent as follows:

- A. For each case in which the Zoning Board of Appeals has the authority to act on matters concerning interpretation, administrative review, or a variance, the Board of Appeals shall conduct a Public Hearing.
- B. Each Public Hearing shall be announced not less than 15 days prior to the date of the Hearing by publication in a newspaper of general circulation in the community and by personal delivery or by United States Mail to the appellant, to the officer from whom the appeal is taken, to the respective owners on record of real property within 300 feet of the property in question, and to the occupants of all single and two family dwellings within 300 feet at the addresses given in the last assessment roll. If the tenant's name is not known, the term "Occupant" may be used.
- C. A temporary building incidental to a development to be issued for a period of not more than one year.
- D. The erection or use of a building or the use of premises in any location by a public service corporation or for public utility purposes, which the Council determines by resolution to be reasonably necessary for the public convenience of welfare.
- E. The interpretation of the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the maps fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the maps referenced.
- F. The interpretation of the provisions of this ordinance in harmony with their fundamental purpose and intent where practical difficulties or unnecessary hardships occur.

ARTICLE 20

ADMINISTRATION AND ENFORCEMENT

20.01 VILLAGE PLANNING COMMISSION; APPOINTMENT AND ESTABLISHMENT

The Village Planning Commission is authorized by the provisions of the Municipal Planning Commission Act, being Act 285, P.A. 1931, State of Michigan, which states that the Planning Commission shall be appointed by the Village Council. For the purposes of administering this Ordinance and by authority of the City and Village Zoning Act, being Act 207, P.A. 1921, State of Michigan, the Village Council may appoint the Village Planning Commission to perform the duties of the zoning board as specified in said Act.

20.02 PLANNING COMMISSION; DUTIES AND RESPONSIBILITIES

The Planning Commission is authorized to adopt Rules of Procedure consistent with the statutes of Michigan, the provisions of the Village Charter, and the provisions of this Ordinance. The Planning Commission as directed by the Village Council shall develop and administer this Ordinance. All matters pertaining to the amendment or the changing of the Ordinance text or map, Special Land Use Permit or for a Planned Unit Development request shall be referred to the Planning Commission. For each request for an amendment or change of the Ordinance or for Planned Unit Development, the Planning Commission shall review the request, conduct a Public Hearing, and forward recommendations for approval, conditional approval, or denial to the Village Council, which shall make the final decision on the request. All other matters, unless otherwise directed herein, shall be the responsibility of the Planning Commission.

20.03 VILLAGE COUNCIL DUTIES AND PROCEDURES

For the purposes of administering this ordinance, all matters concerning zoning shall be directed to the Village Council for referral to the appropriate official, commission, or board for proper action. In any case which will involve an amendment or change to the text or map of this Ordinance, the Village Council shall adopt a resolution directing the Planning Commission to conduct a public hearing and to make recommendations back to the Village Council for final legislative action.

20.04 ZONING ADMINISTRATOR; APPOINTMENT AND AUTHORITY

The Zoning Administrator shall be charged with administering this Ordinance. The Zoning Administrator may be employed in accordance with Section 5 of Act 285, Michigan P.A. 1931, as amended, and the provisions of the Village Charter.

20.05 DUTIES AND RESPONSIBILITIES

- A. The Zoning Administrator shall be responsible for the updating and maintenance of the "official copy" of the Zoning Ordinance text and map. He shall be thoroughly familiar with the provisions of this Ordinance in order to administer it adequately.
- B. The Zoning Administrator shall make periodic checks of all properties in the Village to assure compliance with this Ordinance. Any violations of this Ordinance shall be reported in writing to the Village Council for further action.
- C. The Zoning Administrator shall receive all requests for rezoning, ordinance amendments, variances, and Special Land Use Permits, and forward these requests to the proper board, commission, or council. He shall, under no circumstances, be permitted to make changes in any part of this Ordinance or to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.
- D. Prior to the issuance of a building permit for any structure or use permitted by the provisions of this Ordinance, the Zoning Administrator shall review all applications and

documentation and issue a zoning permit stating that the proposed use is in compliance with the provisions of this Ordinance.

- E. The Zoning Administrator shall act as administrative staff to the Village Council, Planning Commission, and Zoning Board of Appeals. Any information, data, or statements presented to these bodies by the Zoning Administrator shall be purely advisory in nature for the purpose of clarification and coordination and will not restrict decisions made by these bodies.

20.06 PUBLIC HEARINGS

- A. Official Public Hearings shall be conducted by the respective agency, board, commission, board of appeals, or legislative body at any time this Ordinance is amended, supplemented, changed, or otherwise altered, or in any circumstance in which a Public Hearing is required by State-enabling legislation, Village Charter, or this Ordinance.
- B. Each Public Hearing shall be for the purpose of permitting residents and property owners to state views, opinions, suggestions, and questions about the item for which the Hearing is being held. Public Hearings shall be open for public attendance and participation within the procedures adopted for conducting such Hearings.
- C. Each Public Hearing shall be conducted in accordance with the procedures adopted by the respective board, commission, or council. An official record of each Public Hearing shall be made by means of a verbatim transcript, a copy of which shall be maintained as a public record.

20.07 AMENDMENTS

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by the Village Council in accordance with Act 207 of the Public Acts of 1921, as amended.

- A. Initiation of Amendments - Proposal for amendments, supplements or changes may be initiated by the Village Council on its own motion, by the Planning Commission, or by written request of (or petition of) one or more owners of property to be affected by the proposed amendment.

- B. Amendment Procedure

- 1. Written Request or Petition to Village Council

- Except for those initiated by Planning Commission or Village Council, all written requests by one or more owners, for an amendment, shall be submitted to the Village Council.

- 2. Referral to Planning Commission/Public Hearing

- The Village Council shall refer every proposed amendment, supplement or change to the Planning Commission for the holding of a required public hearing thereon and for review and recommended action.

- 3. Planning Commission Consideration

- Planning Commission shall consider each proposal for amendment in terms of its own judgement on particular factors related to the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment proposal. The Planning Commission shall transmit a written report with recommendation within 60 days to the Village Council setting forth the reasons for the acceptance, denial, or modification of the amendment proposal.

4. Action by Village Council

If the Village Council deems any amendment, changes, additions, or departures are advisable to the proposed text or district boundaries recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a further report thereon within a time specified by the Village Council. Before any amendments shall become effective, the Village Council may on its own, conduct a public hearing on the proposed amendment. Thereafter, the Village Council may adopt the amendment with or without any changes or may refer the same again to the Planning Commission for further report.

All proceedings pending and all rights and libels existing, acquired or incurred at the time this ordinance takes effect, are saved, and such proceedings may be consummated under and according to the law in force at the time such proceedings are commenced. It is the intent of the council that this act shall not be construed to alter, affect, or abate any prosecution now or hereafter instituted under any repealed ordinances for offenses committed prior to the effective date of this ordinance; and all prosecutions instituted after the date of this ordinance may be continued or instituted under or in accordance with the provisions of the ordinance in force at the time of the commission of such offense.

20.08 ZONING AMENDMENT HEARINGS

- A. For each proposed amendment to this Ordinance, the Village Council, by resolution, shall direct the Planning Commission to conduct at least one Public Hearing and to forward its recommendations for approval or denial to the Village Council. For each proposed amendment for which the Planning Commission has forwarded its recommendation, the Village Council shall conduct at least one Public Hearing.
- B. Each Public Hearing shall be announced not less than 15 days prior to the date of the Hearing by publication in a newspaper of general circulation in the community and by registered mail to all public utilities and railroads operating within the corporate limits of the Village. Each Public Hearing notice shall state the date, time, and place of the Public Hearing.

20.09 SPECIAL LAND USE PERMIT HEARINGS

For each application for a Special Land Use Permit, the Planning Commission shall conduct a Public Hearing in accordance with procedures outlined in this Ordinance. Matters to be considered shall meet the provisions as stipulated for respective uses in accordance with this Ordinance.

20.10 VIOLATIONS AND PENALTIES

- A. Any owner, person, firm, corporation or agent, and any person or corporation who violates, omits, neglects or refuses to comply any of the provisions of this Ordinance; or fails to comply with any of the requirements herein; or who shall erect, structurally alter, enlarge, rebuild, or move any building or buildings or any structure; or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder; or who shall refuse reasonable opportunity to inspect any premises, shall be guilty of a misdemeanor and may be fined not more than \$200 dollars or to imprisonment for not more than 90 days, or to both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.
- B. The owner of any building or structure, lot or land or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who assists in the commission of such violation, shall each be guilty of a separate violation and upon conviction thereof, shall each be liable to the fine or imprisonment, or both, as specified in this Section.

- C. Any property owner failing to maintain a fence in proper repair or in a safe condition shall, after ten days written notice by the Village requiring his abatement of the problem, result in action to be taken by the Village to have said fence removed or repaired at the present property owner's expense, and such legal action as may be required to collect all expenses incurred by the Village.
- D. Any violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.