

## **Article 16 Supplemental Regulations**

### **Section 16.01 - Purpose**

The intent of this Article is to recognize that there are certain conditions concerning land use that warrant specific exceptions, regulations, or standards in addition to the requirements of the Zoning District in which they are permitted to be located.

### **Section 16.02 - Existing Uses of Lands, Buildings, and Structures**

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners, the lawful use of any dwelling, building, or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

### **Section 16.03 - Scope of Ordinance**

Except as provided by Sections 16.02 all land and premises shall be used, and all buildings and structures shall be located, erected, and used in conformity with the provisions of this Ordinance following the effective date herein.

### **Section 16.04 - Area Limitations**

In conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling or main building.

### **Section 16.05 - Dwelling Lots or Sites**

Every dwelling, cottage, cabin, occupied trailer coach, or mobile home, erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.

### **Section 16.06 - Accessory Building Provisions**

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulation of this Ordinance applicable to the main building.
- B. Accessory buildings shall not be erected in any required yard, except a rear yard.
- C. An accessory building not exceeding one (1) story or twenty (20) feet in height may occupy not more than twentyfive (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- D. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side or rear

lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

- E. No detached accessory building in the RR, LFR, MDR, OSC, and NSC districts shall exceed one (1) story of twenty (20) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts.
- F. When an accessory building is located on a corner lot, the side lot line which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the site yard line of the lot in the rear of such corner lot.

### **Section 16.07 - Use of Yard Space**

Unless otherwise provided for in this Ordinance no yard surrounding a dwelling, building, or structure utilized for dwelling purposes, except farm dwellings, shall be used, occupied, or obstructed by accessory buildings or structures, either permanently or temporarily; provided however that a side or rear yard may be used for parking up to five (5) passenger automobiles in active service located either in covered or enclosed structures or open parking spaces, but in no case shall any of these yard spaces be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junk vehicles, machinery, used building materials, or other discarded, disused, or rubbish-like materials, equipment or structures.

### **Section 16.08 - Lot-Building Relationship**

Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.

### **Section 16.09 - Accessory Building as Dwelling**

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.

### **Section 16.10 - Basement as Dwelling**

No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.

### **Section 16.11 - Damaged Buildings and Structures**

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage.

### **Section 16.12 - Required Water Supply and Wastewater Disposal Facilities**

Shall meet the requirements established by the County Sanitation Code of the Department of Health.

### **Section 16.13 - Access to a Public Road or Highway**

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public road or way shall not be occupied, except where access to a public road or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width.

### **Section 16.14 - Frontage on Public or Private Road Highway**

In any zoning district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public or private road right-of-way that meets all of the requirements for road construction as specified by the County Road Commission.

### **Section 16.15 - Visibility at Intersections**

No fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be higher than three (3) feet above road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

### **Section 16.16 - Road Closures**

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all areas included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

### **Section 16.17 - Height Regulations**

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio, television, and other communication broadcasting and receiving antennae not directly linked to residential structures, silos, wind-driven electricity generators, parapets, and other necessary

mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, the Michigan Aeronautics Commission, other public authorities having jurisdiction and any regulations established by authorized state, county, and township agencies and the provisions of P.A. 23 of 1978, "The Zoning Act".

### **Section 16.18 - Fences, Walls, and Screens**

Within the limits of a side or front yard space of a lot; no fence, wall (other than necessary retaining wall), or other screening structure shall be higher than six (6) feet. No such fence or wall located within a rear yard shall exceed eight (8) feet in height, except as required in Section 16.15.

### **Section 16.19 - Essential Services**

- A. This shall include the erection, construction, alteration, or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam, or water transmission or distribution systems or collection, supply, or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants, and other similar facilities, equipment, and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies. No such building constructed as a part of an essential service, shall be used for human occupancy.
- B. The surface of land used for pipeline right-of-ways shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- C. Essential service in all districts shall meet the requirements of the LFR or MDR Residential District for all buildings, structures, and areas used for offices, power generators, power transformers, storage, fabrication, or manufacture of materials necessary to the provision of essential services.

### **Section 16.20 - Swimming Pools**

Private pools shall be permitted as an accessory use within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than twenty (20) feet between the adjoining property line and outside of the pool wall.
- B. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located less than fifty (50) feet from any front lot line.
- D. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- E. No swimming pool shall be located in an easement .

- F. For the protection of the public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

### **Section 16.21 - Home Occupations**

Home occupations shall be permitted in all detached single family residential dwellings and include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office and other similar occupations and other home occupations legally operating in detached single family homes at the time of adoption of this Zoning Ordinance.

- A. The non-residential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than twenty-five (25) percent of the ground floor area of the principal structure.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.
- D. The home occupation shall involve no employees other than members of the immediate family.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two (2) square feet in area in an RR, LFR, MDR, HDR, and MFR District and is not required to be attached to the principal structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.

### **Section 16.22 - Temporary Buildings and Structures**

Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures, and signs shall be removed upon completion or abandonment of construction, sale, or rental activities and prior to occupancy and use of the building or structure for permitted uses. Prior to the issuance of a permit for temporary buildings and structures the applicant must deposit to the credit of the Township a \$3,000 performance bond, cash deposit of \$500 or a letter of credit in the amount of \$500 from an incorporated financial institution or bonding company licensed to do business in the State of Michigan. Temporary signs having an area of less than 24 sq.ft. shall be excluded from this provision.

### **Section 16.23 - Solid Waste Receptacle Areas**

Truck-lifted or transported receptacle areas: all such receptacle areas shall be enclosed by a six (6) foot high wooden or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.

### **Section 16.24 - Exterior Lighting**

All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas are required when the number of parking spaces is more than five (5).

### **Section 16.25 - Driveway Entrances and Gates**

In driveway entrances or gateway structures; including, but not limited to walls, columns, and gates marking driveway entrances to private or public uses may be permitted; and may be located in a required yard, except as provided in Section 16.15 "Visibility at Intersections:", provided that such entranceway structures shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator.

### **Section 16.26 - Frontage Access Roads**

Ingress and egress for all uses permitted in OSC, NSC, GSC, and I districts fronting on major intercommunity and local arterials as defined and designated in the Hillsdale Township Master Plan in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon these major thoroughfares, except for existing developments and uses located upon lots and parcels of record and single lot and parcel described by metes and bounds on file with the County Register of Deeds.

- A. Connecting service roads shall be required between parking areas on adjacent land uses.
- B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which gives the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license shall be recorded in the office of the County Register of Deeds. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain, or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic ordinance or promote traffic safety on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.
- C. No less than two (2) driveways at least 20 feet in width shall be available to such coordinated parking areas and service road systems; provided that said driveways

shall be at least 300 feet apart and have appropriate designated acceleration and deceleration lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular use do not require it and when traffic hazards will not be increased by such a waiver.

- D. All requirements shall apply only to the full width of the developed portion of a lot or parcel when developed adjacent to an existing use. The purpose of this subsection is to minimize the length of service roads in relation to the actual developed area of a lot or parcel and the number of parking spaces, and to promote their construction as they are needed.
- E. Parking lots, driveways, and service roads shall at least be surfaced with processed road gravel and maintained in a usable dust free condition.
- F. Parking area layout shall follow standards prescribed in this Ordinance.
- G. Service roads and driveways shall be at least paved with processed road gravel and have a width of twenty (20) feet.

### **Section 16.27 - Parking or Storage of Mobile Homes, Trucks, and Travel Trailers on Residential Lots and Parcels in RR, LFR, MDR, HDR, and MFR Zoning Districts**

Storage of not more than two (2) non-residential type recreational vehicles shall be permitted, provided that such units shall be completely within the side and rear yards or completely enclosed within a structure.

### **Section 16.28 - Temporary Transient Uses**

Temporary transient use of an existing land site, building, or structure may be permitted in any district upon approval of the Planning Commission, and upon finding that the location of such an activity will not adversely affect public health, safety, and general welfare in the district in which it is to be temporarily located. All temporary transient uses, if approved by the Planning Commission, shall have a reasonable time limit placed upon their use based upon the normal periods of time such uses need to exist for an expressed number of days authorized by the Planning Commission. Temporary transient uses may be granted a permit on the basis of compliance with the criteria stated in Section 20, "Site Plan Review".

### **Section 16.29 - Fences**

- A. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to their conforming to the requirements of the Zoning districts wherein they are required because of land use development.
- B. Fences in an AR District are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.
- C. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- D. Fences which are not specifically required otherwise under the regulations for the individual zoning districts, shall conform to the following requirements:
  - 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet

in height above the grade of the surrounding land, except as provided in Section 16.18.

2. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
3. In an "I" Industrial District, no fence shall exceed twelve (12) feet in height.
4. Fences on all lots in an RR, LFR, MDR, HDR, and MFR Residential District which extend toward the front of the lot, past the front line of the main building, shall not exceed four (4) feet in height.
5. No fence or structure shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the road property lines and a line connecting them at points twenty-five (25) feet from the intersection of the road property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

### **Section 16.30 - Walls and Protective Screening**

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- A. Where a OSC, NSC, GSC, and I district abuts directly upon an RR, LFR, MDR, HDR, and MFR residentially zoned district, or residentially used property in any district, a landscaped greenbelt, as defined below, shall be provided and maintained along its entire length by the users of the said business, commercial, or industrial zoned property. In addition, the latter mentioned districts shall be screened from such contiguous, residentially zoned district by either a building which houses a permitted use, or else by a solid masonry wall four (4) to six (6) feet in height above grade, between said greenbelt area and the business, commercial, or industrial use. Such greenbelt shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines, or firs from 5 to 6 feet in height, so as to create a permanent buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent buffer. These plants shall be planted and shall reach such required height within five (5) years of approval of the site plan or development by the Township. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in a healthy growing condition, neat and orderly in appearance. Such walls for shielding off-street parking or storage areas shall not be required when such areas are located more than 200 feet from such abutting residential use or district.
- B. Required walls shall be located on the property line, except as otherwise approved by the Planning Commission. Such walls, may upon approval by the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential district which abuts a residential district whenever the affected owners also so agree. When vehicles or open air displays generally exceed a five (5) foot height said wall shall be increased to a height not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Zoning Administrator.
- C. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may



be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The arrangements of such opening shall be subject to approval by the Zoning Administrator.

### **Section 16.31 - Use of Mobile Homes as Temporary Dwellings by Visitors**

Mobile homes, travel trailers, motor homes, and recreation vehicles shall be permitted when parking by visitors in a side or rear yard of a permitting dwelling owner or lessee without charge, upon application by the owner or the issuance of a "Temporary Permit" by the Zoning Administrator. Application shall be made within seven (7) days after the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the mobile home, travel trailer, motor home, or recreation vehicle with sanitary facilities approved by the Township. A "Temporary Permit" may only be issued to one (1) mobile home, travel trailer, motor home, or recreation vehicle at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the mobile home, travel trailer, motor home, or recreation vehicle shall be removed from the property on or before the 30<sup>th</sup> days of the permit period.

### **Section 16.32 - Building Grades**

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

### **Section 16.33 - Moving Buildings**

Buildings may not be relocated within the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Approval shall be required for such buildings moved from the Planning Commission.

### **Section 16.34 - Television Satellite Receiving Discs**

All television satellites receiving discs are designated as accessory uses to the principal uses permitted on each lot or parcel on each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district and may be located only in a side or rear yard.

### **Section 16.35 - Use of Financial Guarantees to Temporary Delay Construction Requirements**

If in the judgment of the Planning Commission, during the course of Site Plan Review Procedures, it appears prudent to permit the delay of constructing certain provisions as required in this Zoning Ordinance, the Planning Commission may grant such delay to a specific future date provided that the applicant/owner submits a satisfactory financial guarantee to the Township Board. The financial guarantee shall remain in effect prior to

or coincident with the issuance of the zoning permit and shall remain in effect until the requirements so delayed are fully completed and approved by the Zoning Administrator.

### **Section 16.36 - Dwelling, Single-Family, Additional Requirements**

A building containing not more than one dwelling unit designed for residential use shall comply with the following standards:

- A. It must comply with the minimum square footage requirements for the Zone in which it is located.
- B. A section of the building shall be at least twenty (20) feet by twenty (20) feet and comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P. A. 230 as amended including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State Standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the building code in effect in the Township, then in that event, the less stringent code in effect in the Township, then in that event, the less stringent Federal or State standards or regulation shall apply.
- C. It shall be firmly attached to a permanent foundation construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 P. A. 230, as amended and coextensive with the perimeter of the building which attachment shall also meet all applicable building codes and other state and federal regulations.
- D. It shall not have exposed wheels, towing mechanisms, undercarriage or chassis.
- E. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling shall contain a storage area either in a basement located under the dwelling, in a attic area, in closet areas, or in a separate structure being or standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 10% of the zone in which the dwelling is located. In no case, however, shall more than 200 square feet of storage area be required by the provision.
- G. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development outside of Mobile Home Parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of said area; or, where said area is not so developed, by the character of residential development outside of Mobile Home Parks throughout the

Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- H. The dwelling shall contain no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attached to the principal structure.
- I. The dwelling shall comply with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety standards, effective June 15, 1976, as amended.

The additional standards set forth herein shall not apply to a mobile home located in a Licensed Mobile Home Park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.