

**HILLSDALE TOWNSHIP ZONING ORDINANCE
HILLSDALE COUNTY
MICHIGAN**

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James Marks, Township Attorney**

in consultation with
Robert B. Hotaling, PCP
Jeanne B. Hotaling, Associate
Township Zoning Consultants
September 1, 1985

This Zoning Ordinance was reprinted on May 13, 2005. A current zoning map has been included in this reprint. All attempts have been made to correct any typographical errors in this reprinting. If any dispute occurs, refer to an original copy from 1985.

ARTICLE 1
Title, Purpose, Enabling Authority and Conditions of Enactment

Hillsdale Township, Hillsdale County, Michigan
ordains:

Section 1.01 - Title:

This Ordinance shall be known and cited as the Hillsdale Township Zoning Ordinance.

Section 1.02 - Purpose of this Zoning Ordinance and Resolution of Intent:

An Ordinance for the protection of the public health, safety and other aspects of the general welfare of Hillsdale Township through the establishment in the unincorporated portions of Hillsdale Township, Hillsdale County, Michigan of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning district's provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with special use conditions; the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures that may be erected or altered; to provide, based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of Hillsdale Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest and open space lands, wetlands and land areas containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance, to provide for the administration of this Ordinance; to provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for penalties for violations of this Ordinance; to provide for the assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of Public Act 184 of 1943, as amended, being MCLA 125.271-125.301 and this Ordinance; to provide for the collection of fees for zoning permits required under this Ordinance; to provide for petitions, public hearings and referenda in accordance with the provisions of Public Act 184 of 1943, as amended, and this Ordinance, and to provide for appeals of the provisions of this Ordinance.

Section 1.03 - State Legislation Enabling Authority:

This Ordinance is adopted pursuant to Public Act 184 of 1943 (MCLA 125.271-125.301) as amended, and, insofar as it is applicable, Public Act 168 of 1959 (MCLA 125.321-125.333), as amended, of the State of Michigan. Said Public Acts covering Township Planning (Act 1968) and Zoning (Act 184) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

Section 1.04 - Enactment Declaration

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary to the providing of a planned orderly growth and development of Hillsdale Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living patterns.

Section 1.05 - Adoption of this Zoning Ordinance and Repeal of Present Zoning Ordinance

The "Hillsdale Township Zoning Ordinance" presently in effect in Hillsdale Township and all amendments thereto, are hereby amended and reorganized into this new Zoning Ordinance; provided, however, if this Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the present Hillsdale Township Zoning Ordinance and all of its amendments to their full effect.

Section 1.06 - Relationship to Adopted Master Plan

The zoning map and text – the plans and specifications for the future development and redevelopment of the Township – are based upon the adopted Master Plan, as amended, for Hillsdale Township. In particular, the Master Plan components for Land Use, Transportation and Public Utilities and Facilities have been and will continue to be the basis for amending or changing the Zoning Ordinance and Text in the future.

Article 2 Definitions

Section 2.01 - Rules Applying to Text

All Words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word "building" includes the word "structure", and "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", and "association" as well as an "individual"; the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.02 Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

1. *Accessory Building* - See "Building, Accessory"
2. *Accessory Use* - See "Use, Accessory"
3. *Agriculture* - Farms and general farming, including horticulture, floriculture, dairy farming, livestock and poultry raising, farm forestry and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.
4. *Alterations* - The term "Alterations: shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".
5. *Appeal* - See "Zoning Appeal"
6. *Apartments* - The term "Apartments" shall mean the dwelling units in a multiple dwelling as defined herein:

Efficiency Unit: is a dwelling unit consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit: is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: is a dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit: is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

1. *Automobile Car Wash* - A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.
2. *Automobile Repair* - A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.
3. *Automobile Service* - A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to public on premises; including sale of minor accessories and service for automobiles.
4. *Basement* - That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as a room with at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.
 5. *Bedroom* - A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

6. ***Block*** - The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.
 7. ***Board of Appeals*** - See "Zoning Board of Appeals"
 8. ***Building*** - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.
 9. ***Building, Accessory*** - A supplementary building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings.
 10. ***Building Area*** - The space remaining after the minimum open space requirements of this Ordinance have been complied with.
 11. ***Building, Farm*** - Any building or structure other than a dwelling, maintained, used, or built on a farm which is essential and customarily used on farms of that type in Hillsdale Township for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.
 12. ***Building Height*** - The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located in sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
 13. ***Building Line*** - A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as the front setback line.
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1. ***Building Permit*** - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the Construction Code Ordinance.
 2. ***Building, Principal*** - A building in which is conducted the principal use of the premises on which it is situated.
 3. ***Building Setback Line*** - The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are

established, in general, parallel to the front road right-of-way and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

4. *Building, Temporary* - See "Temporary Use" or "Building"
 5. *Clinic, Animal* - A building or group of buildings and/or structures where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.
 6. *Clinic, Human* - A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.
 7. *Club* - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics, or the like, but not for profit, and open only to members and not the general public.
 8. *Commercial* - A business operated primarily for profit, including those of retail trade and professional, personal, technical, and mechanical services.
 9. *Common Areas, Uses, and Services* - Land areas, improvements, facilities, and utilities, the use, enjoyment, and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.
 10. *Convalescent or Nursing Home* - A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care.
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1. *District* - See "Zoning District"
 2. *Drive-in Restaurant* - A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.
 3. *Dwelling* - A building designed or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, tents, or portable buildings.
 4. *Dwelling, Farm* - A dwelling used to house the principal family operating a farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.
 5. *Dwelling, Group* - (Group Housing) Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.
 6. *Dwelling, Mobile Home* - A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this

Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.

7. *Dwelling, Multiple Family* - A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other.
8. *Dwelling, One Family* - A dwelling structure designed exclusively for occupancy by one (1) family.
9. *Dwelling, Two Family or Duplex* - A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.
10. *Dwelling Unit* - A dwelling unit is any building or portion thereof or a mobile home having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so

occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

1. *Entrance Ramp* - Automotive access to a highway.
2. *Erected* - The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.
3. *Essential Services* - The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in collection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.
4. *Excavation* - Any breaking of ground, except farm use, common household gardening, and ground care.
5. *Exception* - See "Zoning Exception"
6. *Exit Ramp* - Automotive exit from a highway.
7. *Family* - One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof) and additionally not more than four (4) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

8. *Farm* - Real property used for agriculture or horticulture comprising at least ten (10) contiguous acres and which may contain other contiguous or non-contiguous acres, all of which is operated by a single family, family corporation, individual, or corporation.
9. *Farming* - See "Agriculture"
10. *Fence* - A permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, and not part of a principal building or structure or other accessory structure. An ornamental

fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

1. *Filling* - The depository or dumping of any matter into or onto the ground except common household gardening and general care.
2. *Filling Station* - See "Automobile Service"
3. *Flood Plain* - That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle.
4. *Floor Area, Gross (GFA)* - The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.
5. *Floor Area, Usable (UFA)* - The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.
6. *Foster Care Home* - A child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance, and supervision in building supervised by the home for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the center. A Foster Care Home could include a maternity home for the care of unmarried mothers under 18 years of age and an agency group

home, which is described as a child or adult caring home owned, leased, or rented by a state licensed facility providing care for more than four (4), but not more than (12), children or adults; or homes for mentally retarded or emotionally disturbed children under eighteen (18) years of age. Foster Care homes do not include a hospital licensed under Section 59 and Act. No. 269 of the Public Act No. 139 of the Public Acts of 1956, as amended, or a hospital for mentally ill licensed under Act. No. 151 of the Public Acts of 1923, as amended, or nursing and convalescent care centers.

1. *Frontage, Street* - See "Road Frontage"
2. *Garage, Commercial* - Any garage, other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.
3. *Garage, Private* - An accessory building not to exceed the height of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.
4. *Gas Station* - See "Automobile Service"
5. *Grade* - The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
6. *Greenbelt* - A buffer area consisting of an open space, except as specifically required in certain sections of this Ordinance, which shall be either level or a berm and landscaped with trees, shrubs, vines, and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.
7. *Group Housing* - See "Dwellings, Group"
8. *Group Residential Homes* - See "Foster Care Homes"
9. *Highway* - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (also see "Road")
10. *Highway, Intercommunity Arterial* - Those highways defined as such by the Township Master Plan.
 1. *Highway, Regional Arterial* - Those highways defined as such in the Township Master Plan
 2. *Historical Building, Site or Area* - Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history;

(b) stabilize and improve property values in the area; c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

3. *Home, Motor* - A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.
4. *Home Occupation* - Any use customarily conducted entirely within the dwelling or an accessory structure and carried on by the inhabitants thereof, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards, and the like, involved in or resulting from such occupation, professional or hobby. Such occupation shall not require internal or external alterations of construction features, outdoor storage, or signs not customarily in residential areas.
5. *Hospital* - An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.
6. *Hotel* - A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also see "Motel").
7. *Industrial* - A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.
 1. *Industrial Park* - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
 2. *Institutional* - An organization having a social, educational, or religious purpose established by law, custom, practice, or a system to serve a public.
 3. *Junk* - All rubbish, refuse, waste material, garbage, including, but not limited to, the following; waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled, or partially dismantled motorized vehicles, or parts thereof. This shall not preclude home or farm composting for on-site use.

4. *Junk Yard* - Any lot, parcel, field, or tract of land on which there is an accumulation of junk, equipment, or machinery, whether operated for profit or not for profit bases. The term "junk yard" includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping, or abandonment of junk or for the dismantling, demolition, or abandonment of automobiles or other vehicles of machinery or parts thereof, but does not include uses established entirely within an enclosed building.
5. *Kenel* - Any lot or premises on which four (4) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other fur-bearing household or domestic pets of like number are bred or sold.
6. *Laboratory* - A place in which the principal use is devoted to experimental, routine study, or basic study such as testing and analytical operations.
7. *Land Use Permit* - See "Zoning Permit"
8. *Lighting, Source of* - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.
 1. *Loading Space* - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.
 2. *Lot* - A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see "Parcel" or "Plat"). A lot shall not include road easements or road right-of-ways.
 3. *Lot Area* - The total horizontal area within the lot lines of a lot or parcel.
 4. *Lot, Corner* - A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc if of less radius than 150' and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.
 5. *Lot Coverage* - That percentage of the lot or parcel covered by the building area.
 6. *Lot Depth* - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
 7. *Lot, Double Frontage* - Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to roads shall be considered frontage and front yards shall be provided as required.
 8. *Lot, Interior* - Any lot other than a corner lot.

9. *Lot Lines* - The exterior perimeter boundary lines of a lot or parcel.
10. *Lot Line, Front* - In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Compliance Permit.
11. *Lot Line, Rear* - That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.
12. *Lot Line, Side* - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
13. *Lot of Record* - A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record". (Includes "Parcel of Record").
14. *Lot, Waterfront* - A lot having a frontage directly upon a lake, river, or other reasonable sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.
15. *Lot Width* - The horizontal distance between the side lot lines, measured at the two (2) points where either the building line, or front lot line intersects the side lot lines.
16. *Major Thoroughfare* - A road, street, or highway designated as such in the Township Master Plan.
17. *Marginal Access Road* - A public or private road or driveway paralleling and adjacent to any one of the major roads and arterials as designated in the Township Master Plan.
18. *Master Plan* - (Basic Plan) - The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 168 of 1959 relative to the agreed upon desirable physical land use pattern for future Township development. The Plan consists of a series of maps, plans, charts, and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township.
19. *Mobile Home* - A dwelling unit manufactured in one or more sections, designed for year-round , temporary, or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD) or the

American National Standards Institute (ANSI), if built prior to 1976, and installed in accordance with this Zoning Ordinance and the Construction Code.

1. *Mobile Home Park* - For the purpose of this Ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use.
 2. *Mobile Home Space or Pad* - Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home.
 3. *Motel* - (Also see "Hotel") - A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish lodging accommodations for the public for compensation.
 4. *Motor Court* - See "Motel"
 5. *Non-conforming Building or Structure* - A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.
 6. *Non-conforming Use* - A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
 7. *Nuisance* - Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being.
 8. *Nursing Home* - See "Convalescent Home"
 9. *Occupied* - A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.
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1. *Office* - An enclosed area which has as its primary use, rooms for professional or financial organizations, individuals, and labor unions, civic, social, fraternal, and/or other various related organizations or enterprises.
 2. *Off-Street Parking* - See "Parking, Off-street"
 3. *Off-Street Parking Lot* - See "Parking, Off-street, Lot"
 4. *Off-Street Parking Space* - See "Parking, Off-street, Space"
 5. *Open Air Business Uses* - Open air business uses operated for profit substantially in the open air, shall include such uses as the following:
 - a) bicycle, utility truck, or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
 - b) outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar products,
 - c) retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.

- d) tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park, or similar recreation uses (transient or permanent).
114. *Open Space* - Any space suitable for growing vegetation, recreation, gardens, or household service activities such as; clothes drying, but not occupied by any buildings.
115. *Open Space Uses* - Any principal or accessory use of a lot or parcel not involving the use of buildings or structures.
116. *Open Storage* - All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.
117. *Outdoor Advertising Signs* - See "Signs, Outdoor Advertising"
118. *Parcel* - See "Lot"
119. *Parking, Off-street* - Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.
120. *Parking, Off-street, Lot* - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
121. *Parking, Off-street, Space* - An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances

giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.
122. *Parking Space* - A land area of not less than nine (9) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public road or alley.
123. *Pet* - Shall mean only such animals as may commonly be housed within domestic living quarters.
124. *Plat* - A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Subdivision Control Act and The Subdivision Regulations of Hillsdale Township.
125. *Pond* - A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.
126. *Porch, Enclosed* - (includes patio) - A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
127. *Porch, Open* - (includes patio and deck) - A covered entrance to a building or structure which is unenclosed except for columns supporting the porch

roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

128. *Private, Road* - See "Road, Private"

129. *Public Utility* - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, telegraph, transportation, water, stormwater collection or wastewater collection and treatment.

130. *Recreation Vehicle* - A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel

purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

131. *Restaurant* - Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, and nightclubs.

132. *right-of-way, Road* - See "Road right-of-way", includes "Highway and Street right-of-way".

133. *Road* - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the County Road Commission.

134. *Road, Frontage Access* - A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

135. *Road, Hard Surface* - A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

136. *Road, Local Arterial* - A road specified in the "Master Plan" for the Township.

137. *Road, Connecting* - A road specified in the "Master Plan" for the Township.

138. *Road Frontage* - The legal line of demarcation between a dedicated road right-of-way or easement and abutting land.

139. *Road, Minor* - A road specified in the "Master Plan" for the Township.

140. *Road, Private* - A non-public road is one which serves at least 2 separately owned lots or parcels and which must meet the County Road Commission standards.

141. *Road, right-of-way Line* - The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

142. *Roadside Stand* - A temporary or permanent building or structure operated for the purpose of selling only produce raised or produced on the

same premises by the proprietor of the stand or his family; its use shall not make it a commercial district land

which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity.

143. **Sanitary Landfill** - A private or public sanitary landfill that meets all of the requirements of Public Act 641 of 1978 and Public Act 64 of 1979 and the rules promulgated under these Acts by the Michigan Department of Natural Resources.
144. **Semi-public** - (additional definition; amended 3/89) - Having some of the use and activity characteristics of a public institution, but maintained as a public service by a private nonprofit organization for the purpose of serving their regular membership and related persons, but not to the general public.
145. **Service** - (additional definition; amended 3/89) - The act of administering or applying something, but excluding goods and commodities, for the purpose of carrying out a duty, work, or business activity performed or discharged as a private business or by a government agency or official for the general public; or by a nonprofit organization for the benefit of its specific constituency, membership, subscribers, affiliates, associates, or other similar designation.
146. **Shoreline** - The line of demarcation between land and a surface water feature which may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.
147. **Sign** - The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known, such as to show an individual firm, profession, business, product, or message and visible to the general public.
148. **Sign, Lighted** - Any sign having a conspicuous, continuous, or intermittent variation in the illumination of the physical position of any part of the sign.
149. **Sign, Outdoor Advertising (also Billboard)** - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.
150. **Social Institution** - An organization for which the purpose is primarily one emphasizing organized human interaction within groups of people for purposes of companionship, general health and welfare, and good relations within the community; and promotion of community betterment, advancement, and public service.
151. **Special Use** - A use which is subject to approval by the Planning Commission. A special use may be granted when specified by this

Ordinance. A permitted special use is not considered to be a nonconforming use.

152. *Special Use Permit* - A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
153. *Story* - That part of a building included between the surface of one (1) floor and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.
154. *Story, Half* - An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches (7' 6").
155. *Story, Height* - The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.
156. *Street* - See "Road"
157. *Structure* - Anything constructed or erected which requires a permanent location on the ground or attachment to something having such location on the ground including buildings, signs, poles, towers, hard surfaced walks, drives, patios and parking lots and areas, berms, fences, walls, but not including trees, shrubs, vines, ground covers or other forms of vegetation and incidental non-vegetarian items which border or supplement tree, shrub, vine, and ground cover beds and areas such as rocks, edging, bird baths, sun dials, statuary, air conditioning units, benches, fireplaces, grills, etc. Also, see "Building."
114. *Structural Alterations* - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders or any substantial changes in the roof and exterior walls.
115. *Swimming Pool* - Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.
116. *Temporary Building* - See "Building, Temporary"
117. *Temporary Use* - See "Use, Temporary"
118. *Tent* - As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and

shall not include those types of small tents used solely for children's recreational purposes.

119. *Travel Trailer* - A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers, but does not include mobile homes.
120. *Travel Trailer or Recreation Vehicle Park* - A family recreation oriented facility for the overnight or short-term (not to exceed fourteen (14) days consecutively) parking of travel trailers, recreation vehicles, or tents. May also be known as a campground.
121. *Use* - The lawful purpose for which land or premises of a building thereon is designed, arranged, intended, or for which is occupied, maintained, let, or leased.
122. *Use, Accessory* - A use normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, and television satellite dishes.
123. *Use, Agricultural* - Any use permitted in the "AR" Agricultural Zone in this Ordinance.
124. *Use, Commercial* - Any use permitted in the OSC, NCS, and GSC Commercial Zones in this Ordinance.
125. *Use, Industrial* - Any use permitted in the "I" Industrial Zone in this Ordinance.
126. *Use, Institutional* - Any of the public or private Institutional uses permitted in this Ordinance.
127. *Use, Land* - The principal and accessory uses being made of all land areas and buildings and structures located upon a lot or parcel.
128. *Use, Public* - Any of the publicly-owned or leased uses of land, buildings, or structures administered and operated by a public agency or official.
129. *Use, Residential* - Any of the uses permitted in the AR, RR, LDR, MDR, HDR, and MRF Residential Zones in this Ordinance.
130. *Use, Temporary* - A use or building permitted to exist during period of construction of the main building or use, or for special events.
131. *Variance* - See "Zoning Variance"
132. *Yard* - The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein.
133. *Yard, Front* - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
134. *Yard, Rear* - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

135. *Yard, Side* - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.
136. *Zoning Appeal* - An entreaty or demand for a hearing and/or review of facts and/or actions.
137. *Zoning Board of Appeals* - As used in this Ordinance, the term “Board of Appeals” means the Township of Hillsdale, Hillsdale County, Michigan Zoning Board of Appeals.
138. *Zoning District* - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.
139. *Zoning Exception* - See “Zoning Interpretation”
140. *Zoning Interpretation* - A principal or accessory use permitted within the intent and purpose of this Ordinance only after review of an application by the Board of Appeals with the advice and counsel of the Planning Commission. Such review is necessary because the provisions of this Ordinance in respect to the listed permitted principal and accessory uses are not precise enough to all applications without interpretation, and such review is therefore required by the Ordinance.
141. *Zoning Permit* - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.
142. *Zoning Variance* - The term “Variance” shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and c) exceptional and unusual elements are present that would preclude the same type of development permitted in a zoning district, but, which with a variance, would permit similar and compatible development to the character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.
- A. *Practical Difficulties* - Shall mean that dimensional zoning requirements cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape, or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.
 - B. *Unnecessary Hardship* - Shall (1) mean that the permitted zoning district uses are so limited as to result in the impossibility of developing a lot or parcel for any such permitted use purpose because of unusual or unique characteristics of the lot or parcel in relation to other more typical lots or parcels in the same zoning district or (2) mean that a permitted principal or accessory use because of its specific limitations by normal definition is in

need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.