

ARTICLE XII

SUPPLEMENTAL REGULATIONS

SECTION 12.01 Purpose

There are certain conditions concerning land uses that warrant specific regulations and standards in addition to the requirements of the zoning districts in which they are located.

SECTION 12.02 Accessory Building

- A. Where an accessory building is attached to the side or front of a principal building it shall be considered part of the principal building for purposes of determining required yard dimensions. But if such accessory building is attached to the rear of the principal building in such a manner that it is completely to the rear of all portions of said building, it may be considered a detached accessory building for purposes of determining required rear yard dimensions.
- B. No detached accessory building shall be located nearer to a side lot line than the permitted distance for the principal building on the same lot, unless such accessory building shall be completely to the rear of all portions of the principal building, in which case it may be located no nearer than five (5) feet to any side lot line.
- C. No detached accessory building shall be located nearer than five (5) feet to any rear lot line, except that when such accessory building shall be a garage which is entered at right angles to any alley, it shall be located no nearer than twelve (12) feet to said rear lot line.
- D. No accessory building shall project into any front yard setback.
- E. No accessory building shall occupy more than thirty (30) percent of the area of any rear yard.
- F. Where a corner lot adjoins a side boundary of a lot in any Residential District, no accessory building shall be located nearer to the side street lot line than the side yard setback of the principal building on said lot.

SECTION 12.03 Lot Building Relationship

Hereafter, every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in a Residential District.

SECTION 12.04 Accessory Building as Dwelling

No accessory building on the same lot as a principal building shall be used for dwelling purposes.

SECTION 12.05-Basement

No basement structure shall be used for occupancy unless, within two years, a completed story is situated immediately above the basement structure and that the story is used as a dwelling.

SECTION 12.06 Required Water Supply and Sanitary Sewerage Facilities

Requirements for water supply systems and sanitary sewerage facilities shall be established by the Hillsdale County Health Department. The following site development and use requirements shall apply.

- A. No structure for human occupancy or use shall hereafter be erected, altered or moved unless it shall be provided with a safe, sanitary and potable waste supply and a safe effective means of collection, treatment and disposal of wastes.

SECTION 12.07 Greenbelt Buffer

Prior to the commencement of construction of any structure or building in a Commercial District or Industrial District where such property abuts, adjoins or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt shall have a minimum width of fifty (50) feet and shall be completed within six (6) months from the date of final inspection and shall thereafter be maintained, so as not to create a nuisance, with any combination of the following plant materials: grass, evergreens, deciduous trees, shrubs and bushes.

SECTION 12.08 Access to a Street

Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or way shall not be occupied except where access to a public street or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods. A Private road which serves more than one separately held parcel, or more than one dwelling unit, or more than one commercial or industrial activity shall be constructed to Hillsdale County Road Commission standards provided, that while such road remains private, hard surfacing will not be required.

SECTION 12.09 Visibility at Intersections

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade or any corner lot or parcel within the triangular area formed by the intersecting street right-of-way line at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines. This provision shall apply in all residential, commercial and industrial zoning districts.

SECTION 12.10 Street Closures

Whenever any street, 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 area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

SECTION 12.11 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 and television broadcasting and other receiving antennae, silos, parapets; and other necessary mechanical appurtenances; provided their location shall conform where applicable to the requirements of the Federal Communications Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

SECTION 12.12 Fences, Walls and Screens

Within the limits of a side or front yard space, no wall other than necessary retaining wall or other screening structure shall be higher than five (5) feet within residential districts or six (6) feet within commercial or industrial districts, subject to Section 12.09. No such fence or wall located within a rear yard shall exceed eight (8) feet in height.

SECTION 12.13 Shoreline Excavation, Dredging, and Soil Erosion

No persons shall alter, change, transform or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the Inland Lakes and Streams act, Act 346 of the public acts of 1973 as amended, and in accordance with the requirements of the Michigan Department of Natural Resources. Soil erosion and sedimentation is regulated by local permits pursuant to the Soil Erosion and Sedimentation Control Act, Act 347 of 1972 as amended.

SECTION 12.14 Essential Services

For purposes of this Ordinance, the following provisions shall apply:

- A. The surface of land used for pipe line right-of-ways shall be restored and maintained as near as possible to its original condition as prior to the construction of the pipe line.
- B. Essential services shall meet the requirements for the district in which they are located.
- C. Telecommunication towers or other structures used for competitive private business services shall not be considered essential services.

SECTION 12.15 Swimming Pools

All swimming pools shall conform to the requirements of Public Act 230 of 1972, The State Construction Code Act., as amended. No less than a four (4) foot high fence shall be installed around the perimeter of the swimming pool area.

SECTION 12.16 Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision area, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.