
Sec. 18-103. Streets.

The standards set forth in this division shall be the minimum standards for streets, roads and intersections. ~~and~~ **All** streets and alleys, **(public and private)**, shall be constructed in accordance with the standards and specifications adopted by the **City Department of Public Services and the** city engineers. Generally, all streets shall be dedicated to public use. Arterial streets shall be dedicated to public use in all cases.

(Code 1979, § 16.10.030)

Sec. 18-113. Private streets.

Private streets and roads ~~shall be prohibited~~ *may be permitted in accordance with the standards and specifications adopted by the City Department of Public Services and the City Engineers.*

(Code 1979, § 16.10.115)

ARTICLE IX. OBSCURING WALLS AND FENCES¹

Sec. 36-681. Requirements.

All fences, walls, and landscape berms of any nature, type or description located in the City of Hillsdale must conform to the following regulations:

- (1) *Approval required.* The erection, construction or alteration of any fence, wall or other type of protective barrier must be approved by the zoning administrator (or designee) as to conformance with the requirements of the zoning district and this section.
- (2) **Permit required. No erection, construction or alteration of any fence shall occur without a fence permit having been obtained from the zoning administrator.**
- (3) **Application for permit: A fence permit application shall be filled out and submitted to the zoning administrator. The zoning administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and information hereinafter required, as applicable. The property pins and the location of the proposed fence shall be marked prior to the zoning administrator or his designee performing a field inspection. If property pin locations are not known, a survey may be required.**
- (4) *General fence, wall, and landscape berm standards.*
 - a. *Fence wall, or landscape berm height measurement.* The height of a fence, wall, or landscape berm will be measured using the following method:
 1. The permitted height of all fences, walls, and landscape berms will be measured from the finished grade adjacent to the fence, wall, or berm, as determined by the zoning administrator (or designee).
 2. Where elevations differ by more than four feet within ten feet of side or rear lot lines, the zoning administrator (or designee) may allow additional fence, wall, or landscape berm height for the property as measured from the lower elevation.
 3. The permitted height of fences or walls will not be measured from any part of a berm or any area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a taller fence than permitted by this chapter.
 4. Fencing materials should be all weather and low maintenance.
 - b. *Masonry walls.* Masonry walls must be constructed of the same or complementary building material to that of the principal structure and must be un-pierced (except for pedestrian and vehicular connections) and have a decorative cap. Cement or slag blocks will not be permitted.
 - c. *Visibility at intersections.* All fences in the front yards must comply with the requirements of this article, visibility at intersections.

¹Editor's note(s)—Ord. No. 2014-3, adopted July 21, 2014, in effect repealed the former article IX, §§ 36-681—36-685, and enacted a new § 36-681 as set out herein. The former article IX pertained to similar subject matter and derived from the Code of 1979, §§ 17.40.010—17.40.050.

- d. *Decorative fences, walls and landscape berms.* Fences, walls, and landscape berms which are two and one-half feet or less in height are considered decorative and do not require a permit.
- e. *Landscape berms.* Where provided, landscape berms must conform to the following standards:
 1. Berms must comply with the height restrictions for fences and walls in subsections (3) and (4) of this section, but in no case may they be maintained at a continuous height. All berms must be undulating and include gaps where deemed necessary.
 2. Sides of the berm must be constructed with slopes no steeper than one foot vertical for each three feet horizontal.
 3. In measuring slope and height, grade elevation will be the average grade elevation adjacent to the proposed berm.
 4. Side slopes must be protected from erosion by sod, seed or other living ground cover. If slopes are seeded, they must be protected until the seed germinates and a permanent lawn is established.

Wall and Fence Height Requirements:

Use	Max. Ht. Requirements
1. P-1 Vehicular Parking Districts	Four feet six-inch high wall or fence
2. Off-street parking area (other than P-1 Districts)	Four feet six-inch high wall or fence
3. B-1, B-2, or B-3 Districts	Four to Six feet high wall or fence
4. I-1 District, open storage areas, loading or unloading areas, service areas.	Six feet to eight feet high obscured wall or fence (height shall provide the most complete obscuring possible).
5. Hospital, ambulance and delivery areas	Six feet high wall or fence
6. Utility buildings, stations, and/or substations, except that in cases where all equipment is contained within a building or structure constructed so as to be similar in appearance to the residential building in the surrounding area.	Six feet high obscured wall or fence
7. Trailer Courts	Six feet wall or fence
8. Retention areas	At the discretion and approval of both planning commission and the city engineer, a fence may be required around retention areas.
9. Residential Districts (front yard)	Front yard — Four feet high wall, decorative fence or trellis Rear and side yard — Six feet high wall or fence
10. C-1 College District	Four feet high to Six feet high wall or fence
11. PRD District	Height requirements consistent with the intended use.
12. PUD District	Front yard — Four feet high ornamental wall, fence or trellis Rear and side yard — Six feet high wall or fence
13. PRF District	Six feet high ornamental wall or fence

(5) *Fences and walls in the residential districts and manufactured housing communities.*

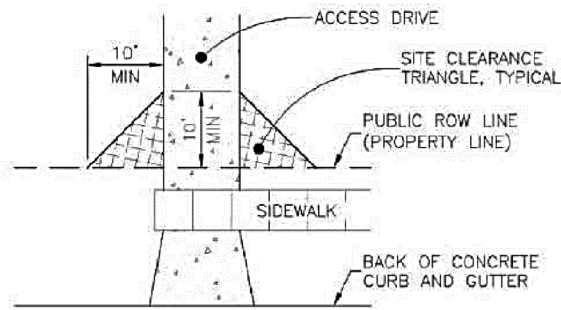
- a. Ornamental fences and walls located in the required and addressed front yard meeting the definition of a non-privacy fence and not intended to restrain animals of any kind may be up to four feet in height, unless otherwise approved by the zoning administrator (or designee), and must be set back at least one foot from the sidewalk/right-of-way line.

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- b. All fences or walls must be ornamental in nature and should be made of wrought iron, treated or rot resistant wood, brick, stone and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence must be constructed of an opaque weatherproof material, woven chain link fencing is not permitted.
 - c. Fences and walls located in the required and non-addressed (secondary) front yard of a corner or double frontage lot must be setback from the property line as follows, unless otherwise approved by the zoning administrator (or designee):
 - 1. No less than one foot for ornamental fences and walls meeting the definition of a non-privacy fence and not intended to restrain animals of any kind up to four feet in height;
 - 2. No less than four feet for fences and walls up to four feet in height.
 - 3. No less than six feet for fences and walls up to six feet in height.
 - d. Fences and walls located in the side and rear yards may have a maximum height of six feet, unless otherwise approved by the zoning administrator (or designee), and may be located on the property line assuming the front yard fencing requirements are satisfied.
 - e. Residents are encouraged to utilize ornamental materials, including but not limited to materials such as wrought iron, brick, stone, treated wood and similar replications of these materials, such as vinyl fencing that has the appearance of one of these materials.
 - f. Chain link or similar fencing is permitted everywhere except within the front yard.
 - g. The finished side of a fence or wall must face outward toward any adjacent property or right-of-way.
 - h. No fences or walls are permitted within the required site clearance triangles. The same site clearance triangle applies to solid fences abutting detached garages located on the non-addressed frontage of a corner lot, visibility at intersections.
- (6) *Fences and walls in commercial and industrial districts.*
- a. No fence or wall may exceed eight feet in height, unless otherwise approved by the zoning administrator (or designee).
 - b. Fences located in the required non-addressed (secondary) front yard of a corner or double frontage lot, must be set back from the property line, unless otherwise approved by the zoning administrator (or designee), as follows:
 - 1. No less than one foot for ornamental fences and walls meeting the definition of a non-privacy fence and not intended to restrain animals of any kind up to four feet in height;
 - 2. No less than four feet for fences up to four feet in height;
 - 3. No less than six feet for fences up to six feet in height; and
 - 4. No less than eight feet for fences up to eight feet in height.
 - c. All fences or walls must be ornamental in nature and should be made of wrought iron, treated or rot resistant wood, brick, stone and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence must be constructed of an opaque weatherproof material, woven chain link fencing is not permitted.
 - d. Chain link or similar fencing is permitted everywhere except within the front yard and when abutting residentially zoned and/or used property.
 - e. No fences or walls are permitted within the required site clearance triangles, visibility at intersections.

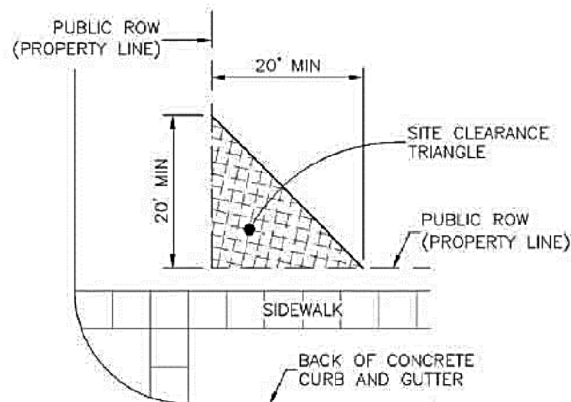
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- (7) *Temporary protective fencing associated with construction projects.* During construction, protective fencing must be placed around existing vegetation proposed for preservation and other site elements which cannot be easily removed or stored.
- a. Proposed protective fencing must be clearly identified on the landscape plan.
 - b. Protective fencing cannot be located closer than one foot outside the perimeter of the following, as identified on the landscape plan:
 1. The drip lines of existing trees and shrubs; and
 2. Planting beds and other site element.
- (8) *Prohibited fences.* The following fences are prohibited:
- a. A fence consisting in whole or part of coils of barbed wire, concertina wire or razor wire;
 - b. A fence with razor edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind or description attached; fence gates cannot be constructed so as to create a hazard to the public by the projection of any pointed instrument or member when open or partially open;
 - c. A fence charged or connected with an electrical current, provided however, this provision cannot be construed to apply to electrical fences installed below ground as elements of an animal control or security system;
 - d. A standard barbed wire fence except upon essential service sites or industrial properties which do not abut property zoned or used for residential purposes; in such locations, standard barbed wire may be installed on the top of a fence on arms or cradles extending inward over the owner's property provided that the fence has a minimum height of six feet above the adjacent grade and the combined height of the fence and barbed wire and arms does not exceed eight feet above the adjacent grade;
 - e. A fence which consists in whole or part of woven plastic or other similar materials utilized within a chain link fence;
 - f. A fence with all metal opaque paneling (e.g., barn siding, roof material, etc.) unless it is part of a conditional use permit; and
 - g. Concrete barrier units such as are used on construction sites or highways to restrict traffic flow.
- (9) *Visibility at intersections.*
- a. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all fences, walls, berms, hedges, screens, structures, plantings or other landscaping within the site clearance triangle areas described below must permit unobstructed cross-visibility. Shrubs and groundcovers located in a site clearance triangle may not be permitted to grow to a height of more than two and one-half feet above the grade at the edge of the pavement. Portions of required berms located within sight clearance triangle cannot exceed a height of two and one-half feet above the pavement grade at the edge of the pavement. Canopy trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of ten feet above the roadway surface. Other landscaping, except turf grass or ground cover maintained at a height of two and one-half feet, cannot be located closer than three feet from the edge of a driveway.
 - b. The site clearance triangles referred to above are:
 1. The area formed at the corner intersection of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and access drive line and the third side being a line connecting these two sides. For the purpose of plantings located in the lawn extension/terrace, the site clearance triangle extends beyond

the right-of-way line to the curb/edge of pavement at an angle perpendicular to both of those lines.

The area formed at a corner intersection of two public right-of-way lines, the two sides of the triangular area being 20 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides. For the purpose of plantings located in the lawn extension/terrace, the site clearance triangle extends beyond the right-of-way line to the curb/edge of pavement at an angle perpendicular to both of those lines.



Driveway



Public Rights-of-Way

(Ord. No. 2014-3, 7-21-2014)

Secs. 36-682—36-710. Reserved.

DIVISION 16. – SCHEDULE OF REGULATIONS

Sec. 36-411. Limitations on height, bulk, density and area by land use.

Districts	Minimum Size Lot Per Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Square Feet)	Maximum Percentage of Lot Area Covered by All Buildings
	<u>Min.</u> Area in Square Feet	<u>Min.</u> Width in Feet	In Stories	In Feet	Front	Each Side	Rear		
R-1 one-family residential	(a) 8,400	(a) 70	3½	35	25	8	10	1,000 <u>Sec. 36-5</u>	30%
RD-1 one-family residential	(a) 6,500	(a) 60	2½	25	25	8	10	1,000 <u>Sec. 36-5</u>	30%
RD-1 two-family residential	(a) 8,400	(a) <u>(p)</u> 70	2½	25	25	8	10	1,000 <u>Sec. 36-5</u>	35%
RM-1 multiple-family residential	(b)	<u>(p)</u>	4	40	25 (c)	8 (c)	10 (c)	1,000 (e) <u>Sec. 36-5</u>	35% (b)
B-1 local business	—	<u>(p)</u>	2½	35	(h) 25	(e, m)	(f, m)	none	(g)
B-2 central business	—	<u>(p)</u>	(i)	(i)	(h)	(e, m)	(f, m)	none	(g)
B-3 general business	—	<u>(p)</u>	2½ 4	(l) 35 <u>40</u>	(h) 40	(e, m)	(f, m)	none	(g)
I-1 light industrial	—	<u>(p)</u>	—	(l) 50	50	(j, k, m, n) 10	(j, m, o)	none	(h)
P-1 vehicular	—	—	(j)	(j)	§ 36-354(a)	§ 36-354(a)	§ 36-354(a)	—	(h)
PRF parks and recreational facilities district	—	—	(i)	(i)	25 (h)	10	(f, m)	—	30%
C-1 college district	(b)	(b) <u>(p)</u>	4	50	(h) 40	10	(f, m)	(b)	35%

Notes:

- (a) In those instances where public sewers are not provided, all lot areas per dwelling unit shall equal at least 12,000 square feet. See sections ~~36-402~~ **36-401** and 36-403 regarding exceptions as to lot area and density controls.
- (b) In an RM-1 multiple-family residential district, the total number of rooms as defined in section 36-6, in buildings consisting of more than four dwelling units shall ~~not be more than the area of the parcel in square feet divided by 900~~ **shall meet the apartment definition in Sec. 36-6**. ~~All units shall meet the International Property Maintenance Code (IPMC) occupancy area requirements.~~
- (c) Every lot on which a main building consisting of more than four dwelling units is erected shall be provided with a 40-foot setback on each exterior side of such lot. Each setback shall be increased by one foot for each ten feet or part thereof by which the length of the structure exceeds 40 feet in overall dimension along the adjoining lot line.

In all RM-1 multiple-family residential districts, the minimum distance between any two buildings shall not be less than the allowable distance as designated by the State of Michigan Single Construction Code. Parking shall not cover more than 30 percent of the area of any required yard, or any minimum distance between buildings. Properties must follow the landscape requirements as listed in chapter 36, sections 36-148 through 36-152.

- (d) See definitions under section 36-6. All row houses, terraces and other such multiple-type structures shall comply with the floor area requirements under apartments.
- (e) No side yards are required along the interior side lot lines, except as otherwise specified in the single state construction code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten feet on the side or residential street. If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.
- (f) ~~Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements.~~ Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley.
- (g) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading, and required yards.
- (h) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines, whichever is greater.
- (i) The maximum height of a structure in the B-2 district shall not exceed 12 feet above the property immediately adjacent. Any proposed structure over 50 feet tall shall require approval of the city planning commission.
- (j) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when the property line abuts any residential district.
- (k) Side yards abutting upon a street and across from other industrial districts shall be provided with a setback of at least 20 feet.
- (l) Planned developments involving five acres or more under one ownership shall be subject to the approval of the board of appeals, after public hearing, regarding modifications with respect to

height regulations. In approving an increase in structure height, the board of appeals shall require that all yards shall at least equal in their depth the height of the structure.

- (m) A minimum four-foot-six-inch obscuring wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- (n) Parking shall be permitted on the side yard after approval of the parking plan layout and points of access by the planning commission.
- (o) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence not less than six feet high, or with a chain-link type fence and a greenbelt planting so as to obscure all view from any adjacent district or public street.

(p) Commercial parcels resulting from land divisions must have a minimum of 104'-0" street frontage. Refer to HMC, Chapter 18 and Land Division Act MCL560.101 et seq.

(q) Residential parcels resulting from land divisions must have a minimum of 66'-0" street frontage. Refer to HMC, Chapter 18 and Land Division Act MCL560.101 et seq.

(Code 1979, § 17.28.010; Ord. No. 2005-14, 11-21-2005; Ord. No. 2014-6, 7-21-2014; Ord. No. 2016-005, 6-6-2016; Ord. No. 2018-004, 7-16-2018)

Sec. 36-412. Subdivision open space plan.

The intent of this section is to permit one-family, and one-family and two-family, residential subdivisions to be planned as a comprehensive unit, allowing therefore certain modifications to the standards as outlined in section 36-401 to be made in R-1, ~~R-2, R-3~~ one-family and RD-1 one-family and two-family residential districts, when the following conditions are met:

- (1) The lot area in all one-family and two-family residential districts may be reduced by 20 percent; provided, that the population density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required under R-1, ~~R-2, R-3~~ and RD-1 districts. In accomplishing the 20 percent lot reduction, no lot width in an R-1, ~~R-2~~ and RD-1 residential district shall be reduced by more than five feet and no lot width in an ~~R-3~~ district shall be reduced by more than ten feet. All calculations shall be predicated upon these districts having the following number of dwelling units per acre, including streets:

RD-1 (one-family)	=	5.0 dwelling units per acre
RD-1 (two-family)	=	7.75 dwelling units per acre
R-1 (one-family)	=	3.89 dwelling units per acre
R-2 (one family)	=	3.40 dwelling units per acre
R-3 (one family)	=	2.18 dwelling units per acre

- (2) For each square foot of land gained under the provisions of subsection (1) of this section within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in section 36-401, equal amounts of land shall be dedicated to the subdivision. These dedications shall be either rights in fee or easement, and retained as open space for park, recreation and related uses. All lands dedicated in fee or easement shall meet the requirements of the city council.
- (3) The area to be dedicated for public park and recreation purposes only shall in no instance be less than four acres, and shall be in a location and shape approved by the planning commission

in reviewing the proposed subdivision plat. The land shall be so graded and developed as to have natural drainage.

- (4) In approving the application of subdivision open space plan technique, the planning commission must be cognizant of the following objectives:
 - a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, topography and similar natural assets;
 - b. To encourage developers to use a more creative approach in the development of residential areas;
 - c. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs, and by allowing the developer to bypass natural obstacles in the site.
- (5) This plan for reduced lot sizes shall only be permitted if it is mutually agreeable to the council and the subdivider or developer.
- (6) Under this open space approach, the developer or subdivider shall dedicate the total park area (see subsection (2) of this section) at the time of filing of the final plat on all or any portion of the plat.

(Code 1979, § 17.28.020; Ord. No. 2016-005, 6-6-2016)