

ORDINANCE #2024-05

AN ORDINANCE TO AMEND SECTIONS 36-431 ALONG WITH 36-432 ARTICLE I AND ARTICLE IV SUPPLEMENTAL REGULATIONS, OF CHAPTER 36 OF THE ZONING CODE OF THE CITY OF HILLSDALE

THE CITY OF HILLSDALE ORDAINS THAT:

Sec. 36-431. - Accessory buildings.

Definitions:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A solar energy system that is an integral part of a primary or accessory building or structure (rather than separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.

MAXIMUM TILT: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

MINIMUM TILT: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

PRINCIPAL-USE SOLAR ENERGY SYSTEM: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

SOLAR ARRAY: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

SOLAR CARPORT: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

SOLAR ENERGY SYSTEM (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

DECIBEL means the unit of measure used to express the magnitude of sound pressure and sound intensity.

ON SITE WIND ENERGY SYSTEM means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

ROTOR means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SHADOW FLICKER means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

SOUND PRESSURE means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Accessory buildings and accessory structures shall be subject to the following regulations, which shall apply in all zone districts:

1. All accessory buildings and accessory structures are permitted in all zone districts subject to compliance with all of the following:
 - a. The accessory building and/or accessory structure is customarily and clearly incidental to a use that is permitted under this chapter and/or is a permitted use in the zone district in which it is or they are located or to be located;
 - b. The accessory building and/or accessory structure does not create a nuisance or hazard; and
 - c. The accessory building and/or accessory structure meets and is in accordance with all applicable limitations, requirements and provisions of this article and the applicable zone district.
2. No accessory buildings or accessory structures shall be established until the principal use to which it is an accessory has been established or a building, placement or construction permit for the principal use has been obtained.
3. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings.
4. Accessory buildings or other accessory structures shall not be erected, placed or established in any required yard, unless otherwise permitted by this chapter.
5. No detached accessory building or other accessory structure shall be located closer than ten feet to any main building or structure, unless it can conform to all other yard regulations as required for the main building or structure. It shall not be located any closer than three feet to any side or rear lot line, unless otherwise permitted by this chapter. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building or accessory structure shall be no closer than one foot

to such rear lot line. In no instance shall an accessory building or accessory structure be located within a dedicated easement right-of-way.

6. When an accessory building or accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the accessory building or accessory structure shall not project beyond the front line of the existing main structure on the lot in rear of such corner lot. An accessory building or accessory structure shall not be located within ten feet of a street right-of-way line.

An On-site Ground-Mounted Solar Energy System is an accessory use which shall meet the following standards:

1. Ground-Mounted SES shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt. Ground mounted SES that exceeds 6 feet in height may not be placed on any lot less than 1 acre. Ground mounted SES may not be placed in the front yard. Ground mounted SES shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings as measured when oriented at minimum design tilt.
2. A Small Principal-Use SES is a permitted use in all zoning districts subject to site plan review and shall meet all of the following requirements:
 - a. Total height shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt. Ground mounted SES that exceeds 6 feet in height may not be placed on any lot with than 1 acre.
 - b. Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:
 - c. A Ground-Mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is sited.
 - d. A Small Principal-Use SES shall be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 6 feet in height. Additional screening may be required upon review.
3. Roof-Mounted SES shall not exceed the combined height of the building and the roof mounted SES, when oriented at maximum tilt, for principal structures in any zoning district. A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.

All Ground mounted SES applications must include a site plan and drawings that show the height and dimensions of the SES. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. All SES drawings shall include dimensions of the minimum and maximum tilt. Reflection angles for solar collectors shall be oriented such that they do not

project glare onto adjacent properties. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.

All solar energy equipment shall be maintained and kept in good working order. If it is determined by the Zoning Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended function for six consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the solar energy system is not removed within 30 days, any person, or anyone acting in behalf of the person, violating any of the provisions of this section shall be guilty of a municipal civil infraction. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

An On-site Wind Energy System (WES) is an accessory use which shall meet the following standards:

1. Designed to primarily serve the needs of a home or small business.
2. Shall have a tower height of 40 feet or less.
3. Property Set-back: The distance between an On-site Use wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
4. Sound Pressure Level: On-site Use wind energy systems shall not exceed 50 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
5. Construction Codes, Towers, & Interconnection Standards: On-site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and;
 - a. Local building permit requirements. On-site Use wind energy systems including towers shall;
 - b. Comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.
 - c. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
 - d. Off-grid systems are exempt from this requirement.
6. Safety: An On-site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over

speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

All On-site Wind Energy System applications must include a site plan and drawings that show the height and dimensions of the WES. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.

All wind energy equipment shall be maintained and kept in good working order. If it is determined by the Zoning Administrator that a wind energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended function for six consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the wind energy system is not removed within 30 days, any person, or anyone acting in behalf of the person, violating any of the provisions of this section shall be guilty of a municipal civil infraction. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

Secs. 36-438—36-460. - Reserved.

Sec. 36-432. - Accessory buildings in residential districts.

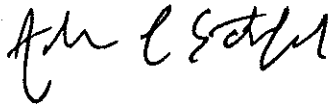
Accessory buildings and accessory structures located in any residential zone districts shall be subject to the following regulations except as otherwise permitted in this chapter:


1. No detached accessory building or accessory structure in an R-1, RD-1, or RM-1 district shall exceed one story or 25 feet in height.
2. No accessory building or accessory structure inclusive of the main structure may exceed the required density requirements of section 36-411.
3. Playhouses, greenhouses and gazebos may not be located in side and rear yards within three feet of the property line.
4. Swimming pools shall be regulated by the Michigan Residential Building Code. Swimming pools, excepting inflatable swimming pools having a length or diameter of less than five feet and/or a depth of less than 18 inches, shall be placed in the rear yard only. Inflatable swimming pools having a length or diameter of five feet or more and/or a depth of 18 inches or more shall be located within the rear or side yards only. No hot tub or swimming pool shall be located within three feet of the property line.
5. Porches and decks must conform to all yard setback, bulk and height requirements. Construction of new porches and decks and the reconstruction of existing porches and decks shall be subject to compliance with the requirements of sections 36-411 and 36-787.
6. Game courts, as defined in section 36-6, excepting basketball hoops, are allowed within the rear and side yards only. Notwithstanding anything herein to the contrary, basketball hoops may be located in the driveway to the main residential building or to an accessory building, to an attached or detached accessory building

or accessory structure. No game courts, playground or other recreational equipment may be located within three feet of the property line.

7. Garbage and trash containers are allowed in the side and rear yards only, except at designated times of pickup, during which they may be located at the property line in accordance with and subject to the provisions of chapter 28 of this Code.
8. Clothes lines, supporting poles and similar natural laundry drying equipment are allowed within the side or rear yard but shall not be located within three feet of the property line.
9. Pet shelters, pens, cages and runs are allowed only in the rear yard but shall not be located within three feet of the property line.
10. The use of semi-trailers, enclosed trailers, trucks, rail cars or vehicles as storage buildings or structures or as accessory buildings or structures is prohibited.
11. Ground-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.
12. Roof-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.
13. On-site Wind Energy System shall meet the requirements listed in Sec. 36-431.

CITY OF HILLSDALE

By 
Adam Stockford – Mayor

By: 
Katy Price / City Clerk

Date Proposed: 09/20/2023
Date Published as Proposed: 10/26/2023
Date Passed: 04/01/2024
Date Published as Passed: 04/06/2024
Effective Date: 04/16/2024