

**INDIANFIELDS TOWNSHIP ZONING ORDINANCE**  
**ARTICLE 12**  
**GENERAL PROVISIONS**

**SEC. 1200 CONFLICTING REGULATIONS:**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern. When ever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such Ordinance shall govern.

**SEC. 1201 SCOPE:**

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

**SEC. 1202 ONE PRINCIPAL RESIDENCE:**

In all agricultural, forestry and single family residential districts, only one single family residence or duplex structure is permitted per lot.

**SEC. 1203 LOT COVERAGE:**

In all agricultural, forestry and single family residential districts, the maximum lot coverage shall be thirty-five percent (35%).

**SEC. 1204 FRONTAGE:**

Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road or an approved private road, to a width equal to the minimum lot width requirements of their district. An exception to this requirement is permitted for residential or agricultural lots located at the end of private roads or drives, in which case the minimum frontage shall equal the required right-of-way of the public road or private road or drive.

**SEC. 1205 ROAD STANDARDS:**

All roads constructed in a subdivision development after the effective date of this Ordinance shall be paved, dedicated public roads built to the standards of the Tuscola County Road Commission.

**SEC. 1206 ACCESSORY BUILDINGS:**

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

- a. Where the accessory building is structurally attached to a main building, it shall be

subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

b. Buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard, or side yard, unless a conditional use permit is granted. [adopted 9-8-03]

c. Buildings accessory to residential buildings not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the ground floor area of an accessory building exceed the ground floor area of the main building; except on parcels of more than one [1] acre and less than five [5] acres exceed more than one and one-half time the ground floor area of the main building and on more than five [5] acres exceed more than two [2] times the ground floor area of the main building. [adopted 9-8-03]

d. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side or rear lot line. [Amended by ZBA interpretation 5-15-2002]

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

e. No detached accessory building in R-1, AG, B, and F Districts shall exceed one (1) story or fourteen (14) feet in wall height. [adopted 9-8-03]

f. When a building accessory to a residential building is located on a reverse frontage corner lot, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.

g. Any accessory structure with a floor area of 200 square feet or less shall not require a building permit.

h. The storage of mobile homes is not a permitted use in the R-1, AG and F Districts. A mobile home is permitted as an accessory structure in the R-1, AG and F Districts only as a conditional use for the purposes of providing a temporary dwelling unit during the construction of a single family residence on the property. In no other instances shall a mobile home be permitted as an accessory structure.

#### SEC. 1207. PERFORMANCE STANDARDS:

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

a. Smoke

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It shall be unlawful for any person, firm, or corporation to cause or permit to be discharged into the atmosphere from any single source of emission smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:

1. Smoke of a density equal to but not darker than No. 2 of the Ringelmann chart may be emitted for not more than 3 minutes in any 30 minute period.

2. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than 3 minutes in any 60 minute period, but such emissions shall not be permitted on more than 3 occasions during any 24 hour period.

Method of measurement: For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Umbrascope readings of smoke densities may be used when correlated with Ringelmann's Chart.

b. Dust, Dirt and Fly Ash

No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

Method of measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

c. Open Storage

The open storage of any industrial equipment, vehicles and all materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to a residential zone in either a front, side or rear lot line relationship whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least (6) feet in height.

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d. Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electro-magnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measure at the property line.

e. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

f. Noise

Objectionable sounds, including those of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

g. Odors

Creation of offensive odors shall be prohibited.

h. Wastes

No waste water shall be discharged into a public sewer system, street, yard, road-right-of-way, ditch or pond, which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged.

1. Acidity or alkalinity shall be neutralized within an average pH range of between 5-1/2 to 7-1/2 as a daily average on the volumetric basis, with a temporary variation of pH 4.50 to 10.0.

2. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 0.1 p.p.m.; no fluorides shall be in excess of 10 p.p.m.; and shall contain no more than 5 p.p.m. of hydrogen sulphide and shall contain not more than 10 p.p.m. of sulfur dioxide and nitrates; and shall contain not more than 25 p.p.m. of chromates.

3. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceed a daily average of 500 p.p.m. or fail to pass a number eight standard sieve or have a dimension grater than 1/2 inch.

4. Wastes shall not have chlorine demand greater than 15 p.p.m.

5. Wastes shall not contain phenols in excess of 0.05 p.p.m.

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6.        Wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

i.        Waste and Rubbish Dumping

The management of solid waste shall comply with the regulations of the Solid Waste Management Act, PA 641 of 1978.

SEC. 1208 EXTERIOR LIGHTING:

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be arranged as to not adversely affect driver visibility on adjacent thoroughfares.

SEC. 1209 CORNER CLEARANCE:

In all districts no fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SEC. 1210 SCREENING WALLS OR FENCES:

a.        For those Use Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below.

1.        Off-Street Parking Area

\*4'-6" high wall

2.        B Districts

\*4'-6" high wall

3.        I Districts (open storage areas, loading and unloading areas, service areas)

\*5'-8' - 0" high wall.

\*Requirements

b.        Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Required walls may upon approval of the Board



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of Appeals, be located on the opposite side of an alley right-of-way from a non-residential zone that abuts a residential zone where mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

c.     Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rust proof and easily maintained.

Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Zoning Administrator and shall be not less than four (4) inches wider than the wall to be erected.

Masonry walls may be constructed with openings above thirty two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaces as to maintain the obscuring character required, and shall not reduce the minimum wall height requirement.

d.     The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall be required wall be permitted to be less than four feet six inches (4' - 6") in height.

In consideration of requests to waive wall requirements between nonresidential and residential districts; or, alternatively, the Board of Appeals may require a screening greenbelt in lieu of any required wall. The Board shall refer the request to the Planning Commission for a determination.

In such cases as the Planning Commission determines the residential district to be a future non-residential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described for each subsequent waiver prior to the granting of such waiver by the Board.

SEC. 1211 USE RESTRICTION:

No portion of a lot or parcel once used in complying with the provisions of this Ordinance for yards, lot area per family, density as for a development in the multiple family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

SEC. 1212 RESIDENTIAL ENTRANCEWAY:

In "R" Districts, so called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single family subdivisions or multiple housing projects may be

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permitted and may be located in a required yard, except as provided by Section 1209, CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes and ordinances of the Township and be approved by the Building Inspector and a permit issued.

SEC. 1213 RESIDENTIAL YARD FENCES:

Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than thirty (30) inches in height within a required front yard, e.g., along the property line.

SEC. 1214 SPECIFICATIONS FOR SINGLE FAMILY RESIDENCES:

One-family dwelling and any additions or alterations, thereto, erected or placed in the township, other than mobile homes located in a licensed mobile home park, shall conform to the following regulations in addition to all other regulations of this ordinance:

1. It shall comply with all pertinent building, construction and fire codes for single-family dwellings.
2. The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of 14 feet on a side. The minimum heated living area for a single family dwelling shall be 900 square feet. These size requirements shall not make any houses existing at the date of amendment nonconforming so that they cannot be enlarged or improved.
3. It shall be firmly attached to a permanent foundation constructed on the site in accordance with the Tuscola County Building Codes and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and Tuscola County Building Codes and shall have an approved perimeter skirting wall.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
5. It shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Tuscola County Health Department.
6. It shall comply with all pertinent zoning, subdivision, and other ordinances regulating use, floor area, lot size, setback, yards, etc., in the zoning district in which it is located.
7. It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and

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Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

8. It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of the Zoning Administrator to determine whether this standard is met. The Township of Indianfields Zoning Administrator may at his/her discretion, refer the matter to the Board of Appeals for the determination. Any party aggrieved by an adverse decision by the Township Zoning Administrator may appeal to the Board of Appeals, which Board shall make the determination, with findings, based upon its independent judgment, without reference to the standards for the granting of variances. The determination of compatibility shall be based upon the character, design and appearance of residential dwellings located outside of mobile home parks within 1,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or where said area is not so developed, by the character, design, and appearance of the residential dwellings generally found throughout the township. The determination of compatibility shall also be based upon compliance with the following standards:

- i. The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located.
- ii. The dwelling shall have a chimney that is constructed of a material and style similar to those of other dwellings typically found in the neighborhood in which it is to be located.
- iii. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is to be located.
- iv. The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.
- v. The dwelling shall have windows located on the front sides, and exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.
- vi. The dwelling shall not have a detached garage, if attached garages are typically found in the neighborhood in which it is to be located.

9. A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site has other design features which make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.



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10. If a single family structure is moved onto a lot, the external condition of the structure, including but not limited to siding, roofing and porch, shall be of sound structural quality comparable to other homes typically found in the neighborhood in which it is to be located.

SEC. 1215 PONDS:

Ponds for non-agricultural uses that exceed one hundred (100) square feet of surface area shall be permitted following issuance of a zoning permit as an accessory use subject to the following standards:

- A. The minimum setback distance for the outside edge of the pond shall be twenty-five (25) feet from any property line.
- B. There shall be a minimum of fifty (50) feet between the outside edge of the pond and any building or front road-right-of-way.
- C. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
- D. Slopes of the excavation shall not exceed a ratio of one (1) foot of vertical to four (4) feet of Horizontal, to a depth below water of six (6) feet(see figure 12-1).
- E. All areas disturbed during construction shall be seeded with grasses, rip-rap, stone sand or other Material and be maintained in good condition to prevent erosion.
- F. The Zoning Administrator may require the installation of a fence no less than four (4) feet in Height to protect the health, safety and welfare of the property owners and/or tenants, Neighboring uses and Township residents.
- G. The applicant shall demonstrate that water can be continuously maintained in the pond once It is constructed.
- H. Evidence shall be presented at the time of application that the Tuscola County Drain Commissioner and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have Released the applicant from any obligation thereto.