

**INDIANFIELDS TOWNSHIP
ZONING ORDINANCE**

ADOPTED: JUNE 9, 1997

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**OFFICE OF LAND SURVEY &
REMONUMENTATION**

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

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TITLE

AN ORDINANCE enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Indianfields, Tuscola County, Michigan, to regulate and restrict the locations and use of buildings, structures, and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used therein; to provide for enforcement; to establish a Board of Appeals; and to impose penalties for the violation of this Ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case made and provided, and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

ENACTING CLAUSE

The Township of Indianfields Ordains:

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 1
SHORT TITLE

SEC. 100 SHORT TITLE:

This Ordinance shall be known and may be cited as the Township of Indianfields Zoning Ordinance.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 2
DEFINITIONS

SEC. 200 INTERPRETATION OF DEFINITIONS:

For the purposes of this Ordinance certain terms used shall be interpreted as follows:

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; and the word "building" includes the word "structure", and the word "dwelling" includes "residence", the word "person" includes "corporation", "copartnership", "association", as well as an "individual"; the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel" the words "used" or "occupied" includes the words "intended", "designed" or "arranged to be used or occupied.

Terms not herein defined shall have the meaning customarily assigned to them.

SEC. 201 DEFINITIONS:

Accessory Structure: A supplemental structure, or a part of the main building or structure, on the same lot, designed for, occupied for, or devoted to, an accessory use. A satellite dish will be considered an accessory building for the purpose of the setback provisions of this ordinance.

Adult Foster Care Family Home: A private residence licensed under PA 218 of 1979 for six or fewer adults to be provided with foster care for five or more days a week for two or more consecutive weeks. The adult foster care family home licensee is a member of the household and an occupant of the residence.

Adult Foster Care Large Group Home: A facility licensed under PA 218 of 1979 to provide foster care for at least thirteen (13) but not more than twenty-five (25) adults.

Adult Foster Care Small Group Home: A facility licensed under PA 218 of 1979 to provide foster care for at least seven (7) but no more than twelve (12) adults.

Adult Foster Care Small Group Home: A facility licensed under PA 218 of 1979 to provide foster care for six (6) or fewer adults.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any change addition or modification to a structure of 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."

Apartment: A residential structure containing three (3) or more attached one (1) family dwellings.

ARTICLE 2

Auto Laundry: An area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles. Also known as a car wash.

Basement: Is that portion of a building which is partly, or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

Bed and Breakfast: Any dwelling used or designed in such a manner that certain rooms in excess of those used by the family, and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

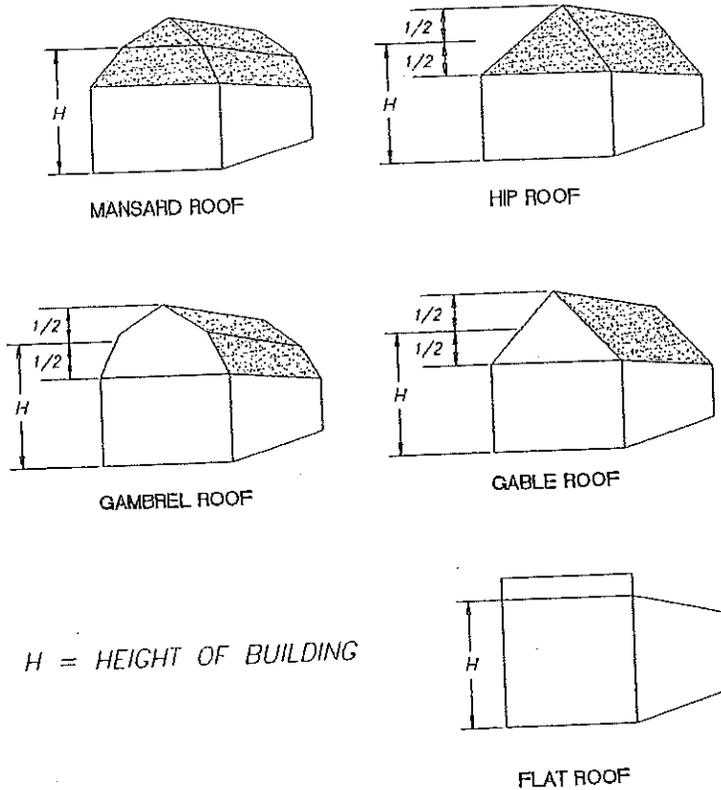
Billboard: A billboard shall mean any structure or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.

Building: Is any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (this shall include tents, awning, or vehicles situated on private property and used for such purposes).

Building Accessory: Is a subordinate building, the use of which is clearly incidental to that of the main building or to the use of the land.

Building Height: Is the vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

ARTICLE 2



BUILDING HEIGHT

Building Inspector: The Building Inspector or Official designated by the Township Board to enforce the building code.

Cabin Court: Any tract or parcel of land on which two (2) or more cabins are maintained, offered or used.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Communication Tower: A wireless telecommunication antenna tower, providing cellular, broadband PCS, wide-area SMR, setallite system and similar types of services.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Court: An uncovered space enclosed wholly or on three sides by buildings or walls.

District: A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

ARTICLE 2

Drive-In Restaurant: A business establishment, for the serving of food and/or beverages, with parking spaces so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated.

Drive-Thru: A business establishment so developed that it's retail or service character is partially or totally dependent on providing a driveway approach so as to serve patrons while in their motor vehicles.

Dwelling Unit: A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple-Family: Is a building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. (Refer to "Apartments" definition for dwelling unit types.)

Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Essential Services: Means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including fire alarm boxes, police call boxes, traffic signals, hydrant, tower, poles, and other similar equipment and accessories in connection therewith (reasonably necessary for the furnishings of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare,) but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Family: A family shall be deemed as one of the following when living in a single dwelling unit:

- a. A single individual.
- b. A group of two or more persons related by blood, marriage or adoption.
- c. group of up to six unrelated individuals operating as a single housekeeping unit.

Family Day Care Home: A private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six child limitation includes children under seven years old in the resident family and shall not include more than two children under one year old.

Fence: A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance.

ARTICLE 2

Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Floor Area: The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

Floor Area, Usable (For the purposes of computing parking):
Is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

Gasoline Service Station: Is a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles such as engine tuneups, lubrication, and carburetor cleaning. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, painting and bumping are conducted.

Garage, Auto Repair: Is a place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, undercoating, painting, tire recapping, upholstery work and auto glass work.

Garage, Service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, including major engine repair but excluding bumping or painting.

General Common Area: The common elements of a condominium development other than the limited common elements.

Grade: The highest of ground contacting any portion of the basement or foundation of a dwelling.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Group Day Care Home: A private home in which not less than seven or more than twelve children are received for care and supervision for a period of less than twenty four (24) hours per day. Not more than two children will be under two years old.

Home Occupation: Is an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

ARTICLE 2

dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other materials, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any lot or premises on which six (6) or more dogs or cats are either permanently or temporarily kept for sale, boarding, breeding, or training for a fee. The keeping of six (6) or more dogs or cats, whether for a fee or not shall constitute a commercial kennel.

Limited Common Area: The portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: Is a parcel of land occupied, or which could be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot Coverage: The part or percent of the lot occupied by a building including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines: The lines bounding a lot as defined herein:

- a. Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from the street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot both lot lines abutting on streets shall be treated as front lot lines.
- b. Rear Lot Line: 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 lying farthest from the front lot line and wholly within the lot.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from

ARTICLE 2

Lot, Double Frontage (Through Lot): Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots all sides of said lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the county Register of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot Width: The horizontal distance between the side lot lines measured at the two points where the building line, or setback intersects the side lot lines.

Lot, Zoning: A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots of record.

Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plans for the project.

Master Plan: Is a comprehensive plan adopted by the Township Planning Commission including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mobile Home: A structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel: A series of attached, semi-detached or detached rental units containing bedroom, bathroom, and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Nonconforming Building: A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional requirements of this ordinance dealing with setbacks or size in the district in which it is located.

ARTICLE 2

Nonconforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, that does not conform to the requirements of this ordinance dealing with permitted uses in the district in which it is located.

Occupied: Includes the meaning of intent, design or arranged for occupancy.

Off-Street Parking 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 automobiles.

Open Front Store: a Business Establishment So Developed That Service to the Patron May Be Extended Beyond the Walls of the Structure, Not Requiring the Patron to Enter the Structure. The Term "Open Front Store" Shall Not Include Automobile Repair or Gasoline Service Stations.

Parking Space: Is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances for the storage or parking of permitted vehicles.

Public Service Facility: Public Service Facilities within the context of this Ordinance shall include such uses and services as pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

Public Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing to the public under Federal, State or Municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

Recreational Vehicle Park: A tract of land upon which two (2) or more recreational vehicle sites or campgrounds are located, established or maintained for occupancy by recreational vehicles or vacation campers of the general public as temporary living quarters for recreation or vacation purposes.

Reverse Frontage Lot: A corner lot, the rear of which abuts the side of another lot.

Setback Line: Is a line formed by the face of the building.

Setback Line, Required: A required setback line is established by the minimum requirements of this ordinance.



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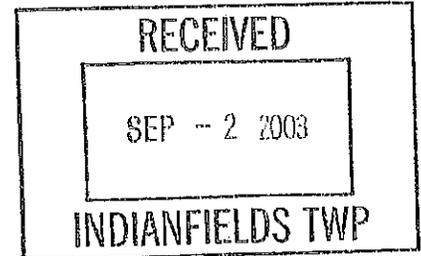
MEMORANDUM

To: Bill Campbell
Indianfields Township Zoning Administrator

From: Doug Piggott, AICP, PCP
Senior Planner

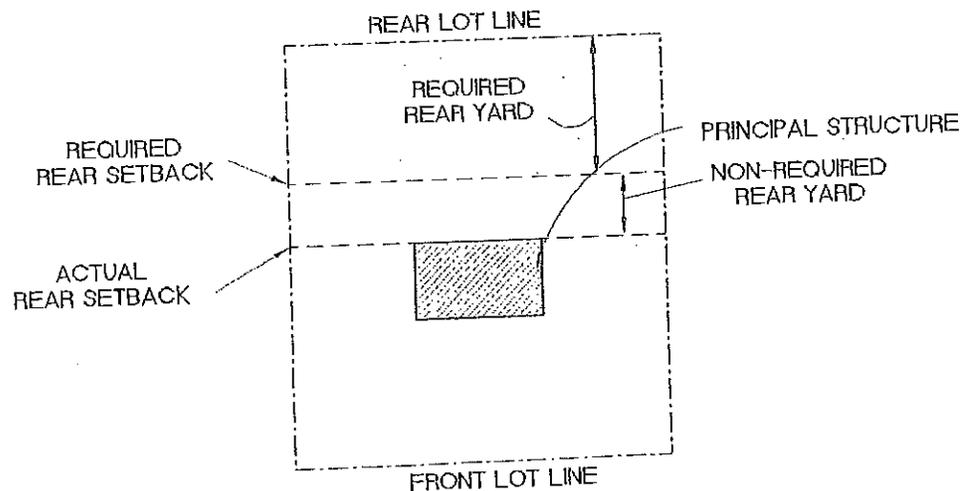
Date: August 27, 2003

RE: Clarification of Section 1206 c.



This memo is in response to your request for some clarification of Section 1206 c., in particular, the language regarding a required yard and a non-required yard.

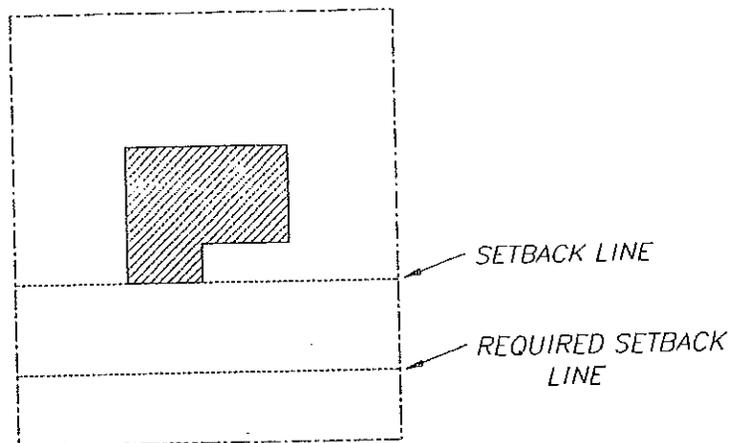
The terms are related to the terms “required setback” vs “setback” as defined in the township’s zoning ordinance. A required rear yard is that area from the rear lot line to the required rear yard setback line. The rear yard is the area between the rear lot line and the rear of the principle structure. The non-required rear yard is that portion of the rear yard that is not part of the required rear yard. Below is an illustration.



Hopefully this clarifies the requirement. If you have any questions or need additional information, please call me at (800) 837-9131.

R:\sdsk\Proj\00C0362\8-27-03 Required rear yard Memo.wpd

From Vision to Reality

SETBACK LINE VS. REQUIRED SETBACK LINE

Sexually Oriented Business: Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting Specified Sexual Activities or Specified Anatomical Areas.

1. Sexually oriented business use shall include, but not be limited to the following:
 - a. An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
 - b. An adult mini-motion picture theater is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Anatomical Areas" for observation by patrons therein.
 - c. An adult motion picture arcade is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
 - d. An adult book store is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions

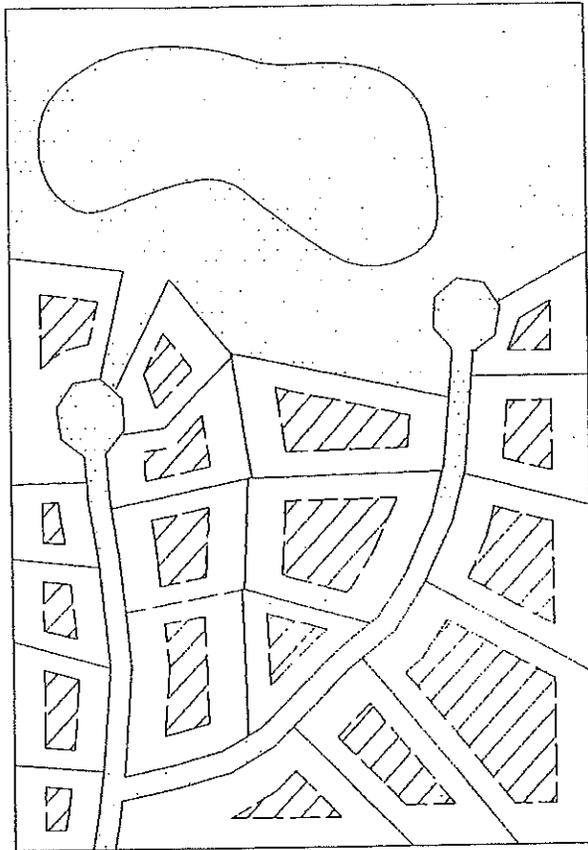
ARTICLE 2

- depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
- e. An adult cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
 - f. An adult motel is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
 - g. An adult massage parlor is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."
 - h. An adult model studio is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
 - i. An adult sexual encounter center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
2. Significant Portion — As used in the above definitions, the phrase "significant portion" shall mean and include:
- a. Any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
 - b. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
 - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.

3. Display — As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
4. "Specified Sexual Activities"
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
5. "Specified Anatomical Areas"
 - a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola; and,
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Sign: Is the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known (other than billboards) such as are used to show an individual, firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where located.

Site Condominium Project: A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.



SITE
CONDOMINIUM

-  GENERAL COMMON AREAS
-  LIMITED COMMON AREAS
-  CONDOMINIUM UNIT

Story: Is that part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Street: Is a public thoroughfare which affords the principal means of access to abutting property.

Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground except driveways and pavement.

Temporary Building or Use: Is a structure or use permitted by the Township Board to exist during periods of construction of the main building or use, or for special events.

Thoroughfares:

- a. **Major:** Is an arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as State highway or county primary road.
- b. **Secondary:** Is an arterial street which is intended to serve as a trafficway serving primarily the immediate Township area and serving to connect with major thoroughfares, including county local roads.

ARTICLE 2

Use: Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

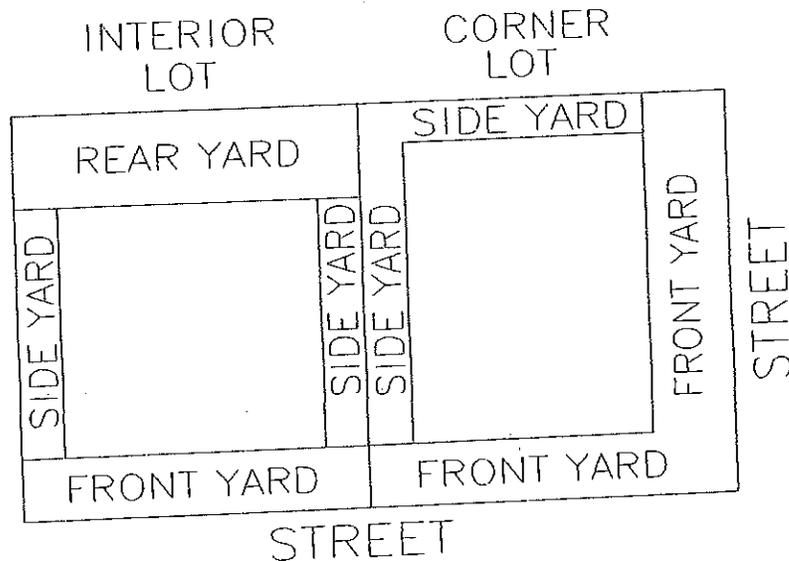
Use, Accessory: Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

Wind Energy Generation System (WEGS): Means all necessary devices that together convert wind energy into electricity, including but not limited to rotor, nacelle, generator, WEGS tower, electrical components, WEGS foundation, transformer and electrical cabling from WEGS tower to Substation(s), switching stations, meteorological towers, communications facilities and other required facilities and equipment, as related to the WEGS project.

Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- a. Front Yard: Is 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 line of the main building.
- b. Rear Yard: Is 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 line of the main building.
- c. Side Yard: Is 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 line to the nearest point of the main building.

YARD DEFINITIONS



ARTICLE 2

Zoning Administrator: A person designated by the Township Board to enforce the provisions of this ordinance.

Zoning Variance: A departure from the literal provisions of the Zoning Ordinance authorized by the ZBA. Use Variances allow uses not specifically listed as permitted in a given district. Non-use Variances allow for departures from other requirements of the ordinance including lot size, depth or width, building setbacks, etc.

Use variances are not permitted under the provisions of this ordinance. Non-use variance may be permitted only in instances where practical difficulty can be demonstrated.

A-3 DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

1. **ACCESSORY BUILDING (RESIDENTIAL)** - In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.
2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes directly accessory and incidental to the main use.
3. **ACCESSORY USE** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith.
4. **AIRPORT OR LANDING FIELD** - A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
5. **ALLEY** - A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
6. **AMBULANCE SERVICE** - Provision of private (not operated by the City of Kaufman) emergency transportation which may include medical care, and which may include storage and maintenance of vehicles.
7. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE)** - Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.
8. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial

arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

9. AMUSEMENT, COMMERCIAL (OUTDOOR) - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

10. ANTENNA, MICROWAVE REFLECTOR & ANTENNA SUPPORT STRUCTURE - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors. (See Section 41.5).

11. ANTENNA (NON-COMMERCIAL/AMATEUR) - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna. (See Section 41.5).

12. ANTENNA (COMMERCIAL) - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna. (See Section 41.5).

13. ANTIQUE SHOP, SALES INDOORS - A retail establishment engaged in the selling of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.

14. ART GALLERY OR MUSEUM - An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.

15. ASSISTED LIVING FACILITY - A congregate residence facility for ten (10) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

16. AUTO LAUNDRY OR CAR WASH - Washing, waxing or cleaning of automobiles or light duty trucks.

a. **Attended Auto Laundry or Car Wash** - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

b. **Unattended Auto Laundry or Car Wash** - The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

17. AUTO FINANCE AND LEASING - Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.

18. AUTO PARTS AND ACCESSORY SALES (INDOORS) - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

19. AUTO RENTAL - Storage or renting of automobiles and light trucks.

20. AUTO SALES (NEW) - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

21. AUTO SALES (USED) - Retail sales, or offering for sale, used automobiles or light load vehicles.

22. AUTO STORAGE OR AUTO AUCTION - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").

23. AUTOMOBILE - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.

24. AUTOMOBILE ACCESSORY INSTALLATION (MINOR) - Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

25. AUTOMOBILE REPAIR GARAGE - An establishment providing major or minor

automobile repair services to all motor vehicles except heavy load vehicles.

26. **AUTOMOBILE REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

27. **AUTOMOBILE REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

28. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.

29. **BAKERY OR CONFECTIONERY (RETAIL)** - A facility less than 1,500 square feet for the production and/or sale of baked goods.

30. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility over 1,500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.

31. **BALLROOM DANCING** - An establishment open to the general public for dancing.

32. **BANK, SAVINGS AND LOAN, OR CREDIT UNION** - An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

33. **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

34. **BASEMENT (OR CELLAR)** - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

35. **BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

36. **BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the City Planner shall

determine the outline of the block.

37. **BOARDING OR ROOMING HOUSE** - A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

38. **BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

39. **BUILDING HEIGHT** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.

40. **BUILDING LINE** - A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected (see Illustration 6).

41. **BUILDING, MAIN OR PRIMARY** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

42. **BUILDING MATERIALS AND HARDWARE SALES (INDOOR OR OUTDOOR)** - Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.

43. **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code of the City of Kaufman.

44. **BUILDING SITE** - See "Lot" definition.

45. **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

46. **CARETAKERS' OR GUARDS' RESIDENCE (NONRESIDENTIAL)** - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises.

47. **CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY)** - Outdoor or indoor commercial amusement provided on a temporary basis.

48. **CARPORT** - A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."

49. **CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories,

mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

50. **CEMETERY, ANIMAL** - Same as cemetery except only for the burial of dead animals.

51. **CERTIFICATE OF OCCUPANCY** - An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued; may be referred to as an "Occupancy Permit".

52. **CHILD CARE CENTER (OR DAY CARE CENTER)** - A commercial institution or place designed for the care or training of twelve (12) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.

53. **CHURCH, RECTORY OR TEMPLE** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

54. **CITY COUNCIL** - The governing body of the City of Kaufman, Texas.

55. **CIVIC CENTER** - A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

56. **CLEANING PLANT (COMMERCIAL/WHOLESALE)** - An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.

57. **CLEANING SHOP OR LAUNDRY (SMALL SHOP, PICK-UP AND SELF SERVICE)** - A custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area and may include customer self-service laundry and cleaning.

58. **COLLEGE OR UNIVERSITY** - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

59. **COMMERCIAL AMUSEMENT (INDOOR)** - See Amusement, Commercial (Indoor).

60. **COMMERCIAL AMUSEMENT (OUTDOOR)** - See Amusement, Commercial (Outdoor).

61. **COMMUNICATIONS OPERATIONS (NON-COMMERCIAL/AMATEUR)** - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

62. **COMMUNICATIONS OPERATIONS (COMMERCIAL)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

63. **COMMUNITY CENTER (PUBLIC)** - A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.
64. **COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code).
65. **COMPREHENSIVE PLAN** - Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.
66. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.
67. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
68. **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
69. **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES** - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.
70. **COPY SHOP OR PRINTING** - An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.
71. **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.
72. **COUNTRY CLUB (PRIVATE)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
73. **COURT** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
74. **COVERAGE** - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
75. **CUSTOM PERSONAL SERVICE SHOP** - Tailor, dressmaker, shoe shop, barber shop,

beauty shop or similar shop offering custom service.

76. **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

77. **DENSITY** - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

78. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.

79. **DISTRIBUTION CENTER** - Building or facility used for the storage and distribution of wholesale items/products.

80. **DRAPERY OR FURNITURE UPHOLSTERING SHOP** - An establishment for the production, display and sale of draperies and soft coverings for furniture.

81. **DWELLING** - Any building or portion thereof, which is designed or used as living quarters for one or more families.

82. **DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE)** - See "Single Family Dwelling (Attached)".

83. **EASEMENT** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

84. **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

85. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.

86. **ENCLOSED BUILDING** - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.

87. **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.

88. **FAMILY** - One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

89. **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However,

the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

90. FARM, RANCH, GARDEN, CROPS OR ORCHARD - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

91. FEED AND GRAIN STORE - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

92. FIRE, POLICE OR MUNICIPAL BUILDING - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.

93. FLOOD PLAIN - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Kaufman.

94. FLOOR AREA - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

95. FLOOR AREA RATIO (FAR) - The floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 1).

96. FLORIST SHOP - An establishment for the display and retail sale of flowers, small plants and accessories.

97. FOOD PROCESSING - A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

98. FOOD STORE - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

99. FRANCHISED PRIVATE UTILITY (NOT LISTED) - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Kaufman.

100. FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION - An organized group having a restricted membership and specific purpose related to the welfare of the members

such as Elks, Masons, Knights of Columbus, or a labor union.

101. **FRONT YARD** - See "Yard, Front".

102. **FUNERAL HOME OR MORTUARY** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

103. **FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES** - This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

104. **FURNITURE STORE (NEW AND USED)** - Same as above except sales may include used items.

105. **GARAGE, PRIVATE** - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

106. **GARAGE/ACCESSORY DWELLING** - A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

107. **GARDEN SHOP** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

108. **GASOLINE SERVICE OR FILLING STATION** - See "Automotive Gasoline or Motor Fuel Service Station".

109. **GENERAL COMMERCIAL PLANT** - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

110. **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".

111. **GENERAL RETAIL STORES** - This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see "Retail Shop").

112. **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

113. **GROUP DAY-CARE HOME** - Means a facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age less than 24 hours a day.

114. **GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

115. **HAULING OR STORAGE COMPANY** - See "Motor Freight Company".

116. **HEAVY LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

117. **HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

118. **HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

119. **HELISTOP** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

120. **HOME FOR AGED, RESIDENCE** - A home where elderly people are provided with lodging and meals without nursing care being a primary function.

121. **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 44).

122. **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

123. **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

124. **HOUSEHOLD APPLIANCE SERVICE AND REPAIR** - The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

125. **HOUSEHOLD CARE FACILITY** - A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

126. **HOUSEHOLD CARE INSTITUTION** - A facility which provides residence and care to

ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

127. INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.

128. INDUSTRIAL, MANUFACTURING - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

129. INDUSTRIALIZED HOME OR MODULAR HOME - Means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.A.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

130. INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

131. KENNELS (INDOOR PENS) - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

132. KENNELS (OUTDOOR PENS) - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

133. KINDERGARTEN OR NURSERY SCHOOL (PRIVATE) - An establishment where more than three (3) children are housed for care and/or training during the day or portion thereof.

134. KIOSK - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

135. KITCHEN, RESIDENTIAL - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

136. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.
137. **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").
138. **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
139. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.
140. **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 11,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
141. **LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.
142. **LOADING SPACE** - An off-street space or berth used for the delivery and loading/unloading of vehicles.
143. **LOCAL UTILITY LINE** - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.
144. **LOT** - A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws and/or ordinances, and also which has its principal frontage upon a public street. (See Illustrations 6, 7 and 8)
145. **LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.
146. **LOT, CORNER** - A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°). (See Illustration 9)
147. **LOT DEPTH** - The mean horizontal distance between the front and rear lot lines. (See Illustration 7).
148. **LOT, DOUBLE FRONTAGE** - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 5)

149. **LOT, FLAG** - A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet. Flag, or panhandle, lots are typically discouraged.

150. **LOT, INTERIOR** - A lot other than a corner lot.

151. **LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

152. **LOT LINE, FRONT** - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 6)

153. **LOT, KEY** - A corner lot whose exterior side is adjacent to the front yard of another lot.

154. **LOT LINE, REAR** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 8).

155. **LOT LINE, SIDE** - Any lot line not the front or rear lot line.

156. **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.

157. **LOT OF RECORD** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk.

158. **LOT WIDTH** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See Illustration 6).

159. **MAIN BUILDING** - The building or buildings on a lot which are occupied by the primary use.

160. **MANUFACTURED HOME DISPLAY OR SALES (NEW)** - The offering for sale, storage, or display of new manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

161. **MANUFACTURED HOME DISPLAY OR SALES (USED)** - The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

162. **MANUFACTURED HOUSING** - Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured

homes:

a. **Mobile Home** - A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

b. **HUD-Code Manufactured Home** - A movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.

c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home)** - A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

163. **MASONRY CONSTRUCTION** - That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters (including stucco), or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

164. **MAUSOLEUM** - Property used for the interring of the dead and where bodies are interred above ground in staked vaults.

165. **MEDICAL FACILITIES:**

a. **Medical Clinic or Office** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

b. **Dental Office or Doctors Office** - Same as medical clinic.

c. **Hospital** - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

d. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for

therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

166. **MINI-WAREHOUSE** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

167. **MINOR MEDICAL EMERGENCY CLINIC** - See "Medical Clinic or Office".

168. **MOBILE HOME PARK (also TRAILER PARK or RV PARK)** - A parcel of land not less than five (5) acres nor greater than twenty-five (25) acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

169. **MOBILE HOME SPACE** - A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision which is designed for the accommodation of one mobile home, trailer or RV unit.

170. **MOBILE HOME SUBDIVISION** - A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned mobile home units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

171. **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.
172. **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
173. **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motorscooters, mopeds and similar vehicles are classified as motorcycles.
174. **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.
175. **MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.
176. **MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
177. **MULTIPLE-FAMILY DWELLING (APARTMENT)** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels.
178. **MUNICIPAL FACILITY OR USE** - Any area, land, building, structure and/or facility which is owned, used, leased or operated by the City of Kaufman, Texas.
179. **NONCONFORMING USE** - A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.
180. **NURSERY** - An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
181. **NURSING, CONVALESCENT OR REST HOME** - See "Skilled Nursing Facility".
182. **OCCUPANCY** - The use or intended use of the land or buildings by proprietors or tenants.
183. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

184. **OFFICE CENTER** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.

185. **OFFICE SHOWROOM** - An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

186. **OFFICE WAREHOUSE** - An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

187. **OFFICIALLY APPROVED PLACE OF ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of Kaufman.

188. **OFF-STREET PARKING INCIDENTAL TO MAIN USE** - Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

189. **OUTSIDE DISPLAY** - Outside temporary display of finished goods that are specifically intended for retail sale but not displayed outside overnight.

190. **OUTSIDE STORAGE** - The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.

191. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").

192. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

193. **PARK OR PLAYGROUND (PRIVATE)** - See "Private Recreation Facility".

194. **PARK OR PLAYGROUND (PUBLIC)** - See "Public Recreation".

195. **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Kaufman parking lot standards, for the short- or long-term storage of motor vehicles.

196. **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

197. **PARKING SPACE** - An off-street (i.e., not on a public street or alley) area, paved in

accordance with City of Kaufman parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.

198. PATIO HOME (ZERO-LOT-LINE DWELLING) - A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 18).

199. PAWN SHOP - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

200. PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES - Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses (no outside storage).

201. PET AND ANIMAL GROOMING SHOP - A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

202. PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

203. PLANNED DEVELOPMENT DISTRICT - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

204. PLANNING AND ZONING COMMISSION - A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission."

205. PLAT - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Kaufman, and which is approved by the City of Kaufman and recorded in the plat records of Kaufman County.

206. PLATTED LOT - See "Lot" and "Lot of Record".

207. PLAYFIELD OR STADIUM (PUBLIC) - An athletic field or stadium owned and operated

by a public agency (e.g., City of Kaufman, Kaufman Independent School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

208. PLAYFIELD OR STADIUM (PRIVATE) - An athletic field or stadium owned and operated by an agency other than the City of Kaufman or the Kaufman Independent School District.

209. PORTABLE BUILDING SALES (OUTDOOR DISPLAY) - An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

210. PREMISES - Land together with any buildings or structures situated thereon.

211. PRIMARY USE - The principal or predominant use of any lot or building.

212. PRINCIPAL BUILDING - See "Main Building".

213. PRIVATE CLUB - An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

214. PRIVATE RECREATION FACILITY OR PRIVATE PARK - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

215. PRODUCE STAND - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.

216. PROFESSIONAL SERVICE - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

217. PROPANE SALES - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

218. PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Kaufman are defined as "Municipal Facility or Use".

219. PUBLIC RECREATION - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as

rodeos, concerts, festivals and other special events requiring special event permits, as set forth in Article ___ of the City of Kaufman Code of Ordinances.

220. PUBLIC VIEW - Public view means areas that can be seen from any public street.

221. RADIO, TELEVISION OR MICROWAVE TOWER - See Antenna, Microwave Reflector & Antenna Support Structure (see also Section 41.5).

222. REAR YARD - See "Yard, Rear".

223. RECREATION CENTER - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

224. RECREATIONAL VEHICLE (RV) - A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also "Heavy Load Vehicle").

225. RECREATIONAL VEHICLE/CAMPER SALES AND LEASING - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

226. RECREATIONAL VEHICLE (RV) PARK - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Mobile Home Park").

227. RECYCLING KIOSK - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

228. REHABILITATION CARE FACILITY (HALFWAY HOUSE) - A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

229. REHABILITATION CARE INSTITUTION - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

230. RESIDENCE - Same as a dwelling; also, when used with district, an area of residential regulations.

231. RESIDENCE HOTELS - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of

furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.

232. RESIDENTIAL DISTRICT - District where the primary purpose is residential use.

233. RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH SERVICE) - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

234. RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE) - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

235. RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) - An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

236. RETAIL OR SERVICE, INCIDENTAL - The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than fifteen percent (15%) of the main use.

237. RETAIL SHOP (FOR APPAREL, GIFTS, ACCESSORIES AND SIMILAR ITEMS) - An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Also see "General Retail Stores").

238. RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING) - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

239. ROOM - A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

240. ROOMING HOUSE - See "Boarding House".

241. SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD) - The reclamation and storage of used products or materials.

242. SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE - The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

243. SCHOOL, BUSINESS - A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or

- commercial art school, but not including commercial trade schools.
244. **SCHOOL, COMMERCIAL TRADE** - A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.
245. **SCHOOL, PRIVATE (PRIMARY OR SECONDARY)** - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.
246. **SCHOOL, PUBLIC OR PAROCHIAL** - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.
247. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
248. **SCREENED** - Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.
249. **SEASONAL USES** - Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.
250. **SERVANT'S QUARTERS OR GUEST HOUSE** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.
251. **SEXUALLY ORIENTED BUSINESS** - See Ordinance No. 0-06-99.
252. **SHOPPING CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
253. **SIDE YARD** - See "Yard, Side".
254. **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.
255. **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

256. **SKILLED NURSING FACILITY** (also termed **NURSING HOME, CONVALESCENT HOME** or **LONG-TERM CARE FACILITY**) - A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
257. **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.
258. **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.
259. **STABLE, PRIVATE** - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.
260. **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials.
261. **STORY** - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from point representing the average slope from front to back (or side to side) of the building.
262. **STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
263. **STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
264. **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.
265. **STREET YARD** - The area between the building front line and the front property (i.e., right-of-way) line.
266. **STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").
267. **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
268. **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms,

swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.

269. STUDIO, TATTOO OR BODY PIERCING - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

270. STUDIO FOR RADIO AND TELEVISION - A building or portion of a building used as a place for radio or television broadcasting.

271. SWIMMING INSTRUCTION AS A HOME OCCUPATION - The teaching of swimming in a private swimming pool. Within a residential district, this use is subject to the approval and issuance of a conditional use permit which may specify operating conditions and standards and which may limit the number of students and operating times.

272. SWIMMING POOL, COMMERCIAL - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

273. SWIMMING POOL, PRIVATE - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with Article ___ of the City of Kaufman Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

274. TELEMARKETING CENTER - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

275. TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

276. TEMPORARY - Used or lasting for only a limited period of time; not permanent.

277. TEMPORARY BUILDING - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

278. TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.

279. **TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the conditional use permit.
280. **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
281. **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
282. **TIRE DEALER, NO OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.
283. **TIRE DEALER, WITH OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.
284. **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.
285. **TRACT** - A single individual parcel or lot.
286. **TRACTOR SALES** - See "Heavy Machinery Sales and Storage".
287. **TRADE AND COMMERCIAL SCHOOLS** - See "School, Commercial Trade".
288. **TRAILER PARK OR COURT** - See "Mobile Home Park".
289. **TRAILER, HAULING** - A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.
290. **TRAILER HOME** - See "Manufactured Housing, Mobile Home".
291. **TRAILER OR MOBILE HOME SPACE** - See "Mobile Home Space".
292. **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
293. **TRAILER, TRAVEL OR CAMPING** - A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.
294. **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES** - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
295. **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and

"Heavy Load Vehicle").

296. **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.

297. **TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

298. **TRUCK STOP** - A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

299. **TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

300. **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.

301. **TWO-FAMILY DWELLING (DUPLEX)** - Two attached dwellings in one structure, each designed to be occupied by one family.

302. **USABLE OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also Section 18.5(C-E)).

303. **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.

304. **UTILITY DISTRIBUTION/TRANSMISSION LINES** - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

305. **VARIANCE** - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Zoning Board of Adjustment of the City of Kaufman can grant a variance.

306. **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

*307. **WEDDING RECEPTION** - A use that includes a commercial party with food provided by the facility, and typically available at such functions. This use shall be allowed by Specific Use Permit (S.U.P.) Only and shall be subject to the following conditions: no expansion of the land use without a new S.U.P.; a Site Plan shall be submitted showing shared parking thereon; copies of written shared-parking agreement shall be part of the S.U.P.

308. **WRECKING YARD (JUNKYARD OR AUTO SALVAGE)** - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

309. **YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration 6).

310. **YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 6).

311. **YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 8).

312. **YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 8).

313. **ZERO-LOT-LINE DWELLING** - See "Patio Home".

314. **ZONING BOARD OF ADJUSTMENT** - A board which is appointed by the City Council, and which is authorized to make special exceptions to the Zoning Ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "ZBA."

315. **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

316. **ZONING DISTRICT MAP** - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 3, "Zoning District Map" and Section 4, "Zoning District Boundaries").

317. **ZOO (PRIVATE)** - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

318. **ZOO (PUBLIC)** - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

04-24-00

Amending SF-8 allowing SUP - Wedding Receptions

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 3
ZONING DISTRICTS AND MAPS

SEC. 300 DISTRICTS:

For the purpose of this Ordinance, the Township of Indianfields is hereby divided into the following districts:

- R-1 One-Family Residential
- R-2 Mobile Home Park
- AG Agricultural
- B Business
- I Industrial
- F Forestry

SEC. 301 BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Zoning Map, Indianfields Township Zoning Ordinance as is fully described herein.

1. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
2. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

SEC. 302 ZONING OF VACATED AREAS:

Whenever any street, alley or other public way, within the Township of Indianfields shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and come a part of the land formerly within such vacated street, alley or public way shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which the same use as is permitted under this Ordinance for such adjoining lands.

SEC. 303 DISTRICT REQUIREMENTS:

All buildings and uses in any district shall be subject to the provisions of Article 12, General Provisions and Article 13, General Exceptions.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 4
R-1 ONE FAMILY RESIDENTIAL DISTRICTS

Preamble: This residential district is designed to provide for one-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in the Township. The uses permitted by right and on special condition are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic influences.

SEC.400 PRINCIPAL USES PERMITTED:

In the R-1 One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. One-family detached dwellings.
- b. Publicly owned and operated parks, parkways and recreational facilities.
- c. Adult foster care family homes.
- d. Adult foster care small group homes.
- e. Family day care homes.
- f. Accessory buildings and uses customarily incident to any of the above permitted uses.

SEC 401 CONDITIONAL USES:

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinions of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

- a. Utility and public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (storage yard yards excluded).
- b. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and uses normally incidental thereto, subject to the conditions of Section 2302 (7).
- c. Colleges, universities and other such institutions of higher learning, public and

private, offering courses in general, technical, or religious education and not operated for profit, subject to the conditions of Section 2302 (8).

- d. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education and not operated for profit.
- e. Cemeteries, subject to the conditions of Section 2302 (4).
- f. Non-public recreational areas and recreation facilities when not operated for profit and primarily intended to serve Township residents.
- g. Private, non-profit swimming pools, subject to the conditions of Section 2302(23).
- h. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit, subject to the conditions of Section 2302 (12).
- i. Nursery schools, day nurseries and child care centers, subject to the conditions of Section 2302 (19).
- j. Two family and multiple dwellings containing not more than six (6) families or units, subject to the conditions of Section 2302 (31).
- k. Home occupations, subject to the conditions of Section 2302 (14).
- l. Group day care homes, provided they are licensed under Act 116 of the Public Acts of 1973, subject to the conditions of Section 2302 (13).
- m. Temporary dwelling units, subject to the conditions of Section 2302 (30).
- n. Planned unit developments, subject to the conditions of Section 2302 (22).
- o. Accessory buildings and uses customarily incident to any of the above permitted areas, subject to the conditions of Section 1206.
- q. Keeping of horses for personal use. [adopted 11-26-02]
- r. Condominiums, subject to conditions of Article #24. [adopted 6-23-05]
- s. Adult foster care small group homes (7-12)
- t. Adult foster care large group homes (13-25)

SEC. 402 AREA AND BULK REQUIREMENTS:

See Article 11, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 5
R-2 MOBILE HOME PARK DISTRICT

Preamble: The R-2 Mobile Home Park Residential District is designed to provide sites for mobile home parks and related uses.

SEC. 500 PRINCIPAL USES PERMITTED:

In a R-2 Mobile Home Park Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Mobile Home Parks.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.

SEC. 501 SPECIAL USES:

There are no Special Uses permitted in the R-2 District.

SEC. 502 AREA AND BULK REQUIREMENTS:

Standards for mobile home development shall be consistent with those adopted by the Mobile Home Commission.

The minimum area of a mobile home park shall be 15 acres.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 6
AG AGRICULTURAL DISTRICTS

Preamble: The AG Agricultural Districts are designed to provide single-family home sites in areas more rural in character.

SEC. 600 PRINCIPAL USES PERMITTED:

In the AG Agricultural Districts no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. One-family detached dwellings.
- b. Publicly owned and operated parks, parkways and recreational facilities.
- c. Adult foster care family homes.
- d. Adult foster care small group homes.
- e. Family day care homes.
- f. Farms
- g. Permanent summer homes and vacation cottages on individual sites.
- h. Accessory buildings and uses customarily incident to any of the above permitted uses.

SEC. 601 CONDITIONAL USES:

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

- a. Utility and public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity (storage yard yards excluded).
- b. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and uses normally incidental thereto, subject to the conditions of Section 2302 (7).
- c. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the conditions of Section 2302 (8).

- d. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education and not operated for profit.
- e. Cemeteries, subject to the conditions of Section 2302 (4).
- f. Non-public recreational areas and recreation facilities when not operated for profit and primarily intended to serve Township residents.
- g. Private, non-profit swimming pools, subject to the conditions of Section 2302 (23)
- h. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit, subject to the conditions of Section 2302 (12).
- i. Nursery schools, day nurseries and child care centers, subject to the conditions of Section 2302 (19).
- j. Two family and multiple dwellings containing not more than six (6) families or units, subject to the conditions of Section 2302 (31).
- k. Home occupations, subject to the conditions of Section 2302 (14).
- l. Group day care homes, provided they are licensed under Act 116 of the Public Acts of 1973, subject to the conditions of Section 2302 (13).
- m. Temporary Dwelling Units, subject to the conditions of Section 2302 (30).
- n. Planned Unit Developments, subject to the conditions of Section 2302 (22).
- o. Recreational areas of a non-commercial nature for private clubs, non-profit organizations, religious groups and charitable institutions, subject to the provisions of Section, 2302 (24).
- p. Commercial kennels subject to the provisions of Section 2302 (5).
- q. Communication Towers, subject to the provisions of Section 2302 (9).
- r. Accessory buildings and uses customarily incident to any of the above permitted areas.
- s. Bed and breakfast.
- t. Wind Energy Generation Systems.
- u. Adult foster care small group homes (7-12) persons.
- v. Adult foster care.
- w. Alternative fuel manufacturing, storage and refining facilities including, but not

limited to ethanol and other non-petroleum based fuels.

SEC. 602 AREA AND BULK REQUIREMENTS:

See Article 11, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 7
B BUSINESS DISTRICT

Preamble: The B Business District is designed to provide for the establishment of shopping areas, personal services, professional office areas and diversified business types that are primarily compatible with and of service to Township one-family residential and agricultural uses.

SEC. 700 PRINCIPAL USES PERMITTED:

In the B Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

- a. Office buildings for any of the following occupations: executive, administrative, professional, governmental and sales office.
- b. Medical and dental offices, including clinics.
- c. Banks and financial institutions.
- d. Any generally recognized retail business which supplies such commodities as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.
- e. Any personal service establishment which performs such services as but not limited to: shoe repair, tailor shops, beauty parlors, barber shops, interior decorators, photographers, dry cleaners and self-service laundries.
- f. Private clubs and lodge halls.
- g. Churches.
- h. Tourist facilities including, but not limited to: rooming houses, motels, hotels, and gift shops.
- i. Wholesale uses and storage uses when in a completely enclosed building; except that new vehicles and/or earth moving equipment for sale may occupy a rear yard area.
- j. Theaters, assembly halls and similar places of assembly when conducted completely within enclosed buildings.
- k. Bottling works and food packaging.
- l. Full serve car washes.

- m. New automobiles sales or showroom.
- n. Restaurants, supper clubs and taverns.
- o. Bowling alleys, pool or billiard parlor or club.
- p. Commercial printing and newspaper offices.
- q. Business schools or private schools operated for profit.
- r. Offices and show rooms of plumbers, electricians, decorator or similar trades. The ground floor premises facing upon, and visible from any abutting street, shall be used only for entrances, offices or display. All storage of material or any incidental repair shall be within the confines of enclosed buildings.
- s. Governmental offices or other governmental uses; public utility offices, and uses, utility exchanges, transformer stations, pump stations and service yards; and other public service facilities.
- t. Utility and public service facilities and uses when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity.
- u. Uses similar in character to the above listed uses.
- v. Accessory buildings and uses customarily incidental to the above permitted uses.
- w. Automotive repair garages, auto engine and body repair and undercoating shops, when completely enclosed.
- x. Bed and Breakfasts.

SEC. 701 REQUIRED CONDITIONS

All uses shall be subject to the following limitations:

1. All business establishments shall be retail or service establishments dealing
 2. Directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

SEC. 702 CONDITIONAL USES:

The following uses may be permitted upon the granting of a permit for such use by the Township Board, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting

properties.

- a. Gasoline service station for sale of gasoline, oil and minor accessories, subject to the provisions of Section 2302 (11).
- b. Drive-thru restaurants or open front stores subject to the provisions of Section 2302 (10).
- c. Sale of automobiles, house trailers, travel trailer rentals, subject to the provisions of Section 2302 (28).
- d. Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges, subject to the provisions of Section 2302 (06).
- e. Sexually oriented businesses, subject to the provisions of Section 2302 (29).
- f. Accessory buildings and uses customarily incidental to the above permitted uses.
- g. Keeping of horses for personal use if the property is used as residential.[adopted 8-11-03]

SEC. 703 AREA AND BULK REQUIREMENTS:

See Article 11, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings and the maximum density permitted.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 8
I INDUSTRIAL DISTRICT

Preamble: The Industrial District is established so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district and affect surrounding districts only to a very limited degree. The Industrial District is so structured as to generally permit the manufacturing, assembly, compounding, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. Processing activities involving significant wasteful byproducts are discouraged.

SEC. 800 PRINCIPAL USES PERMITTED:

In the Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- b. Warehousing and wholesale establishments, and trucking facilities.
- c. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery; tool, die, gauge and machining shops.
- d. The manufacture, compounding, assembling, treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell textiles, tobacco, wax, wire, wood and yarns.
- e. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- f. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
- g. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
- h. Laboratories - experimental, film, or testing.
- i. Manufacturing and repair of electric or neon signs, light sheet metal products,

including heating and ventilating equipment, cornices, eaves and the like.

- j. Storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.
- k. Storage facilities for building materials, sand, gravel stone, lumber, or storage of contractor's equipment and supplies.
- l. Central dry cleaning plants or laundries.
- m. Automotive repair garages, auto engine and body repair, and undercoating shops when completely enclosed.
- n. Non-accessory signs.
- o. Kennel, commercial.
- p. Heating and electric power generating plants and all necessary uses.
- q. Other uses which are similar to the above uses.
- r. Accessory buildings and uses customarily incident to the above permitted uses.
- s. Alternative fuel manufacturing, storage and refining facilities including, but not limited to ethanol and other non-petroleum based fuels.

SEC. 801 CONDITIONAL USES:

The following uses may be permitted upon the granting of a permit for such use by the Planning Commission, subject to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties.

- a. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yards, building materials outlets, garage sales, upholsterer, cabinet maker, outdoor boat, or house trailer, automobile, or agricultural implement sales) or serve convenience needs of the industrial district (such as, but not limited to: eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or bowling alley, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic).
- b. Lumber and planing mills, subject to the provisions of Section 2302 (18).
- c. Metal plating, buffering and polishing.

- d. Junk yards, subject to the provisions of Section 2302 (17).
- e. Waterfront marinas.
- f. Outdoor theaters, subject to the provisions of Section 2302 (21).
- g. Airports and related uses, subject to the provisions of Section 2302 (2).
- h. Accessory buildings and uses customarily incident to any of the above permitted areas.

SEC. 802 AREA AND BULK REQUIREMENTS:

See Article 11, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings and minimum size of lot by permitted land use.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 9
F FORESTRY DISTRICT

Preamble: The F Forestry District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of natural resources, and provide enjoyment for both visitors, and the community at large.

SEC. 900 PRINCIPAL USES PERMITTED:

In the Forestry District, no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

- a. Hunting and fishing cabins, trapper's cabins, individual travel trailers and camping units, summer homes and/or vacation cottages, provided that occupancy is limited to six (6) months in any calendar year and further provided that the use is served by water, sewer and electrical services which meet Tuscola County Health Department and Building Department standards .
- b. Forest industries (including handicrafts, temporary milling activities and harvesting but excluding other manufacturing industries).
- c. Farms and agriculture operations of all kinds.
- d. Public and private camping areas for recreational or educational purposes.
- e. Public and private parks, playgrounds, recreational areas, camping grounds, hunting grounds, fishing sites and wildlife reserves; sportsmen's clubs and associations included.
- f. Utility and public service facilities and uses, including public buildings and institutional or educational uses.
- g. Facilities necessary for the production and transmission of hydro-electricity (dams, transmission lines and substations).
- h. Railroad uses not including switching yards, storage yards, storage buildings and freight yards.
- i. Public airports including hangers, terminals control towers and air navigation aids.
- j. Accessory buildings and uses customarily incident to any of the above permitted uses.
- k. One family detached dwellings.

SEC. 901 CONDITIONAL USES:

The following uses may be permitted upon the granting of a permit to the conditions hereinafter imposed for each use and subject further to such other reasonable conditions which in the opinion of the Township Board are necessary to provide adequate protection to the neighborhood and to abutting properties.

- a. Bed and Breakfasts..
- b. Hunting and fishing cabins, trapper's cabins, individual travel trailers and camping units, summer homes and/or vacation cottages, subject to the provisions of Section 2302 (16).
- c. Resorts, resort hotels, vacation lodges, motels, and other tourist lodging facilities, subject to the provisions of Section 2302 (26).
- d. Recreational vehicle parks, tenting areas and general camping grounds, subject to the provisions of Section 2302 (25).
- e. Riding Academies, including facilities for horseback riding, accessory trails and stables, subject to the provisions of Section 2302 (27)
- f. Medical and dental offices, including clinics.
- g. Restaurants, supper clubs and taverns.
- h. Temporary Dwelling Units, subject to the provisions of Section 2302 (30)
- i. Communication Towers, subject to the provisions of Section 2302 (9).
- j. Nursery schools, day nurseries and child care centers, subject to the provisions of section 2302 (19).
- k. Accessory buildings and uses customarily incident to any of the above uses.
- l. Wind Energy Generation Systems.
- m. Alternative fuel manufacturing, storage and refining facilities including, but not limited to ethanol and other non-petroleum based fuels.
- n. Commercial kennels subject to the provisions of Section 2302 (9)

SEC. 902 AREA AND BULK REQUIREMENTS:

See Article 11, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 10

AIRPORT ZONING OVERLAY DISTRICT

Preamble: This airport zoning overlay district is designed to provide for the safety of aircraft approaching to land and departing from the Tuscola County Area Airport while at the same time allowing for economic development of properties in regard to wind turbines, communication towers and solar panels. To maintain the delicate balance between the airport safety concerns and rights of individual property owners a number of height zones have been developed to insure compatible use of land and air space, which are depicted on the Zoning District Map and made a part of this Article in compliance with P.A. 110 of 2006 as amended.

SEC.1000 PRINCIPAL USES PERMITTED

All uses permitted by the zoning districts located under this overlay subjected to the provisions of Sec. 1002.

SEC.1001 CONDITIONAL USES

All conditional uses permitted by the zoning districts located under this overlay subject to the provision of Sec. 1002 and Sec. 2302-2.

SEC.1002 HEIGHT AND SAFETY LIMITATIONS

All structures, wind turbines, communication towers and solar panels exceeding 200ft in height shall be subject FAA approval and permits in all zones of the overlay map.

- a. **Airport Zone:** Extends 10,000 ft. from the end of each runway from the ground to a height of 150 ft AGL surrounding the airport.
- b. **Conical Zone:** Extends from 10,000 ft. to 14,000 ft. from the end of each runway from a height of 150 ft. to a height of 350 ft. AGL surrounding the airport.
- c. **Approach Zone:** Extends outward and upward along the centerline of runways 5 and 23 according to FAA standards for a precision approach for heavy aircraft, at a utility airport.
- d. **Transition Zone:** Extends outward one half mile on each side of the airport approach zone in compliance with FAA standards.

- e. **Uncontrolled airspace: Area outside the airport hazard and approach zones, from the ground to 700 ft. AGL.**
- f. **Adjoining municipalities should adopt an approach zone extending to a distance of ten miles from the ends of runway 5 and 23, as a continuation of Indianfields Townships Airport Zoning Ordinance, to insure the safety of all aircraft utilizing the airport.**
- g. **No construction or operation of any structure or facility that is in violation of any Federal Aviation Administration rule or regulation, in any zone. All zoning permits are subject to local zoning requirements.**

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 11
SCHEDULE OF REGULATIONS

SEC. 1100 SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT:

ZONING DISTRICT	MINIMUM ZONING LOT SIZE PER UNIT		MAXIMUM HEIGHT OF STRUCTURES		MINIMUM YARD SETBACK (PER LOT IN FEET)			MINIMUM FLOOR AREA PER UNIT (SQ. FT.)	MAXIMUM % OF LOT AREA COVERED (BY ALL BUILDINGS)
	AREA IN SQUARE FEET	WIDTH IN FEET	IN STORIES	IN FEET	FRONT	SIDE	REAR		
R-1 One-Family Residential	20,000 (c)	100	2	35 (l)	35(d)	15(a) (b)	50	900(k)(c)	35%
R-2 Mobile Home Park (e)	—	—	—	—	—	—	—	—	—
AG Agricultural	2 acres	200	2	60 (l)	45	20(a)	60	900(k)	35%
B Business	—	—	2(k)	45(k)(l)	25(h)	5(f)	20 (g)	None	—
I Industrial	—	—	2(k)	60(k)(l)	30(h)	5(l)	20(g)	None	—
F Forestry	20,000	100	2	35 (l)	25(e)	20	35	900(k)	35%

SEC. 1101 FOOTNOTES TO SCHEDULE OF REGULATIONS:

- a. The side yard abutting upon a street shall not be less than twenty (20) feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot the side yard of an adjacent lot the side yard abutting a street shall not be less than the required front yard of that district. Refer to Article 12, GENERAL PROVISIONS accessory buildings for corner lot exception.
- b. Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of the lot. The width of each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof, by which the length of the multiple dwelling exceeds

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF REGULATIONS

ARTICLE 11

forty (40) feet in overall dimension along the adjoining lot line. No multiple dwelling shall exceed one hundred and eighty (180) feet in length. The depth of any court shall not be greater than three (3) times the width. For the purpose of said yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot. Completely enclosed courts shall be prohibited.

- c. Multiple family dwellings may be erected on a minimum lot size of twenty thousand (20,000) square feet, provided that central water and sewage facilities approved by the Tuscola County Health Department serve the development. The following minimum lot sizes and floor areas shall be met:

Bedroom Unit*	Minimum Lot Area Per Unit With Public Water and Sewerage Facilities	Minimum Floor Area Per Unit
Efficiency apartment	1,750 sq. ft.	250 sq. ft. to a maximum of 350 sq. ft.
1 Bedroom	2,000 sq. ft.	450 sq. ft.
2 Bedroom	2,500 sq. ft.	550 sq. ft.
3 Bedroom	3,000 sq. ft.	650 sq. ft.

- d. Where the front yards of two (2) or more principal structures in any block in existence at the time of the passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yard indicated above, then any building subsequently erected on that side of the street shall not be less and need not be greater than the average depth of the front yards of said two (2) or more structures.
- e. Mobile Home Parks shall meet the dimensional requirements established under the authority of the Mobile Home Commission Act, Pa 96, 1987.
- f. No side yards are required along the interior side lot lines, except as otherwise specified in an applicable building code. For lots which border on a residential district, there shall be provided a setback of not less than ten (10) feet on all sides.
- g. Lodging space shall be provided in the rear yard in the ration of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or setback and loading requirements may be computed from the center of said alley.
- h. Parking may be permitted in the front yard after approval of the parking plan layout and points of access by the Township Board. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

- i. No building shall be closer than forty (40) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- j. Planned development involving three (3) acres or more under one ownership shall be subject to the approval of the Planning Commission after a public hearing, regarding modifications with respect to height regulations.
- k. The minimum first floor area of any single family dwelling shall be no less than nine-hundred (900) square feet. Where a single-family dwelling is constructed without a basement, an additional one-hundred (100) square feet shall be added to the minimum required first floor area requirement to provide space for utilities, such as, but not limited to: furnace, hot water laundry tubs, incinerator and the like.
- l. For purposes of wind generation, communication towers, solar panels, farm silos and equipment, height is unlimited, subject to FAA guidelines and Township Airport Zoning Ordinance.

SEC. 1102 SUBDIVISION OPEN SPACE PLAN:

- a. Lot dimensions in the R-1 One-Family Residential District may be reduced in accord with the following schedule, provided the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for the One-Family District under Section 1100.
 1. All calculations of density for residential development shall be predicated upon the R-1 One-Family Districts having the following gross densities (including roads):

R-1 with public utilities: 1.2 dwelling units per acre. Without public utilities: 0.8 dwelling units per acre.
 2. Lot widths shall not be less than 80 feet in the R-1 District.
 3. Minimum yard setbacks as indicated in Section 1100 of this Ordinance shall be provided.
 4. Minimum area of lots served by public sewer and water shall not be less than twelve thousand (12,000) square feet.
- b. For each square foot of land gained under this provision of Paragraph 1 of this Section 1102, within a residential subdivision, through the reduction of lot size below the minimum requirements as outlined in Article 11, SCHEDULE OF REGULATIONS, equal amounts of land shall be dedicated to the common use of the lot owners in the subdivision in a manner approved by the Township or may, if approved, be dedicated to the Township.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

SCHEDULE OF REGULATIONS

ARTICLE 11

- c. The area to be dedicated for the common use of the subdivision shall in no instance be less than three (3) acres and shall be in a location and shape approved by the Township. A parcel divided by a road or stream shall be considered one parcel.
- d. Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrian access-ways.
- e. In approving the application of the "Subdivision Open Space Plan," the Township shall consider the following objectives:
 - 1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - 2. To encourage developers to use a more creative approach in the development of residential areas.
 - 3. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development coast and by allowing the developer to bypass natural obstacles on the sited.
 - 4. To encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development or recreational facilities.
- f. Under the Subdivision Open Space Plan approach, the developer or subdivider shall dedicate the total park area to the Township or to a public or private organization approved by the township at the time of filing of the final plat on all or any portion of the plat, unless otherwise agreed to by the Township.
- g. Application for approval of a "Subdivision Open Space Plan" shall be submitted at the time of submission of the Plat.

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

ARTICLE 12

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

ARTICLE 12

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 Ringlemann chart except:

1. Smoke of a density equal to but not darker than No. 2 of the Ringlemann 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 Ringlemann 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 Ringlemann 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 Umbrascopes readings of smoke densities may be used when correlated with Ringlemann'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.

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. *As long as*

g. Odors

Creation of offensive odors shall be prohibited.

h. Wastes

No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer.

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 of Appeals, be located

ARTICLE 12

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 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 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,

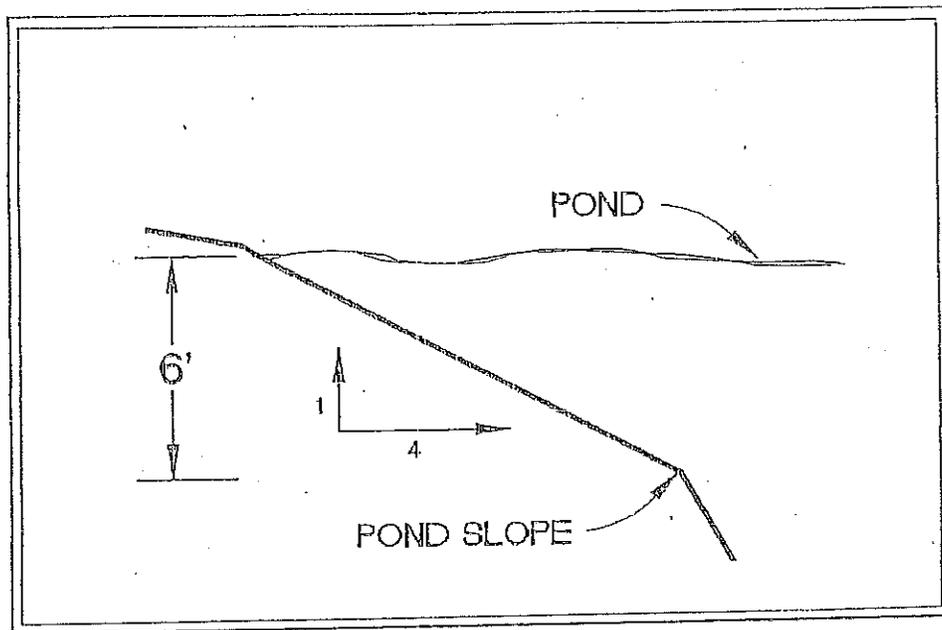
10. If a single family structure is moved onto a lot, the external condition of the structure, including but not limited to siding, roofing and porch, shall be of sound structural quality comparable to other homes typically found in the neighborhood in which it is to be located.

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.

Figure 12-1



INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 13
GENERAL EXCEPTIONS AS TO AREA, HEIGHT, AND USE

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

SEC. 1300 ESSENTIAL SERVICES:

Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

SEC. 1301 VOTING PLACE:

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SEC. 1302 HEIGHT LIMIT:

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

SEC. 1303 LOT AREA:

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not this Ordinance, except as provided in Section 1600.b, NONCONFORMING LOTS of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

SEC. 1304 LOTS ADJOINING ALLEYS:

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

SEC. 1305 YARD REGULATIONS:

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 13

GENERAL EXCEPTIONS AS TO AREA, HEIGHT, AND USE

shape or topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

SEC. 1306 MULTIPLE DWELLING SIDE YARD:

For the purpose of side yard regulations, a row house or a multiple-dwelling shall be considered as one (1) building occupying (1) lot.

SEC. 1307 PROJECTIONS INTO YARDS:

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches or each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

SEC. 1308 ACCESS THROUGH YARDS:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure and shall be permitted in any required yard.

**INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 15
LANDSCAPE STANDARDS**

Preamble: the intent of this article is to promote the public health safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.

The standards of this article are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this ordinance to improve the function, appearance and value of their property.

SEC. 1500 APPLICATION:

1. The requirements set forth in this article shall apply to all lots, sites, and parcels which are developed or expanded following the effective date of this ordinance and/or are subject to local site plan review. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this Article.

The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts. If such a determination is made, the Planning Commission may recommend an exception from the landscaping provisions of this section/article.

SEC. 1501 MINIMUM BUFFER ZONES:

1. A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to the table below. Walls shall typically be prohibited along a public street right of way or in a front yard unless specifically approved by the Township Board. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall. All walls shall meet the standards described in Section 15.02.2 Wall Standards .

Zoning or Use of
Subject Site

Zoning of Adjacent Site

	Single Family*	Commercial	Industrial
Commercial	A or 6 foot high wall/berm	None	A
Industrial	A or 8 foot high wall/berm	A	None

A = One (1) Deciduous canopy tree and four (4) large shrubs, or one (1) evergreen tree and four (4) large shrubs per each twenty five (25) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot.

*Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the Planning Commission may recommend additional landscaping (trees, shrubs, wall or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards or accessory structures.

2. Wall Standards:

Required walls shall comply with the standards listed below.

- a. Walls shall be located on the lot line except where underground utilities interfere and or where this Ordinance requires conformance with yard setback lines.
- b. Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance, unless specifically approved by the Planning Commission.
- c. Walls shall be constructed of face brick, pressure treated wood, or comparable nonporous facing materials on the exterior sides facing an affected district.
- d. Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials as approved by the Building Department. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce minimum height requirement.
- e. Walls must be maintained in good condition by the property owner.
- f. Bumper blocks shall be required where parking is adjacent to walls.

3. Berm Standards:

Required berms shall be constructed as landscaped earth mounds with a crest area at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as a earthen slope or retained by means of a wall, terrace or other means acceptable to the Building Department. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3).

SEC. 1502 REQUIRED PARKING LOT TREES AND PARKING LOT ISLANDS:

ZONING DISTRICT	0 - 100 parking spaces	101-200 parking spaces	over 200 spaces
Commercial	1 canopy tree per 10 spaces	1 canopy tree per 10 spaces	1 canopy tree per 12 spaces
Industrial	1 canopy tree per 12 spaces	1 canopy tree per 15 spaces	1 canopy tree per 15 spaces

1. Tree location:

All of the required parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending fifteen (15) feet from the edge of the parking lot. A minimum of one-third (1/3) of the required trees shall be placed within the interior of the parking area. Landscaping and canopy tree placement shall be dispersed throughout the parking lot in order to balance and soften large areas of pavement and help direct traffic flow within lot.

2. Tree Base:

Each tree shall be surrounded by an area of grass or living ground cover at least one hundred fifty (150) square feet in size to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

3. Required parking lot trees shall not be credited towards required greenbelt or buffer trees.

4. Design of Parking Lot Islands:

All parking lot islands shall be curbed. Islands shall be at least one hundred fifty (150) feet in area. Each island shall be at least ten (10) feet wide, with a depth two (2) feet shorter than the depth of the adjacent parking space. Islands shall have a minimum of ten (10) feet at the ends facing main aisles. A minimum radius shall be one (1) foot where island is not adjacent to main traffic aisle.

SEC. 1503 GREEN BELTS REQUIRED ALONG AND WITHIN RIGHT OF WAY:

A green belt shall be planted along the right of way of any public street for all uses which require site plan review. A green belt shall be required for all single family residential developments with more than four [4] units served by one [1] shared access road.. This includes subdivisions, site condominiums and land division projects. If planting in the right of way is not permitted by the road agency with jurisdiction in the right of way, or is not acceptable to a utility company, the green belt plantings shall be planted within the required parking lot setback. The Planning Commission may recommend such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards:

1. The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.
2. The green belt shall include one (1) deciduous canopy tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks, or easements.
3. The Planning Commission may recommend substitution of evergreen trees for up to fifty percent (50%) of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.

, 4.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 15

LANDSCAPE STANDARDS

4. Greenbelt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the existing character of the Township.
5. Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty five (25) foot site distance triangle shall not be more than thirty (30) inches in height.

SEC. 1504 PLANT MATERIAL SPECIFICATIONS:

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

1. Minimum plant material planting size
 - a. Evergreen trees shall be a minimum of five (5) feet in height.
 - b. Narrow evergreens shall be a minimum of three (3) feet in height.
 - c. Ornamental trees shall be a minimum of ten (10) feet in height or 1 3/4" caliper.
 - d. large deciduous shrubs shall be a minimum of four (4) feet in height.
 - e. Deciduous canopy trees shall be a minimum of fifteen (15) feet in height or 2" caliper.
 - f. Small evergreen or deciduous ornamental shrubs shall be a minimum of 18" - 24" spread.
2. Plant Material Spacing
 - a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows and/or grouped informally to create a naturalistic appearance.
 - c. Evergreen trees shall be planted not more than fifteen (15) feet on center.
 - d. Narrow evergreens shall be planted not more than six (6) feet on center.
 - e. Deciduous canopy trees shall be planted not more than twenty five (25) feet on center.

- f. Ornamental trees shall be planted not more than ten (10) feet on center.
- g. Large deciduous shrubs shall be planted not more than four (4) feet on center.

3. Plant material and design variety:

The overall landscape plan shall demonstrate a variety of plant material with not more than 50 % of any one species utilized throughout the design.

4. Suggested (not required) Plant Materials

a. Evergreen trees

- 1. Juniper
- 2. Hemlock
- 3. Fir
- 4. Pine*
- 5. Spruce
- 6. Douglas-Fir.

* (Dwarf, Globe, Pendulous, species/Cultivars are not permitted)

b. Narrow Evergreens*

- 1. Column Hinoki Cypress
- 2. Blue Columnar Chinese Juniper
- 3. Pyramidal Red-Cedar
- 4. Swiss Stone Pine
- 5. Pyramidal White Pine
- 6. Irish Yew
- 7. Douglas Arbor-Vitae
- 8. Columnar Giant Arbor-Vitae

* (Dwarf, Globe, Pendulous, species/Cultivars are not permitted)

c. Ornamental Trees

- 1. Flowering crabs
- 2. Service Berry
- 3. Dogwood
- 4. Redbud
- 5. Hornbeam
- 6. Hawthorn
- 7. Magnolia

d. Large Deciduous Shrubs

1. Honeysuckle
 2. Viburnum
 3. Mock-Orange
 4. Forsythia
 5. Lilac
 6. Ninebark
 7. Cotoneaster
 8. Hazelnuts
 9. Euonymus
 10. Privet
 11. Buckthorn
 12. Sumac
- e. Deciduous canopy Trees
1. Oaks
 2. Hard Maples
 3. Hackberry
 4. Birch
 5. Beech
 6. Ginkgo (male species only)
 7. Honeylocust (thornless and seedless cultivars only)
 8. Hop Hornbeam
 9. Linden
5. Trees Not Permitted
- a. Box Elder
 - b. Soft Maples (Silver)
 - c. Elms
 - d. Poplars
 - e. Willows
 - f. Horse Chestnut (Nut Bearing)
 - g. Tree of Heaven
 - h. Catalpa

SEC. 1505 EXISTING TREE PRESERVATION INCENTIVES:

The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at Planning Commission approval, toward the required trees for green belts, buffer zones and within parking lots.

1. All trees over eight (8) inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 15

LANDSCAPE STANDARDS

- 2. Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the dripline of the tree or trees to be preserved.
- 3. Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the Planning Commission. The Township Board pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the Ordinance. To obtain credit consideration the preserved trees shall be of a high quality and at least two (2") inches caliper.
- 4. Credit Consideration for preserved trees shall be:

Preserved Tree Caliper*(inches)	Number of Trees to be Credited
12 inches and over	3
8 inches to 11.99 inches	2
2 ½ inches to 7.99	1

*Caliper is the diameter of a tree trunk and shall be measured at a height six (6) inches above the existing grade up to and including four (4) inch caliper size and twelve (12) inches above the existing grade for larger sizes.

- 5. To protect and encourage the continued health and vitality of the preserved trees, the ground within the dripline of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree dripline is prohibited.
- 6. If preserved trees die within three (3) years after construction the property owner shall replace with trees required before credit was allowed. Said trees shall be replaced within sixty (60) days of written notice from the Township or within an extended time period as specified in said notice.
- 7. The minimum number of required trees shall not be reduced by less than fifty (50) percent through the use of approved tree credits. However, the Planning Commission during site plan review, may determine existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.

SEC. 1506 MINIMUM STANDARD FOR INSTALLATION AND MAINTENANCE:

- 1. Installation :

Landscaping shall be installed in a sound workman like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the

Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

2. Material removal:

Tree stakes, guy wires and tree wrap are to be removed after one year.

3. Maintenance:

Greenbelt areas and plant materials required by this ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.

SEC. 1507 COMPLIANCE FOR PRE-EXISTING SITES:

In any case where the building and/or parking area is being increased by at least twenty five percent (25%) over the originally approved site plan or the use is being changed to a more intense use, as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In situations where the increase in building and/or parking area is less than twenty five percent (25%) over the original site plan, the requirement of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or parking footprint. (example; a building or parking area increase of ten percent (10%) requires a forty percent (40%) compliance with the landscape standards. If any development or principal use requiring a certificate of occupancy is destroyed by any means beyond fifty percent (50%) of the appraised replacement value, the site shall be brought into full compliance with the landscape standards herein.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 16
NONCONFORMING LOTS, USES AND STRUCTURES

SEC. 1600 NON-CONFORMING LOTS, USES AND STRUCTURES:

a. Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance, and subsequent amendments, lots, uses of land, structures, and uses of structures and premises, which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such lots, uses of land structures, and uses of structures and premises are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction, or designated use of any building for which a zoning permit was obtained prior to adoption of the ordinance and further provided construction begins within ninety (90) days of the adoption of the ordinance. Construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

b. Nonconforming Lots

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 16

NONCONFORMING LOTS, USES AND STRUCTURES

2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

c. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

d. Nonconforming Structures

1. No such structure may be enlarged or altered in a way which increases its nonconformity; less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
2. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

e. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms

of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. In a District, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the structure, or structure and land combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

f. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months or ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 16

NONCONFORMING LOTS, USES AND STRUCTURES

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

g. Uses Allowed As Conditional Uses Not Nonconforming Uses

Any use which is permitted as a conditional use as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

h. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 17
OFF-STREET PARKING

SEC. 1700 REQUIREMENTS:

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

- a. Off-street parking may be located within any nonrequired yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided in this Ordinance.
- b. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots of parcels intended for use as parking by the applicant.
- c. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve and any garage or carport shall be subject to the provisions of Section 1206, ACCESSORY BUILDINGS of this Ordinance.
- d. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- e. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- f. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- g. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- h. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Township Board considers is similar in type.
- i. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including

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one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

- j. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA shall govern.
- l. The minimum number of off-street parking spaces by type of use including applicable accessory uses shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
a. RESIDENTIAL	
(1) Residential, One-Family and Two-Family.	Two (2) for each dwelling unit.
(2) Residential, Multiple-Family.	Two (2) for each dwelling unit.
(3) Housing for the elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
(4) Mobile Home Park	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
b. INSTITUTIONAL	
(1) Churches or temples.	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship.
(2) Hospitals.	One (1) for each one (1) bed.
(3) Homes for the aged and convalescent homes.	One (1) for each two (2) beds.
(4) Elementary and junior high schools.	One (1) for each (1) teacher, employee or administrator, in addition to the requirements of the auditorium. If there is no auditorium parking, one space for each two (2) classrooms will be provided for parents picking up or dropping off children.
(5) Senior high schools.	One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.

(6) Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local county, or state fire, building or health codes.
(7) Private golf clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or individual
(8) Golf courses open to the general public except miniature or "par-3" courses.	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
(9) Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater.
(10) Stadium, sports arenas, or similar place of outdoor assembly.	One (1) for each three (3) seats or six (6) feet of benches.
(11) Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
(12) Nursery school day nurseries or child care centers.	One (1) for each one hundred and fifty (150) square feet of usable floor space.
c. BUSINESS AND COMMERCIAL	
(1) Planned commercial or shopping center located in the B District	One (1) for each one hundred (100) square feet of usable floor area.
(2) Auto wash	One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
(3) Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
(4) Bowling alleys	Five (5) for each one (1) bowling lane.

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OFF-STREET PARKING

(5) Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed assets.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local county, or state fire, building or health codes.
(6) Establishments for sale and consumption on the premises, of beverages, food or refreshments.	One (1) for each one-hundred (100) square feet of usable floor space
(7) Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator or, electrician, or similar trade, shoe repair, and other similar uses.	One (1) for each eight hundred (800) square feet of usable floor area. (For that used in repair, assembly or other processes, one (1) additional space shall be provided for each two (2) persons employed therein)
(8) Automobile service stations.	Two (2) for each lubrication stall or rack; and one (1) for each gasoline pump.
(9) Laundromats and coin operated dry cleaners.	One (1) for each two (2) machines.
(10) Miniature or "par 3" golf courses.	Three (3) for each one (1) hole plus one (1) for each employee.
(11) Mortuary establishments.	One (1) for each fifty (50) square feet of assembly room, parlor area, and slumber rooms.
(12) Motel, hotel, or other commercial lodging establishments.	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
(13) Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor space of sales room and two (2) for each one (1) auto service stall in the service room.
(14) Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space.
(d) <u>OFFICES</u> (1) Banks.	One (1) for each one hundred (100) square feet of usable floor space and six (6) stacking spaces per drive-thru window.

(2) Business offices or professional offices except as indicated in the following item (3).	One (1) for each two hundred square feet of usable floor space.
(3) Professional offices of doctors, dentists or similar professions.	One (1) for each one-hundred (100) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair, or similar use area.
(e) <u>INDUSTRIAL</u> (1) Industrial or research establishments.	Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, or whichever is determined to be greater. Space on site shall also be provided for all construction workers during periods of plant construction.
(2) Warehouses and wholesale establishments and related accessory offices.	Five (5), plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

SEC. 1701 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

Whenever the off-street parking requirements in Section 1700 above requires the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- a. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with. If the parking lot is being developed as part of a project requiring site plan review, these drawings shall be incorporated into the site plan required under Article 20.
- b. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 17

OFF-STREET PARKING

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces and Maneuvering Lane	Total Width of Two Tiers of Spaces and Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

- c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- e. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 pattern may permit two-way movement.
- f. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district and shall also be at least twenty-five (25) feet from the intersection of right of way lines on a corner lot.
- g. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4' - 6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district or a residence is located on the property and shall be subject further to the requirements of Section 1210 SCREENING WALLS OR FENCES.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- h. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic, concrete or stonecrete surfacing in accordance with specifications approved by the Township Board. The parking area shall be surfaced within one (1) year of the date the permit is issued.

ARTICLE 17

- i. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- j. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- k. The board of Appeals, after recommendation of the Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

SEC. 1702 OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- a. All spaces shall be provided as required in Section 1100 Requirements noted after minimum rear yards, except as hereinafter provided for "I" Districts.
- b. All spaces will be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in "I" Districts shall be provided in the following ratio of spaces to floor area:

GROSS FLOOR AREA (SQUARE FEET)	LOADING AND UNLOADING SPACE REQUIRED IN TERMS OF SQUARE FEET OF USABLE FLOOR AREA
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 square feet in excess of 20,001 square feet.
100,000 and over	Five (5) spaces

**INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 18
SIGNS**

SEC. 1800 SIGNS:

- a. The following conditions shall apply to all signs erected or located in any use district:
1. All signs shall conform to all applicable codes and ordinances of the Township and, where required, shall be approved by the Building Inspector, and a permit issued.
 2. No sign except those established and maintained by the Township, County, State, or Federal governments, and other signs of a public nature as approved by the Township and County Road Commission, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
 3. No signs otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving three (3) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
 4. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal government, shall be permitted in all use districts.
 5. Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
 6. Accessory freestanding signs may be located in the required front yard except as otherwise provided herein.

SEC. 1801 ACCESSORY SIGNS:

- a. In addition to Section 1800 above, the following table lists the types of accessory signs allowed in each use district

<u>USE DISTRICT</u>	<u>REQUIREMENTS</u>
R Districts	For each dwelling unit, one (1) name plate not exceeding two (2) square feet in area, indicating name of occupant.
R Districts	For structures other than dwelling units, one (1) identification sign ten (10) square feet, except a church bulletin board, not exceeding eighteen (18) square feet in area.
R Districts	For rental and/or management offices, one (1) identification sign not exceeding six (6) square.

R Districts	Signs indicating the name of multiple housing projects shall be permitted provided that no such sign shall be located closer than one hundred (100) feet to any property line in any adjacent single-family district, provided no such sign shall exceed Thirty-two (32) square feet.
All Districts	No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
B Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than one-hundred (100) feet to any adjacent residential district.
B Districts	Freestanding, accessory signs shall not be over one hundred (100) square feet in area.
B and I Districts	Freestanding, accessory signs may be located in the required front yard.
I Districts	Freestanding, accessory signs or advertising pylons shall not be placed closer than two-hundred (200) feet to any adjacent residential district.
I Districts	Freestanding, accessory signs shall not be over three hundred (300) square feet in area.

SEC. 1802 OFF-PREMISE SIGNS:

Off-premise signs located along M-81, M-46 or M-24 shall be regulated under the provisions of this Section and the Highway Advertising Act of 1972. Whenever a requirement of this section is in conflict with the Act, the stricter of the two requirements shall be met.

1. Off-premise signs pertaining to real estate development located within the Township and designed to promote the sale of lots or homes with a subdivision located within the Township may be permitted on a temporary basis in any use district, but shall not be located upon subdivided land unless such land is part of the subdivision, subject to the requirements and conditions of all codes and ordinances of the Township and approved by the Zoning Administrator and a temporary permit issued.
2. Off-premise signs shall be permitted along State Highways M-24, M-46 and M-81 provided the following requirements are met:
 - a. The off-premise sign is located only in the B Business or I Industrial District;

- b. The off-premise sign is located at least one-thousand five hundred feet (1,500') from the nearest off-premise sign;
- c. The maximum height of an off-premise sign is thirty feet (30') off grade;
- d. The maximum size of an off-premise sign is 300 square feet per sign face;
- e. The off-premise sign has only two faces.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 19
ADMINISTRATION AND ENFORCEMENT

SEC. 1900 ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

SEC. 1901 DUTIES OF ZONING ADMINISTRATOR:

The Zoning Administrator shall have the power to grant zoning permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any construction or change in use until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 16.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

SEC. 1902 PLOT PLAN:

The shall require that all applications for building permits shall be accompanied by a zoning permit approved by the zoning administrator. The zoning permit application shall include a plot plan, in triplicate, drawn on a minimum of 8 1/2 X 11 paper, showing the following:

- a. The actual shape, location and dimensions of the lot.
- b. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- e. The Zoning Administrator shall not refuse to issue a zoning permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SEC. 1903 PERMITS:

The following shall apply in the issuance of any zoning permit:

No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or enlarged and no parcel or building will change use unless a zoning permit shall have been first issued for such work.

SEC. 1904 CERTIFICATES:

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a Zoning Permit shall have been issued for such use by the Zoning Administrator. The following shall apply in the issuance of any Zoning Permit.

a. Zoning Permit Required When Building Permit Issued

In those instances when work is undertaken that requires both a zoning and building permit, the shall not issue a building Permit until the Zoning Administrator issues a Zoning Certificate of Occupancy.

b. Zoning Permit Required When Building Permit Not Required

In those instances when a zoning permit is required but a building permit is not, such as a change in a use of land or building not requiring structural changes to a building, the change in use of the land or building shall not occur until issuance of a Zoning Permit.

e. Zoning Permits as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Zoning Permit as required by this Ordinance.

f. Zoning Permits for Existing Buildings

Zoning Permits shall be issued for existing buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

g. Records of Zoning Permit

A record of all Zoning Permits issued shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

h. Zoning Permits for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate Zoning Permits but may be included in the Zoning Permit for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

i. Application for Zoning Permit

Application for Zoning Permits shall be made in writing to the Zoning Administrator on forms furnished by him, and such Zoning Permits shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such Zoning Permit is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

j. Time limits and Extensions of Zoning Permits

Zoning permits shall expire six (6) months from the date of issue unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit, or in the case where construction is not required that the proposed use be established within the time frame of the Zoning permit.

Zoning permit extensions may be granted at no additional cost for an additional six (6) months, provided there are no changes to the original application.

SEC. 1905 FINAL INSPECTION:

The holder of every zoning permit for the construction, erection, alteration, repair, or moving of any building structure or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

SEC. 1906 FEES:

Fees for inspection and the issuance of permits or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

SEC. 1907 INTERPRETATION:

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits; the provisions of this Ordinance shall control.

SEC. 1908 PLANNING COMMISSION RECOMMENDATIONS:

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 19

ADMINISTRATION AND ENFORCEMENT

In cases where the Planning Commission is empowered to recommend certain use of premises under the provisions of the Ordinance the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in making recommendations as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

SEC. 1909 FEES - PETITION FOR AMENDMENT:

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be placed in the General Fund to partly defray the expense of publishing the required notices of public hearings and the expenses of said public hearings.

SEC. 1910 VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100) dollars and the costs of prosecution, or in default the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SEC. 1911 PUBLIC NUISANCE PER SE:

Any buildings or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SEC. 1912 FINES, IMPRISONMENT:

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SEC. 1913 EACH DAY A SEPARATE OFFENSE:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SEC. 1914 RIGHTS AND REMEDIES ARE CUMULATIVE:

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 19

ADMINISTRATION AND ENFORCEMENT

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 20
SITE PLAN REVIEW

SEC. 2000 SITE PLAN SUBMITTAL:

- a. A site plan shall be submitted to the Planning Commission for recommendations for Development or redevelopment of all principal uses except single-family and duplex residences: all accessory uses that increase parking requirements, involve non-residential uses adjacent to residential parcels or zones or involve structures over 1,000 square feet in size; or any condominium or site condominium.
- b. Every site plan submitted to the Township Board shall be in accordance with the requirements of this Ordinance.
- c. Twelve (12) copies of the completed site plan shall be submitted. Fewer than twelve (12) copies may be submitted at the discretion of the Planning Commission. The submitted site plans shall include the following information:
 1. A scale of not less than 1" equals 50' if the subject property is less than three (3) acres and 1" equals 100' if three (3) acres or more.
 2. Date, north point and scale.
 3. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
 4. The location of all existing and proposed structures on the subject property and all existing structures within 100' of the subject property.
 5. The location of all existing and proposed drives and parking areas.
 6. The location and right-of-way widths of all abutting streets and alleys.
 7. The name, signature, seal and address of the architect, planner, designer or engineer responsible for the preparation of the site plan.
 8. Location of any areas or structures designed for the storage, loading/unloading, recycling or disposal of hazardous waste.
 9. Location of any areas which are known or suspected to be contaminated, together with the status of any site cleanup.
 10. Site plans for commercial and industrial projects as well as condominium developments, new subdivision plats and apartment complexes shall contain a storm water management plan with all applicable calculations and shall be sealed and signed by the Professional Engineer responsible for developing

storm water management plan. All storm water management plans shall at a minimum meet the most current drainage standards on record at the Tuscola County Drain Commissioners Office.

- d. Existing man-made features upon the site and within 100 feet of the same shall be disclosed.
- e. In the process of reviewing the site plan the Planning Commission shall consider:
 - 1. Single-family development on the basis of a subdivision.
 - 2. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic.
 - 3. The traffic circulation features, within the site and location of automobile parking areas; and may make such requirements with respect to any matter as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - 4. The Planning Commission may further recommend landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- f. That all provisions of the Township Zoning Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 21
AMENDMENTS AND DISTRICT CHANGES

Amendments or supplements to this Ordinance may be made from time to time in the same manner as provided under State Statute for enactment of the original ordinance.

SEC. 2100 PLANNING COMMISSION:

The Township Planning Commission is hereby designated as the Commission specified in Act 110 of the Public Acts of 2006, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

SEC. 2101 INITIATION OF ZONING ORDINANCE AMENDMENTS:

The procedure for making amendments shall be as follows:

- a. Any proposal for an amendment to the zoning ordinance text or map may be initiated by any qualified voter residing in the Township upon the filing with the Township Clerk of a petition containing the proposed text or map change and endorsed by a number of qualified and registered voters residing in the Township equal to not less than eight percent (8%) of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected. Text amendments may also be initiated by payment of the required fee.
- b. Any proposal for an amendment to the zoning ordinance map may be initiated by any owner of an interest in the lot as to the zoning of such lot upon the filing with the Township Clerk an application on forms provided by the Township proposing the zone change, accompanied by a map at an appropriate scale showing the subject parcel in relation to adjoining parcels of land, and the necessary fees for such zoning change.
- c. Any proposal for an amendment to the zoning ordinance text or map may be initiated by the Township Board or the Township Planning Commission, upon filing with the Township Clerk a resolution, duly adopted and proposing an amendment.
- d. All zoning amendments, whether originating with the Township Planning Commission or some other body or individual, shall be reviewed by the Commission.
- e. As provided by, ACT 110 OF 2006 notice of a public hearing on a rezoning of property shall be given by ONE publications in a newspaper of general circulation in the Township, to appear not LESS THAN 15 DAYS PRIOR TO THE DATE OF SUCH HEARING. In addition, not less than 15 days notice of time and place of the hearing shall be given by mail to each electric, gas, pipeline TELECOMMUNICATION and telephone public utility company that registers its name and mailing address with the Township Planning commission for the purpose of receiving such notice and to each railroad operating within the district or zone affected. IN THE CASE OF A REZONING the Township Planning Commission shall also transmit a notice of the proposed rezoning personally or by mail to

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 21

AMENDMENTS AND DISTRICT CHANGES

the owner of the property in question and to property owners AND ALL OCCUPANTS OF STRUCTURES within 300 feet not less than FIFTEEN days before the public hearing REGARDLESS OF WHETHER THE PROPERTY OR OCCUPANT IS LOCATED IN THE ZONING JURISDICTION. An affidavit of mailing shall be maintained where relevant. Notices shall include the places and times at which text and tentative maps of the Ordinance may be examined and state the date, place, time and purpose of the public hearing, THE NATURE OF THE REQUEST, AS WELL AS WHEN AND WHERE WRITTEN COMMENTS SHALL BE RECEIVED FOR THE PUBLIC HEARING. Any other public hearing held on an amendment proposal shall follow the notification procedure above. THE 300' NOTICE REQUIREMENT DOES NOT APPLY TO REQUESTS INVOLVING 11 OR MORE CONTIGUOUS PARCELS.

- f. Following receipt of the proposed amendment and publication of the required notice, the proposal shall be submitted to at least one public hearing as provided by, Act 110, Public Acts of 2006, as amended.
- g. Immediately after the proposal has been acted on as described in a and b, the Township Planning Commission shall transmit a summary of comments received at the public hearing(s) with the proposed amendment to the Township Board.
- h. The Township board at its discretion may hold a public hearing(s) on the Zoning Amendment. NOTICE SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 2101 E. IF THE TOWNSHIP BOARD WISHES TO CONSIDER CHANGES TO THE PROPOSED AMENDMENT, THEY MAY, AT THEIR OPTION SEND THE REQUEST BACK TO THE PLANNING COMMISSION FOR THEIR RECOMMENDATION ON THE CHANGE.
- i. Adoption of the amendment must be by a majority of the membership of the Township Board.
- j. Publication of the amendment in its entirety is not required. The amendment must be filed with the Township Clerk and one notice of its adoption must be published within 15 days after adoption.
- k. An amendment of this Ordinance or the entire Ordinance may be the object of a referendum in accordance with Act 110 OF 2006, as amended.
- l. Any amendment for the purpose of conforming an Ordinance provision to the decree of a court of complete jurisdiction as to any specific lands may be adopted by Township Board without referring the same to any other board or agency.

SEC. 2102 FEES - PETITION FOR AMENDMENT:

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be placed in the General Fund to partly defray the

INDIANFIELDS TOWNSHIP ZONING ORDINANCE

ARTICLE 21

AMENDMENTS AND DISTRICT CHANGES

expense of publishing the required notices of public hearings and the expenses of said public hearings.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 22
BOARD OF APPEALS

SEC. 2200 CREATION AND MEMBERSHIP:

There is hereby established a Board of Appeals, hereinafter called the "Board" which shall perform its duties and exercise its powers as provided in Act 184 110, of the Public Acts of 1943 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done, the Board shall be composed of the three following members:

- a. The first member shall be a member of the Township Planning Commission appointed by the Township Board for the period of his term in office.
- b. The second member shall be a member of the Township Board appointed by the Township Board, for the period of his term of office, or such other period as determined by the Township Board in their resolution of appointment.
- c. The third member shall be appointed by the Township Board from among the electors residing in the unincorporated area of the Township, for a period of three (3) years.

No elected officer of the Township nor any employee of the Township may serve simultaneously as a third member of, or as an employee of the Board of Zoning Appeals. No elected officer of the Township shall serve as chairperson of the Board of Zoning Appeals.

SEC. 2201 MEETINGS:

All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote, indicating such fact; and shall also keep records of its hearings and other official action. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

SEC. 2202 JURISDICTION:

The Board of Appeals shall have the following powers and it shall be its duty:

- a. To hear and decide on all matter referred to it upon which it is required to pass under this Ordinance.
- b. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Administrator or administrative body in the enforcement of this Ordinance.
- c. To interpret the zoning ordinance text and map.

SECTION 2203 VARIANCES:

- a. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties, within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:
1. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 2. A variance would do substantial justice to the applicant as well as other property owners in the district, and a lesser relaxation would not give substantial relief and be more consistent with justice to others.
 3. The plight of the owner is due to unique circumstances of the property.
 4. The problem is not self created.

Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved for the Township Board in the manner hereinafter provided by law, nor shall they have the power to grant a use variance.

SEC. 2204 APPEAL:

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by an officer, Department, Board or Bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such times as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record.

The board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee shall be paid to the secretary of the Board of Appeals at the time the notice of appeal is filed, which the Secretary shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township. The fees to be charged for appeals shall be set by resolution of the Township Board.

SEC. 2205 INTERPRETATION OF ZONING ORDINANCE AND MAP:

1. The ZBA shall have the authority to interpret the provisions of this ordinance when a requirement, standard, or other text is unclear. When determining if a particular use is included in the definition of a type or group of uses permitted in a district, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.
2. Interpretation of zoning district boundaries. In interpreting the boundaries of zoning district boundaries, the ZBA shall assume, unless there is information indicating otherwise, that zoning district boundaries follow lot lines, the centerline of creeks, streets, or alleys, railroad right-of-ways, section lines, one-quarter or one-eighth section lines, or corporate boundary lines as they existed when the zoning boundary line was established.

SEC. 2206 NOTICE:

The Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by said Board. A written notice CONTAINING the time and place of such public hearing, THE NATURE OF THE REQUEST, IDENTIFICATION OF THE PROPERTY THAT IS THE NATURE OF THE REQUEST BY STREET ADDRESS, IF POSSIBLE AND THE WHEN AND WHERE WRITTEN COMMENTS CAN BE RECEIVED WILL BE PREPARED. THE NOTICE shall be mailed to the owners THE PARCEL THAT IS THE SUBJECT OF THE REQUEST AND TO THE OWNERS of all lots or parcels of land, or portion thereof, lying within three hundred (300) feet of the property in question REGARDLESS OF WHETHER THE PROPERTY OR OCCUPANT IS LOCATED IN THE ZONING JURISDICTION. Such notice shall be served by registered mail, return receipt requested, at least FIFTEEN [15] prior to the date of the hearing.

SEC. 2207 TIME LIMIT:

No order of the Board of Appeals permitting their erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection and alteration is obtained within such period and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 23
CONDITIONAL USES

SEC. 2300 PURPOSE:

In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the township, the Township board upon the recommendation of the planning commission, in addition to its other functions, is authorized to approve the location of certain uses within the various zone classifications which uses are designated in this ordinance as Conditional uses.

Such conditional uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such conditional uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Township Board in its absolute discretion, is satisfied that the following minimal standards are met in addition to those specified for a particular conditional use:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor shall it substantially diminish and impair property values within its neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street.
6. That the conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this article.

SEC. 2301 CONDITIONAL USE PROCEDURE

1. All applications for conditional use permits shall be filed with the Zoning Administrator and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a conditional use permit. The information required under Article 20 SITE PLAN REVIEW is also required for a conditional

- use, if applicable.
2. The Planning Commission shall, upon receipt of a written application in proper form, schedule and hold a public hearing. A WRITTEN NOTICE CONTAINING THE TIME AND PLACE OF SUCH HEARING, THE NATURE OF THE REQUEST, IDENTIFICATION OF THE PROPERTY THAT IS THE NATURE OF THE REQUEST BY STREET ADDRESS, IF POSSIBLE AND THE WHEN AND WHERE WRITTEN COMMENTS CAN BE RECEIVED WILL BE PREPARED. THE NOTICE SHALL BE published in a newspaper circulated within the Township and by a similar notice mailed or personally delivered to the owners of property for which approval is sought, to all persons for whom real property is assessed within 300 feet of the boundaries of the subject property, and to the occupants of all structures within 300 feet thereof, REGARDLESS OF WHETHER THE PROPERTY OR OCCUPANT IS LOCATED IN THE ZONING JURISDICTION not less than fifteen days before the date of such hearing. This hearing shall be held not more than 45 days subsequent to the date of receipt of the application by the Zoning Administrator.
 3. Following such hearing the Planning Commission shall either recommend granting or denying a permit for such conditional use and shall state its reasons for its decisions in the matter within 10 days subsequent to the Planning Commission public hearing. Final decision by the Township Board shall be taken within 30 days of the Planning Commission's recommendation. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by the Township Board in its decision and shall be filed with the Zoning Administrator of the Township.
 4. The plot plan and specifications, and all conditions, limitations and requirements imposed by the Township Board shall be incorporated as a part of the conditional use permit and violations of any of these at any time will cause revocation of said permit and said conditional use shall cease to be a lawful use.
 5. Any property which is the subject of a conditional use permit, which has not been used for a period of twelve months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Township Board), for the purpose for which such conditional use was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such conditional use shall thereupon terminate.

SEC. 2302 CONDITIONAL USES PERMITTED:

The following Conditional Uses may be allowed as permitted in specific zoning districts when the Township Board determines that application for such use meets all the restrictions and requirements of the Township of Indianfields Zoning Ordinance.

1. All conditional uses listed in this ordinance which do not have specific requirements listed in this section.

2. Airports and Related Uses

Airports, landing fields, and platforms, hangars, masts and other facilities for the operation of aircraft, shall be subject to the following conditions:

- a. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Planning Commission for their review and action.
- b. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by the FAA.
- c. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under airport ownership.

3. Auto race track (including midget auto and carting tracks)

Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted in the I districts when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Planning Commission deems necessary to promote health, safety, and general welfare in the Township:

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from a major thoroughfare.
- c. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot green belt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accordance with Article 15.

4. Cemeteries shall be permitted when developed on sites of ten (10) acres or more.

5. Commercial kennels may be permitted on a parcel of five (5) acres or more in size, provided and the pens or cages shall be located not less than one hundred (100) feet from any front, side or rear property line, and further provided that such use shall not be injurious to the surrounding neighborhood.

6. Commercially used outdoor recreational space for children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses, and golf driving ranges, shall be

permitted subject to the following:

- a. All lighting shall be shielded from adjacent residential districts.
 - b. Parking areas shall be provided off the road right-of-way and shall be fenced with a four foot six inch (4' - 6") wall or fence where adjacent to the use.
 - c. Children's amusement parks must be fenced on all sides with a four foot six inch (4' - 6") wall or fence.
 - d. Rebound tumbling facilities must be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6) feet high. Pits shall not exceed four (4) feet in depth, shall be drained at all times and filled with earth to grade, when the use is discontinued. all manufacturer's specifications for spacing, safety and construction shall be complied with.
 - e. No loud speaker or public address system shall be used except by the written consent of the Planning Commission wherein it is deemed that no public nuisance or disturbance will be established.
7. Churches, public libraries, public buildings, (excluding public works garages and storage yards) and uses normally incidental thereto, shall be permitted provided that ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
8. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, shall be permitted subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least twenty (20) acres in area.
 - b. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
 - c. No building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line.
9. Communication towers shall be permitted, provided they meet the following conditions:
- a. The tower is located no closer than 1,500 feet from any residential district.
 - b. The tower is located no closer than 500 feet from any residential structure.
 - c. The distance between the tower and any structure not associated with the operation of the tower shall be greater than the height of the tower.

- d. All wiring between the tower and other structures shall be placed underground whenever possible.
 - e. The tower, any accessory structures and Any guy wires which are fixed to the ground shall be completely enclosed by appropriate fencing as determined by the Planning Commission.
 - f. In order to maximize the efficiency of the telecommunications services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one facility in a single location shall be encouraged by the Planning Commission. In this regard the Applicant may be required to provide information regarding the feasibility of co-location at proposed sites. Further the Applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:
 1. Respond to any requests for information from another potential shared use applicant;
 2. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically possible; and
 3. Make no more than a reasonable charge for a shared use lease.
10. Drive-Thru restaurants or open front stores shall be permitted provided that:
- a. A setback of at least sixty (60) feet from the right-of-way of any existing or proposed street must be maintained.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A four foot six inch (4' - 6") obscuring wall or fence shall be provided where abutting or adjacent to residential district. The height of such wall shall be measured from the surface of the ground.
11. Gasoline service station for sale of gasoline, oil and minor accessories shall be permitted provided that:
- a. Entrance and exits shall be no less than twenty-five (25) feet from a street intersection or residential district.

- b. All lighting shall be shielded so as not to glare or reflect upon any residential district.
 - c. There shall be provided, on those sides abutting or adjacent to a residential district or use, a four foot six inch (4' - 6") completely obscuring wall or fence, measured from the surface of the ground of the abutting residential district.
 - d. The minimum lot area shall be ten thousand (10,000) square feet with a minimum lot frontage of one hundred (100) feet and so arranged that ample space is available for motor vehicles which are required to wait.
 - e. Gasoline plumps, air and water hose stands and other appurtenances shall be setback not less than fifteen (15) feet from all street right-of-way lines.
12. Golf courses (not including driving ranges or miniature golf courses) which may or may not be operated for profit, are permitted subject to the following.
- a. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential land from any public right-of-way.
 - b. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
 - c. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.
 - d. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
 - e. Whenever included, swimming pools shall be provided with a protective fence which meets the minimum height requirements of the building code and entry shall be provided by means of a controlled gate or turnstile.
13. Group day care homes, provided they are licensed under Act 116 of the Public Acts of 1973, shall be issued a special use permit if the group day care homes meets the following standards:
- a. Is located not closer than 1,500 feet to any of the following:
 - (i) Another licensed group day care home.
 - (ii) Another adult foster care small group home or large group home licensed

under the Adult Foster Care Facility Licensing Act PA 218 of 1979.

- (iii) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under PA 368 of 1978.
 - (iv) A community correction center, resident home, halfway home, halfway house, or another similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - b. Has appropriate fencing for the safety of the children as determined by the Township.
 - c. Maintains the property consistent with the visible characteristics of the neighborhood.
 - d. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
 - e. Meets the sign regulations described in Article 18 of this Ordinance.
 - f. Meets the off-street parking requirements described in Article 17.
14. Home occupations shall be permitted, subject to the following:
- a. Not more than two paid assistants shall be employed, one of whom must be an occupant of the dwelling.
 - b. There shall be no exterior display other than one (1) non-illuminated sign, not to exceed four (4) feet in area. Said sign shall be attached and parallel to the wall of the building.
 - c. No commodity other than that produced or processed on the premises shall be sold thereon, and in no case shall the primary function of the premises be other than for residential purposes (home occupations shall not exceed over 40% of the living area).
 - d. A home occupation may operate in an accessory structure, provided the accessory structure shall be no larger than 576 square feet if located in the R-1 District or 1,200 square feet if located in the F or AG District. Only one accessory structure may be utilized for home occupation operations.
 - e. The occupation shall not require the use of a vehicle requiring a commercial license.
 - f. Off-street parking as required under General Provisions shall be provided.

- g. The home occupation shall be reviewed annually to determine compliance with the conditional use permit.
15. Horse and dog race tracks.
- Because horse and dog tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizable land areas which would be incompatible with business or residential districts, they shall be permitted in the I district when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question, and shall be subject further to the following conditions and such other controls as the Planning Commission deems necessary to promote health, safety, and general welfare in the Township:
- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from a major thoroughfare.
- c. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said planting shall be in accordance with Article 15.
16. Hunting and fishing cabins, trapper's cabins, individual travel trailers and camping units, summer homes and/or vacation cottages are permitted, provided that occupancy is limited to six (6) months in any calendar year.
17. Junk yards are permitted, provided such are entirely enclosed within an eight (8) foot obscuring wall and further provided that there shall be no burning on the site.
18. Lumber and planing mills shall be permitted when completely enclosed and when located in the interior of the I District so that no property line shall form the exterior boundary of the I District.
19. Nursery schools, day nurseries and child care centers; provided that for each child so cared for there is provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least one thousand (1,000) square feet and shall be fenced or screened from any adjoining residential land.
20. One family detached dwellings may be permitted on minimum sites of forty thousand (40,000) square feet provided that the use has direct access to an existing public right-of-way.
21. Outdoor Theaters.

Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in the I District only. Outdoor theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Zoning Administrator and the Township Engineer as to adequacy of drainage, lighting and other technical aspects.
- b. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of one hundred and twenty (120) feet right-of-way or greater and shall not be available from any residential street.
- c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way. One (1) waiting space shall be provided for each ten (10) viewer spaces, within the drive-in theater.

22. Planned Unit Developments (PUD).

Planned unit development shall be recognized as a conditional use within residential districts as specified in the ordinance. The following requirements shall apply in addition to all other applicable requirements of this ordinance for the residential districts in which such use are located. Control of such PUD developments shall be the ultimate responsibility of the Township Board with the Planning Commission acting in an advisory capacity.

a. Purpose

The purpose of these regulations is to permit greater flexibility in the development of the R-1 residential district than is generally possible under conventional zoning regulations. It is further intended to promote more efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a PUD subject to compliance with the requirements, standards and procedures set forth in this ordinance.

b. General requirements for Planned Unit Developments.

1. Minimum area:

The minimum area for a PUD special exception permit shall not be less than five (5) contiguous acres of land. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a pud regardless of minimum acreage.

2. Ownership:

The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included.

3. Location:

Planned unit developments shall be allowed only within the R-1 district providing the applicant can demonstrate that the proposed character of development will meet the objectives of PUD's.

4. Utilities:

Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.

5. Approval:

Approval by the Planning Commission and Township Board of a sketch plan and detailed site plan for all planned use developments is required.

c. Permitted Uses

No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following regardless of the zoning district in which it is located.

1. Residential uses permitted

- (a) Single-family detached dwellings;
- (b) Two-family dwellings;
- (c) Townhouses;
- (d) Apartment buildings;

2. Non-residential uses permitted

Non-residential uses of a religious, educational, commercial, or recreational character to the extent that they are to be designed or intended for the use of the residents of the PUD. The burden shall be on the landowner to show that the non-residential uses of a commercial character are intended to serve principally the residents of the PUD. The non-residential permitted uses shall be allowed only to the extent that the Township Board finds them to be designed to serve Primarily the residents of the PUD; and compatibly and harmoniously incorporated into the unitary design of the PUD. Buildings designed and intended to be used, in part or whole, for non-residential uses shall be constructed according to the following:

- (a) If the PUD contains from one (1) to fifty (50) dwelling units, seventy-five (75) percent of said dwelling units must be physically constructed prior to any

non-residential use construction.

(b) If the PUD contains fifty (50) or more dwelling units, fifty (50) percent of said dwelling units shall be physically constructed prior to any non-residential use construction.

(c) The only non-residential uses permitted within a PUD are:

- (i) Bakery and dairy products, retail sales only;
- (ii) Barber and beauty shops;
- (iii) Books, stationery, and newspapers;
- (iv) Drug stores;
- (v) Groceries, food stuffs, and meat markets;
- (vi) Laundromat;
- (vii) Shoe repair;
- (viii) Tailoring and dressmaking;
- (ix) Schools, public or private;
- (x) Churches;
- (xi) Public parks, forest preserves, and recreational areas.
- (xii) Golf courses;
- (xiii) Real estate office only in conjunction with a new PUD limited to selling or renting of units of such development; and
- (xiv) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- (xv) Accessory uses. Uses which are customarily accessory and incidental to permitted principal uses, such as non-take-out eating establishments.

(d) Non-residential uses permitted under review shall only be allowed when the PUD development is of such a scale to reasonably accommodate such uses, and only after consideration has been given to all other development needs, including but not limited to; an adequate mix of dwelling types; necessary local shopping facilities and off-street parking; parks, playgrounds, and/or common open spaces; education facilities, if appropriate; and other development requirements which may be unique to the site.

(e) All non-residential uses permitted shall be desirable or convenient for the users of the PUD or the immediate neighborhood and provided that such users are planned so as to assure that they will not materially alter the existing character of the neighborhood, and provided further that such uses are integrated by design as an accessory element of the PUD development.

(f) All non-residential uses allowed in the PUD shall occupy no more than ten percent of the PUD net projects area, nor more than ten percent of all building floor area.

d. Design requirements

Within the multiple use development approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

1. Number of dwelling units permitted

The maximum number of dwelling units permitted within the project shall be determined by dividing the net PUD area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.

2. Lot area requirements

The minimum lot area shall not be reduced for any permitted use more than 33 percent below that required in the district in which the project is located.

3. Setback and yards

The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Township Board to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.

4. Minimum lot frontage and width

The minimum lot frontage and width for any lot designated for single-family dwelling may be reduced 33 percent below the requirements of the district in which the multiple use development is

located.

5. Screening

A screening area may be required by the Township Board along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.

6. Amount of open space required

Within every multiple use development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Township Board must find the land thus designated to be: (1) sufficient in size, suitably located, with adequate access, and (2) that evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.

7. Arrangement of open space

All required open space within multiple use development shall be arranged so as to provide benefit to the maximum number of dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

8. Sign standards

All signs in planned use developments shall be subject to the following requirements:

(a) General regulations for all signs:

(i) The erection, construction, location retention, or placement of any sign in or over a public or private right-of-way shall be prohibited.

(ii) Merchandise such as tires, produce and any other articles for display, sale or lease shall not be located in any manner outside the principal building.

(iii) Signs which are not completely related to the development are prohibited.

(iv) No roof signs shall be allowed.

(v) Any series of flags, flashing and moving signs, fluttering devices, Strings of lights and other similar attention-gathering devices are prohibited.

(vi) Only indirect lighting shall be permitted of a subdued nature. Signs with interior lighting or neon signs shall be prohibited.

(vii) All signs which are erected must relate to a current use; in the event that the use is discontinued, then the sign must be removed within 30 days of the termination of the use.

(b) Permitted signs:

(i) One freestanding permanent development sign per entrance to the development shall be permitted not to exceed 50 square feet in area for the purpose of identifying the name of the development; provided, however, that not more than two such signs shall be permitted per total completed PUD development. As an alternative to one of the foregoing development signs, a directory-type sign not exceeding 80 square feet in area identifying the name of the development and any non-residential uses therein, shall be permitted at the entrance which is the primary entrance for more than one non-residential use; provided, that any identification of an individual non-residential use shall not exceed ten percent of the total area of such directory-type sign. Any such sign shall be within the PUD and where adjacent to any contiguous residential classification or use shall be located at least 50 feet from the interior boundary between the PUD and such residential classification or use.

(ii) In the event that a directory-type sign is not used as hereinbefore provided, one commercial sign not exceeding 80 square feet in area and 16 feet in height shall be permitted identifying an aggregate of non-residential uses within the development; provided that not more than ten percent of the total sign area is allocated to any individual non-residential use. This sign shall be within the PUD and at least 50 feet from any boundary of the PUD.

(iii) Identification nameplates not exceeding 20 square feet in area identifying residential and non-residential uses within the development shall be permitted flat against the wall of a building within the development and at the entrance of each designated parking area for such building. The total display surface of all such identification nameplates for a particular building within the development shall not exceed 20 square feet in area and shall not consist of more than one such identification nameplate per building and per parking area entrance.

(iv) Signs of an informational, non-advertising nature, such as street signs and signs concerning public or quasi-public areas shall be permitted.

(v) Temporary real estate signs not exceeding six square feet in area or four feet in height shall be permitted provided no illumination is permitted concerning the same.

(c) The general theme, plan or policy for all such signs proposed in a PUD shall be submitted with a sketch plan to the Township Board for its review and approval before any signs are installed. After such review and approval, no signs shall be installed which do not comply with such approved plans. The Township Board shall consider compliance with the following criteria before making any decision in this connection.

- (i) The aesthetic qualities of any proposal.
- (ii) The harmonious relationship of signs to buildings and landscaping within and adjacent to the PUD.
- (iii) The contour of the land and the total acreage involved in the PUD.
- (iv) The distance of any proposed sign from the boundaries of the PUD and its visibility from adjacent properties or public highways.
- (v) The number, quality and character and location of entrances to the development as well as the uses served by such entrances.

(d) The Township Board

The Township Board is hereby delegated the right and authority to authorize variations from the foregoing provisions which will not be incompatible with the purposes of the PUD or the foregoing criteria and will not be obstructive of view, light, or air, or hazardous or otherwise a nuisance or annoyance to adjacent developments, highway motorists or the general public. The purpose of this delegation is to provide for some flexibility in the regulations and for new aesthetically pleasing concepts which in all cases would comply with the purpose and intent of the PUD to permit a harmonious intermix of land uses aesthetically attractive to both the occupants thereof and the general public.

e. Application procedure and approval process

1. General

Whenever any PUD is proposed, before any permit is granted the developer shall apply for and secure approval of a special use in accordance with the following procedures and obtain approval of a detailed site plan from the Township Board.

2. Application for sketch plan approval

So that the Township and the developer can reach an understanding of what is being proposed, and what is required, the developer shall submit a sketch plan to the Planning Commission. The sketch plan shall be drawn to approximate scale and shall clearly show the following information:

- (a) Boundaries of property;
- (b) Location and height of all buildings;
- (c) Interior roadway system including parking facilities and existing right-of-ways;
- (d) The interior open space system;
- (e) The overall stormwater drainage system;

- (f) Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal;
- (g) Delineation of the various residential and/or commercial areas, including size, number, location, and number of housing units;
- (h) Construction phases if applicable;
- (i) General statement as to how common open space is to be owned and maintained.

3. The Planning Commission

Shall hold a public hearing or hearings on the application for multiple use development in accordance with the provisions of section 2301 of this ordinance.

4. Following the public hearing

The Planning Commission shall within forty-five (45) days, approve or disapprove the sketch plan or recommend modification thereto and so notify the applicant and Township Board of its decision. The Township Board shall approve or deny the sketch plan within forty-five (45) days of receipt of the Planning Commission recommendation.

5. Approval of sketch plan

Shall not constitute approval of the detailed site plan, but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan and shall indicate approval of the special condition use in conceptual form.

6. Request of changes in sketch plan

If it becomes apparent that certain elements of sketch plan, as it has been approved by the Township Board, becomes unfeasible and in need of modification, the applicant shall then resubmit his/her entire sketch plan, as amended, to the Planning Commission and Township Board pursuant to the above procedures.

7. Application for detailed site plan approval

After receiving approval of a sketch plan from the Township Board, the applicant may within six (6) months prepare a detailed site plan and submit it to the Township for approval, following the procedures and information requirements established for site plan approval. If the applicant fails to submit a detailed site plan within six (6) months of approval of the sketch plan, approval of the sketch plan shall expire. Furthermore, the detailed site plan shall include the following information:

- a. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets,

utilities, and easements within three hundred (300) feet of applicant's property.

b. A topographic map showing contour intervals of not more than four (4) feet of elevation shall be provided.

c. A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with ingress and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.

d. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

23. Private, non-profit swimming pools shall be permitted provided the following conditions are met:

a. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence on all sides which meets the minimum height requirements of the building code, and entry shall be provided by means of a controlled gate.

b. All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

c. Pools on private residential parcels for the use of the residents are a permitted use in this district.

24. Recreational areas of a non-commercial nature for private clubs, non-profit organizations, religious groups and charitable institutions shall be permitted when operated on sites of at least ten (10) acres.

25. Recreational vehicle parks tenting areas and general camping grounds shall be permitted provided that:

a. The minimum State of Michigan health requirements governing Recreational vehicle parks and camping areas for public use are complied with.

b. The use is developed on a site of at least five (5) acres.

c. No person shall occupy any trailer, tent or house car unit for more than six (6) months in any one year.

- d. The use is effectively screened from public streets and thoroughfares.
26. Resorts, resort hotels, vacation lodges, motels, and other tourist lodging facilities, shall be permitted provided that the use shall be developed on sites no less than five (5) acres in area, and shall further be setback at least fifty (50) feet from any abutting street right-of-way.
27. Riding Academies , including facilities for horseback riding, accessory trails and stables may be allowed by the Planning Commission in the F Districts, provided that animal housing facilities or enclosures are located at least two hundred and fifty (250) feet from any residential structure. Under a temporary permit basis, riding trails may extend into the rugged and/or undeveloped portions of the R-1 Districts.
28. Sale of automobiles, house trailers, travel trailer rental shall be permitted subject to the following:
- a. All lighting shall be shielded from adjacent residential districts.
- b. Ingress and egress to the outdoor sales area shall be at least twenty-five (25) feet from a street intersection or residential district.
- c. When adjacent to districts zoned for residential use, there shall be provided a completely obscuring wall or fence four foot six inches (4' - 6") in height, measured from the surface of the ground of the abutting residential district.
29. Sexually Oriented Businesses are permitted by conditional use permit but are required to comply with the following locational criteria in order to mitigate the secondary effects of such uses.
- a. The sexually oriented business shall be located at least 300 feet from any residential district, and at least 300 feet from any residence not located within a residential district, as measured from the boundary of the residential district or parcel to the structure housing the sexually oriented business.
- b. The sexually oriented business shall be located at least 1000 feet from another sexually oriented business.
30. Temporary Dwelling Units
- Trailers and mobile homes shall be permitted for the purposes of providing a temporary dwelling unit during the construction of a single family residence on the property. The Conditional Use Permit shall be valid only for a period of six months, after which time it must be renewed. If construction has not commenced within the six month time frame, the permit shall not be renewed. The permit can be renewed twice, each time for a period of six months. Before renewing the permit it must be demonstrated that construction has progressed on the single family structure.

Temporary dwellings which are permitted by a Conditional Use permit shall not be used as a dwelling unit if either of the following occur:

- a. The structure under construction is granted an occupancy permit.
- b. The Conditional Use permit is not renewed.

Upon the expiration of the Conditional Use permit, the trailer or mobile home must meet all of the requirements of this Ordinance, including Section 1202 and Section 1214.

31. Two family and multiple dwellings containing not more than six (6) families or units shall be permitted provided:

- a. The use is not injurious to adjacent properties and adequate provision has been made for parking spaces and vehicle turning movement.
- b. Sight distances and traffic flow on adjacent streets are not impaired.
- c. Soil condition, water supplies and other property characteristics are proven to be capable of supporting a development housing up to six (6) families as approved by the Tuscola County Health Department, or whichever State, County or Township health authority that has effective jurisdiction at the time a development is proposed.
- d. When there are no public water or sewerage services, minimum land requirements shall be as follows:

Lot frontage two-hundred (200) feet; lot area according to the number of families with a minimum of fifty thousand (50,000) square feet for two (2) families plus ten thousand (10,000) square feet for each additional family.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 24
CONDOMINIUMS

SEC. 2400 INTENT:

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

SEC. 2401 REVIEW REQUIREMENTS:

In order to ensure compliance with this ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required in Article 20, all applicants for condominium site plan review shall submit the following information.

1. A copy of the proposed condominium master deed
2. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
3. A copy of the proposed condominium by-laws

SEC. 2402 ZONING ORDINANCE STANDARDS:

1. Lot Size

In conventional condominium development the entire site must meet the minimum lot size requirements for the zoning district the parcel is located in. For site condominiums developments, each condominium unit and it's associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district the parcel is located in.

2. Setbacks

In conventional condominium development the buildings must be setback from the sites boundaries as required in the zoning district the parcel is located in while the setback from other buildings must meet the building setback requirements of the Multiple Family district. For site condominium developments the setbacks shall be from the outer edge of the "lot" consisting of a condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located in.

SEC. 2403 CONDOMINIUM DESIGN STANDARDS:

- a. Conventional and site condominium developments shall comply with the site plan review design requirements in Article 20. In addition, site condominiums shall comply with the design standards contained in other Indianfields Township Ordinances, the Tuscola County Road Commission (for roads), the Tuscola County Drain Commission (for drainage) and the Tuscola County Health Department/State of Michigan Department of Health (for sewer and water services).
- b. All roads within the site condominium development shall be paved, dedicated public roads built to the standards of the Tuscola County Road Commission.

SEC. 2404 SURVEY REQUIREMENTS:

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site Condominium shall comply with the following requirements:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel at least ½ inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least ½ inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
6. All required monuments shall be placed flush with the ground where practicable.

7. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this ordinance shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch diameter, or other approved markers.
8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$400.00 in total, except that lot corner markers shall be at the rate of not less than \$25.00 per markers. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults the Township shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 25
VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 26
SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 27
REPEAL

SEC. 2700 REPEAL:

The Indianfields Township Zoning Ordinance effective the 6th day of November, 1971, as amended, is hereby repealed. Any other ordinance or parts of any ordinance in conflict with any of the provisions of this Ordinance are hereby repealed subject to the limitation hereinafter provided.

INDIANFIELDS TOWNSHIP ZONING ORDINANCE
ARTICLE 28
EFFECTIVE DATE

Public hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect, pursuant to the provisions of Act 110 of the Public Acts of 2006, as amended.

Made and passed by the Township Board of the Township of Indianfields, Tuscola County, Michigan, on this 10th DAY OF March 2009.

1. Date of Public Hearing: May 21, 1997
2. Date of Publication:
3. Date of Adoption by Township Board: June 9, 1997
4. Date of Final Publication of Ordinance: June 18, 1997
5. Date Ordinance Shall Take Effect: July 17, 1997
6. Article 12 Sec. 1206d amended by ZBA interpretation 5-15-02
7. Article 4 Sec. 401q adopted 11-26-02
8. Article 7 Sec. 702g adopted 8-11-03
9. Article 4 Sec 401 updated 9-8-03
10. Article 6 Sec 601 updated 9-8-03
11. Article 7 Sec 702 updated 9-8-03
12. Article 8 Sec 801 updated 9-8-03
13. Article 9 Sec 901 updated 9-8-03
14. Article 11 Sec 1101h updated 9-8-03
15. Article 12 Sec.1206b-c-e revised 9-8-03
16. Article 15 Sec 1501-1 updated 9-8-03
17. Article 15 Sec 1503-3 updated 9-8-03
18. Article 19 Sec 1908 updated 9-8-03
19. Article 20 Sec 2000 updated 9-8-03
20. Sec. 2001-4 updated 9-8-03
21. Article 4 Sec. 401r adopted 6-23-05
22. Zoning map corrected 6-23-05 Bus. Dist @ Weeden and Gun Club Rds changed to R-1 Residential. Mistake made in original map
23. Article 21 Sec. 2100 & Sec. 2101 updated 3-10-09
24. Article 22 Sec. 2206 updated 3-10-09
25. Article 23 Sec. 2301 updated 3-10-09
26. Article 28 updated 3-10-09
27. Article 2 Kennel, commercial updated 7-13-09
28. Article 2 Wind Energy Generation System added 7-13-09
29. Article 4 Sec. 401 added footnotes s-t 7-13-09
30. Article 6 Sec. 601 added footnotes s-t-u-v-w 7-13-09
31. Article 7 Sec. 700 added footnotes w-x 7-13-09
32. Article 8 Sec. 800 added footnote s 7-13-09
33. Article 9 Sec. 900 added footnote k 7-13-09
34. Article 9 Sec. 901 added footnote l-m-n 7-13-09
35. Added Article 10 7-13-09
36. Article 11 Sec. 1100 changed height limits 7-13-09

37. Article 11 Sec. 1101 added footnote l 7-13-09
38. Article 12 Sec. 1214 revised para. 3 7-13-09
39. Article 12 added Sec, 1215 7-13-09
40. Article 17 revised footbote h 7-13-09
41. Article 19 Sec. 1902 revised first para. 7-13-09
42. Article 19 Sec. 1904 added footnote j 7-13-09
43. Article 20 Sec. 2000 revised footnote 7 7-13-09
44. Article 20 Sec. 2000 added footnote 10 7-13-09
45. Revised Table of Contents 7-13-09
46. Article 22 Sec 2200 Changed to comply with PA 110 of 2006 2-13-12