

TOWNSHIP OF JUNIATA

Tuscola County, Michigan

RURAL ZONING ORDINANCE

Revised 2008

Amended 9/13/2010

Amended 04/08/2019

JUNIATA TOWNSHIP ZONING ORDINANCE

APRIL 1987

Prepared By

**Juniata Township Planning Commission
Tuscola County Michigan**

Professional Assistance By

**A. Howard Kunding Associates
Planning and Development Consultants
Saginaw, Michigan**

Revised and Updated

May 2008

By

Juniata Township Planning Commission

Amended 9/13/2010

Amended 04/03/2019

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TOWNSHIP OF JUNIATA ZONING ORDINANCE

PREAMBLE

This Zoning Ordinance of Juniata Township of Tuscola County, Michigan regulates the development and use of the land; provides for the adoption of this Zoning Ordinance; prescribes the powers and duties of certain officials; provides for the assessment and collection of fees; authorizes the issuance of bonds and notes; prescribes the penalties and provides remedies; and repeals acts and parts of acts.

This Zoning Ordinance meets the requirements of the State of Michigan Public Act 110 of 2006 as amended.

ENACTING CLAUSE:

The Township of Juniata, Tuscola County, Michigan Ordains:

ARTICLE 1
SHORT TITLE AND DEFINITIONS

ARTICLE ONE: SHORT TITLE AND DEFINITIONS

SECTION 101: SHORT TITLE

This Ordinance shall be known as the "Township of Juniata Rural Zoning Ordinance" and may be cited as such.

SECTION 102: PURPOSE

It is the general purpose of this Ordinance to provide for the establishment of Zoning Districts within which the proper use of land and natural resources may be encouraged and regulated, and further to:

1. Promote the public health, safety, and welfare;
2. Encourage the use of the lands in accordance with their character and adaptability and limit the improper use of land;
3. Conserve natural resources and energy;
4. Meet the needs of residents for food, fiber and other natural resources, places of residence, recreation, industry, trade service, and other uses of the land;
5. Ensure that uses of the land shall be situated in appropriate locations and relationships;
6. Avoid overcrowding of the population;
7. Provide adequate light and air;
8. Lessen congestion on the public roads and streets;

9. Reduce hazards to life and property;
10. Facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements;
11. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties;
12. Adopt provisions for each designated Zoning District which shall control the use of land and property, the use, size and location of buildings; the minimum yard, courts, and other open spaces; and the maximum number of families to be housed in buildings or structures.

The Zoning Ordinance shall be developed with reasonable consideration to the character of each District, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of the land, building, and population development.

SECTION 103: RULES APPLYING TO THE TEXT

For the purposes of this Ordinance, certain rules of construction apply to the text as follows:

1. The particular shall control the general.
2. In case of any difference of meaning and implication between the text of this Ordinance and any caption, preamble or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
5. The word "lot" includes the word "plot", "tract", or "parcel".
6. A "building" or "structure" includes any part thereof.
7. A "dwelling" includes the word "residence".
8. The phrase "used for" may include "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
9. The word "person" includes an "individual", a "corporation", a "limited liability company", a "partnership", an "incorporated association", or any other similar entity.
10. Unless the context clearly indicates the contrary, where regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunctions "and", "or", "either. . .or", the conjunction shall be interpreted as follows:
 - A. "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - B. "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - C. "either. . .or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
11. Any word or term not herein defined shall be used with a meaning of common standard use.

SECTION 104: DEFINITIONS

ACCESSORY BUILDING OR STRUCTURE: Any building or structure that meets the requirements of this Ordinance and is clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

ACCESSORY USE: Any use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

AGGREGATE PLANT: A site or structure designed to process topsoil, clay, sand, gravel, rock or aggregates into another form or product.

AGRICULTURAL LAND: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

AIRPORT: An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code of the State of Michigan.

AIRPORT APPROACH PLAN OR AIRPORT LAYOUT PLAN: A plan, or amendment to a plan, filed with the Juniata Township Planning Zoning under Section 151 of the Aeronautics Code of the State of Michigan.

AIRPORT MANAGER: As defined in Section 10 of the Aeronautics Code of the State of Michigan.

AIRPORT ZONING REGULATIONS: Regulations under the Airport Zoning Act of 1950 for an airport hazard area that lies in whole or in part in the lands affected by the Juniata Township Zoning Ordinance.

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 or 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".

ANIMALS: See "Pets" and "Farm Animals".

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

AUTO REPAIR GARAGE: 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.

BASEMENT: 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 OPERATION: Any single-family 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, in which transient guests are provided a sleeping room and breakfast in return for compensation, and which does not provide separate cooking facilities for such guests. Not more than five (5) guest room(s) may be available.

BERM, OBSCURING: An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

BILLBOARD OR OUTDOOR ADVERTISING: 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.

BREEZEWAY: A roofed, open passage connecting two (2) buildings (i.e. a principal house and accessory garage, or two (2) halves of a building).

BUILDING: 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, awnings, or vehicles situated on private property and used for such purposes).

BUILDING, ACCESSORY: 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: 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 the 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.

BUILDING LINE: A line formed by the face of the building, and for the purpose of the Ordinance, a building line is the same as a front setback line.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

CAMPGROUND: A parcel of property with facilities for tents, camping trailers, recreational motor vehicles (motor homes, etc.) for recreational use, overnight or temporary lodgings, or as a vacation site and is not intended for permanent or year-round occupation. If the intent and purpose of the parcel of property is to do other than rent or lease sites for camping, such as the sale of goods and services for profit the parcel shall require rezoning as a Business District. A Campground shall be

compatible with the district in which it is located and shall require review and approval by the Township Board as a Special Land Use Permit.

CHILD CARE ORGANIZATION: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. **"Child Care Center: or "Daycare Center"** means a facility, other than a private residence, receiving more than six (6) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, daycare center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child Care Center", or "Daycare Center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
2. **"Family Daycare Home"** means a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
3. **"Foster Family Home"** is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a

week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

4. **"Foster Family Group Home"** means a private home in which more than four(4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
5. **"Group Daycare Home"** means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty- four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood , marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

CLINIC: An establishment where human patients, who are not lodged overnight, are admitted for examination and/or treatment by physicians, dentists or similar health care professionals.

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

CONFINED ANIMAL FEEDING OPERATION (CAFO): An agricultural operation wherein animals are confined to a building and not provided a range or field outside. A CAFO is partially controlled by the Michigan Department of Agriculture.

CONSERVATION EASEMENT: As defined in Section 2140 of the Natural Resources and Environmental Protection Act of 1994.

CONSTRUCTION: The ongoing process or activity directed toward assembling parts and materials together to result in a building or structure.

COORDINATING ZONING COMMITTEE: A committee of the Tuscola County Board of Commissioners.

COVENANT: A legal agreement between two (2) or more persons, organizations or entities concerning a contractual arrangement such as regards land use.

DEVELOPMENT RIGHTS: The right to develop the land to the maximum intensity of development authorized by law.

DEVELOPMENT RIGHTS ORDINANCE: An ordinance, which may comprise part of a Zoning Ordinance adopted under section 308, Act 110 of the Public Acts of 2006.

DIRECT ACCESS: Includes access directly to a public highway or road, access via a private road or public road, right of way, easement, or private driveway.

DISH ANTENNA: An earth-based station whose purpose is to receive communications or other signals from orbiting satellites or other extraterrestrial sources together with other equipment related to such purpose. Generally such facility shall include the dish antenna, low-noise amplifier and coaxial cable.

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

DRIVE-IN OR DRIVE-THRU: A business establishment so developed that its retail or service character is dependent on providing a driveway approach to a pick-up window or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure on the same premises and devoted to the same purpose as the drive-in or drive-thru service. Drive-thru facilities of financial institutions are not subject to limitation of a drive-thru business due to their lower frequency and intensity of business.

DRIVE-IN RESTAURANT/FAST FOOD): A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and

designed so as to serve patrons while in the motor vehicle, or to permit patron self-service so that consumption within motor vehicles may be facilitated.

DRIVEWAY: An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.

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

DWELLING TYPES: For the purpose of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:

1. **Single family, mobile, modular, or pre-manufactured dwelling:** A detached, residential dwelling unit designed for and occupied by one (1) family on a residential lot.
2. **Single family, mobile home dwelling:** A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers and arriving at a residential site or licensed mobile home park as established by this Ordinance and State laws where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, located on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer or recreational vehicle is not to be considered a mobile home.
3. **Two-family dwelling:** A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families. These may also be known as duplexes.
4. **Multiple family dwelling structure:** A residential building designed for and occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided.

ERECTED: Any fully or partially built, constructed, reconstructed, moved upon or physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, land-clearing, and general property improvements shall not be considered an erection.

ESSENTIAL SERVICES: 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 mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith (reasonably necessary for the furnishing 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: An individual or two (2) or more persons related by blood, marriage or adoption, living together as a housekeeping unit in a single dwelling unit, or a group of not more than four (4) persons, who need not be related, living together as a single housekeeping unit. Every additional group of two (2) or more persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

FAMILY DAYCARE HOME AND GROUP DAYCARE HOME: Those houses as defined in Section 1 of 1973 Public Act 116 and only apply to bona fide private residence of the operator of the family or group daycare home.

FARM: A tract of land which is directly devoted to agricultural purposes and having at least five (5) acres of land area.

FARM ANIMALS: Those animals that are commonly used for utilitarian or productive purposes. Such animals typically include beef cattle, dairy cattle, horses, ponies, goats, sheep, swine, donkeys, mules, oxen, rabbits, or any animal to be raised for resale or to be sold for a profit.

FARM BUILDING OR STRUCTURE: Any building or accessory structure other than a dwelling which is used for a farming operation including, but not limited to, a barn, granary, silo, farm implement storage building, housing animals, milk house or other similar buildings.

FARM FOWL: Chickens, ducks, turkeys, geese, peacocks, and guinea hens, or any fowl to be raised for resale or to be sold for a profit.

FENCE: A structure built of customary fencing material of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance. It may be constructed of rails, timbers, boards, chain link, stone or other masonry material or another material that is approved by the Planning Commission.

FENCE, OBSCURING: A structure built of customary fencing material of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance. An obscuring fence shall have no more than twenty percent (20%) transparency.

FLAG POLE: A pole for raising or flying a flag of not more than the maximum height of the District in which it is located.

FLOOR AREA, (GROSS): In a residential dwelling, the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of the basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

FLOOR AREA, USEABLE (for Business Zoning Districts): (For the purpose of computing parking) 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 of processing of merchandise, or for utilities, shall be excluded from this computation of "Useable 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.

FOREST INDUSTRY: The operations associated with planting cultivating, harvesting, sawing, curing, milling, chemical treating, storage, staging, transporting of trees, logs, timbers, lumber and their non-manufactured by-products.

FREESTANDING STRUCTURE: A structure designed for a specific use and not attached to a building or other service structure.

GARAGE: An accessory building or portion of the principal building designed or used solely for storage of non-commercial motor vehicles, boats, house trailers and similar vehicles owned and used by the occupants of the building to which it is accessory or attached.

GARAGE, COMMERCIAL: Any garage available to the public and operated for gain.

GASOLINE SERVICE STATION: A place for the dispensing, sale or offering for sale, motor fuels directly to motor vehicles, together with the sale of minor accessories and the servicing and minor mechanical repair of automobiles.

GRADE: The highest point 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 the Ordinance.

GREENWAY: A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

HOME-BASED BUSINESS: A business owned and operated by an individual living in a dwelling unit on a rural site. It is intended for a small business that does not see

significant clients at the site and whose operation does not alter the appearance of the dwelling or accessory buildings. Not more than five (5) employees, including the owner and employees working off-site, shall be employed by the business. Larger businesses shall be required to be located in a B-1 Business District.

HOME OCCUPATION: 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. See specifics in Article 3.

HOME, SECTIONAL OR COMPONENT: Several Building Components meeting the International Conference of Building Officials "Uniform Building Code" and State of Michigan requirements, factory fabricated, and transported to the home site where they are put on a permanent foundation and joined to make a complete house.

IMPROVEMENTS: Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of Juniata Township and future users or inhabitants of the proposed project or project area. These include roadways, lighting utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

INTENSITY OF DEVELOPMENT: The height, bulk, area, density, setback, use, and other similar characteristics of development.

JUNK: Any discarded personal or scrapped property, including any property which may or may not be salvaged for reuse, resale, reduction or similar disposition, or which is processed, transported, accumulated, dismantled, or sorted for any such reason. The term shall include used and salvaged metals, paper, glass, rubber, rope, machinery, or any motor vehicle which is intended for dismantling or salvaging. One or more vehicles that are inoperative or unlicensed shall be construed as a junkyard.

JUNK YARD AND/OR RECYCLING FACILITY: 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 metals, paper, rags, rubber tires, and bottles. A "junkyard" 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 three (3) or more dogs or cats are either permanently or temporarily boarded or raised for profit. Such animals will abide by the Noise and Blight Ordinances.

KENNEL, PRIVATE: Premises having no more than five (5) animals for the private use of the owner and producing no more than two (2) litters of young in an eighteen (18) month period. Such animals will be housed no less than twenty (20) feet from the lot line. Such animals will abide by the Noise and Blight Ordinances.

LEGISLATIVE BODY: The Board of Trustees of Juniata Township, Tuscola County, Michigan.

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

LOCAL UNIT OF GOVERNMENT: The Township of Juniata in Tuscola County, Michigan.

LOT: 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 normally shall have its frontage located upon a public right-of-way or thoroughfare. In the event that a parcel does not front on a road right-of-way, it shall meet all minimum lot requirements as if it were fronting on the road and shall have a minimum thirty feet (30') wide frontage on a road right-of-way for access through fee simple ownership,

easement or long term forty (40) years or more leases on a fronting lot. 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 as measured from the right-of-way and not from the centerline of the right-of-way.

LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty feet (150') and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE: The part or percent of the lot occupied by buildings, including accessory buildings.

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

LOT, DOUBLE FRONTAGE (THROUGH LOT): Any interior lot having frontage on two (2), 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, INTERIOR: Any lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein:

1. **Front Lot Line:** In the case of an interior lot, the line separating said lot from the street or road right-of-way. In the case of a corner lot, the front lot line is that line separating said lot from the right-of-way 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.

2. **Rear Lot Line:** The 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.
3. **Side Lot Line:** Any lot lines other than the front lot line or the 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 another lot or lots is an interior side lot line.

LOT OF RECORD: 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.

MANUFACTURED HOME (MOBILE OR TRACT MODULAR UNIT): A structure primarily assembled in a factory and transportable in one (1) or more sections, connected to required utilities including plumbing, heating, air conditioning and electrical systems contained in the structure and designed to be used as a single family dwelling unit with or without a permanent foundation.

MANUFACTURED HOME PARK: A parcel or tract of land under control of one (1) person, group or firm, on which three (3) or more manufactured homes have been located on a continual, nonrecreational basis and is offered to the public for sale, lease or rental irrespective of any changes, together with any accessory building or structure, enclosure, street, equipment or facility used or intended incident to occupancy.

MASTER PLAN: A comprehensive plan 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. Such plan may or may not be adopted.

MOBILE HOME OR INDIVIDUAL HOUSE TRAILER: Any manufactured home designed, used, or so constructed as to permit its transportation from point of manufacture to a dwelling site on streets or rights-of-way and constructed in such a manner as will permit occupancy thereof as a dwelling unit for a person or family.

MOBILE HOME, "MODULAR": A fabricated, transportable building unit, designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential uses.

MOBILE HOME PARK: See Manufactured Home Park.

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 BUILDINGS: A building or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the use provisions of the Ordinance or to the use regulations of the District in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building, structure or land at the time of this Ordinance, or amendments thereto, remains effective even though it no longer conforms to the use regulations of the District in which it is located.

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

OFF-STREET PARKING LOT: A facility or lot 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.

ONE FAMILY DETACHED DWELLING: Includes 'Stick Built Homes", "Modular Homes", and "Mobile Homes". The term does not include "Travel Trailers", "Motor Homes", or "House Travel Trailers".

OTHER ELIGIBLE LAND: Land that has a common property line with agricultural land from which development rights have been purchased and is not divided from agricultural land by a State or Federal Limited Access Highway.

PARCEL: A tract of land which can be legally described with certainty and is capable of being located by survey.

PARK: A parcel of property with walks, playgrounds, etc. for use as a recreational area containing items normally associated with a park such as picnic tables, barbecue grills, benches, etc. and not to be use for overnight or extended occupation with tents, camping trailers, recreational motor vehicles (motor homes, etc.) and other items normally associated with a Campground. A Park, Private or Public, is not to be operated for a profit or commercial enterprise and shall be compatible with the District in which it is located.

PARK, PRIVATE (PRIVATE PARK): A parcel of property to be used as a recreational area for the sole use of the property owner(s) and the owner(s) family relatives and guests as well as for private organizations, with the restrictions noted in the definition of Parks.

PARK, PUBLIC (PUBLIC PARK): A parcel of property owned by a unit of government with natural scenery to be used for public recreation. A Public Park may have sanitary facilities, restrooms and water, providing such facilities conform with laws and regulations pertaining to the sanitary facilities.

PARKING SPACE: An area of twenty feet (20') in length and ten feet (10') in width exclusive of drives, driveways, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PET: A domesticated animal kept for amusement and/or companionship rather than utilitarian or productive purposes. Animals shall be considered pets only if they are commonly considered as such, including cats, dogs, rabbits and similar animals, or if they can be demonstrated as having characteristics, temperament, and domestic qualities of animals commonly considered pets.

PLANNED UNIT DEVELOPMENT: Cluster Zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the Zoning Ordinance through a land development project review based on the application of planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

POND: A natural or manmade body of water used to provide water for livestock, fish, and wildlife, recreation, fire control, crop and orchard spraying, irrigation and other related uses for the personal use of the property owner and/or tenants.

POPULATION: The human population, according to the most recent Federal Decennial Census, or according to a Special Census conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, whichever is more recent.

PRIVATE STREET OR ROAD: An undedicated path, trail or road and all extensions, additions, or branches of or to such path, trail or road, which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two (2) or more principal buildings, dwelling units or structures or combination thereof, whether created by a private right-of-way agreement, license joint ownership, easement or prescription.

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

PUBLIC UTILITY: Any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under Federal, State, or

Municipal regulation to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

RESTAURANT: A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, and deriving the major portion of its receipts from the sale of food. Said business having suitable kitchen facilities connected therewith, containing conveniences for cooking and an assortment of goods which may be required for ordinary meals and complying with State and Federal health regulations.

ROADSIDE STAND: A structure erected on a farm adjacent to a public road for the sale of products produced chiefly on the farm, provided such use shall be seasonal and is constructed and operated according to other provision of this Ordinance.

SETBACK: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

SEXUALLY-ORIENTED BUSINESS OR USES: A business or commercial enterprise engaging in any of the following businesses: Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Adult Personal Service Business, Massage Parlor, Massage School, Nude Model Studio and/or a Sexual Encounter Center. These terms may be defined as either "Adult" or "Sexually-Oriented."

SIGNS: The use of any words, numerals, figures, devices, designs, or other 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. Detailed sign requirements are available in Article 3 and the Zoning District Charts in Article 4.

SINGLE FAMILY DETACHED DWELLING: See "One Family Detached Dwelling" for definition.

SITE PLAN: The documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and State and Federal statutes.

SPECIAL LAND USE: The term applied to a use which may be permitted by the application for and issuance of a Special Land Use Permit by the Township Board. Specified procedures and requirements, as outlined elsewhere in this Ordinance must be complied with prior to issuance of said permit. A Special Land Use Permit may be issued only for those uses specifically cited in this Ordinance or as interpreted by the Board of Zoning Appeals.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act, Act 140 of 1971 and provides services for six (6) or fewer persons under twenty-four (24) hour supervision or care.

STORY: That part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STREET: A public thoroughfare, which affords the principal means of access to abutting property or to the easement, parcel, or leased parcel that serves the property.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment of something having location on the ground except driveways and pavement. This shall include towers, shed, mobile homes, advertising devices and similar uses.

TELEVISION/RADIO ANTENNAE OR WIRELESS COMMUNICATION TOWER: Any accessory or principal use structure, whose primary purpose is to transmit or receive electronic radio signals, microwaves or other impulses for the purpose of audio or television transmission, data or communications.

TEMPORARY BUILDING OR USE: A structure or use permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

THOROUGHFARES: A system of functional classifications of high traffic volume streets according to the character of transportation service they provide. The basic categories are:

1. **Major Arterial:** A street which is intended to serve as a large volume traffic way for both the immediate Village area and the region beyond, and may be designated a major thoroughfare, parkway, freeway, expressway, or equivalent term.
2. **Secondary Arterial:** A street which is intended to connect major thoroughfares.

TRAILER COURT: See “Manufactured Home Park”

TRAILER COACH, (MOTOR HOME): Any vehicle designed, used, or so constructed as to permit its being conveyed upon the public street or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.

TRAVEL TRAILER: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

TOURIST HOME: 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. Tourist Homes are similar to Bed and Breakfast Operations but do not offer a breakfast with the lodging.

UNDEVELOPED STATE: A natural state preserving natural resources, natural features, or wooded conditions, agricultural use, open space, or similar use or condition. Land in a undeveloped state does not include a golf course but may

include a recreational trail, picnic area, children's play area greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

USE: 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: A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

UTILITY BUILDING: An accessory building of limited size to be used for the storage of gardening and/or husbandry tools such as hoes, lawnmowers, shovels, etc., or to be used for miscellaneous storage excluding automobiles and trucks. Utility buildings are not to be used for the housing of livestock or other animals, fowl etc.

WIND ENERGY CONVERSION SYSTEM: A system commonly referred to as a wind generating tower, windmill, or wind powered generator and any of its' associated parts.

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:

1. **Front Yard:** 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.
2. **Rear Yard:** 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.
3. **Side Yard:** 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.

ZONING ADMINISTRATOR: The official charged with administering this Ordinance. The Zoning Administrator is appointed by the Township Board of Trustees with the advice of the Planning Commission. The Zoning Administrator may be compensated at a rate or amount determined by the Township Board of Trustees.

ZONING COMMISSION: In Juniata Township this body shall be the Juniata Township Planning Commission and may be cited as such.

ZONING JURISDICTION: The area encompassed by the legal boundaries of the Township outside of incorporated cities and villages. The Zoning Jurisdiction does not include the area subject to municipal zoning by a city or village that has adopted a Zoning Ordinance under The Zoning Enabling Act, Public Act 110 of 2006 as amended. In this case the Zoning Jurisdiction shall be the Township of Juniata, Tuscola County, Michigan.

ZONING PLAN: A plan in map or text form that identifies the Zoning Districts and or other Zoning Ordinance requirements to implement the permitted uses or Special Land Use Permits of the long-range master plan

ZONING VARIANCE: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

THE CRUCIAL POINTS OF VARIANCE ARE UNDUE HARDSHIP AND UNDUE CIRCUMSTANCES APPLIED TO PROPERTY. A VARIANCE IS NOT JUSTIFIED UNLESS ALL OF THESE ELEMENTS ARE PRESENT IN THE CASE

Variances may only be permitted by the Zoning Board of Appeals pursuant to the requirements and limits in the Administrative Chapter of this Ordinance.

ARTICLE 2
ZONING DISTRICT CREATION AND REGULATION

ARTICLE TWO: ZONING DISTRICT CREATION AND REGULATIONS

SECTION 201: ESTABLISHMENT OF ZONING DISTRICTS

1. Juniata Township regulates the use of land and structures by establishments of Zoning Districts within the Zoning Jurisdiction of the Township to:
 - A. Regulate the use of land and structures.
 - B. Meet the State's needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other appropriate uses of land.
 - C. Ensure that use of the land is situated in appropriate locations and relationships.
 - D. Limit the inappropriate overcrowding of land and congestion of the population, transportation systems, and other public facilities.
 - E. Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public services and facilities requirements.
 - F. Promote public health safety and welfare.
2. The regulations herein shall be uniform for each class of land or buildings, dwellings, and structures within a District.
3. The Township provides for the regulation of land development and the establishment of Districts, such as overlay Districts, which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems,

including the regulation of land development and the establishment of Districts in areas subject to damage from flooding or beach erosion.

4. The Township hereby adopts regulations under this Zoning Ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.
5. The seven (7) Zoning Districts and the regulations for Juniata Township Zoning Districts are portrayed on the tables in Article 4. These include the following Districts:

A - 1	Agricultural
FC - 1	Forestry and Conservation
RR - 1	Rural Residential
RC - 1	Residential Cluster
MHP - 1	Manufactured Housing Park
B - 1	Business
M - 1	Manufacturing

SECTION 202: DETERMINATION OF REGULATIONS AND DISTRICT BOUNDARIES

Amendments or supplements to this Zoning Ordinance shall be made in the same manner as provided under the original Ordinance with the following additional requirements:

1. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give the notice of the

proposed rezoning in the same manner as required under Section 103 of the Michigan Zoning Enabling Act No. 110 of 2006.

2. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning in the same manner as required under Section 103 of the Michigan Zoning Enabling Act No. 110 of 2006 except that no individual property addresses of properties are required as listed under Section 103 of that Act.
3. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Juniata Township Board of Trustees and notice of the adopted amendment published without referring the amendment to any other board or agency of the Township.

SECTION 203: AIRPORT PLAN

An airport plan for Juniata Township is required to accommodate the Caro Airport because it is a qualifying airport. Accordingly a copy of the airport layout plan or airport approach plan shall be filed with Juniata Township. If it is not filed, Juniata shall solicit such a plan from the airport manager. The airport layout plan or approach plan shall be integrated into the township plan and accommodated in this Zoning Ordinance.

This Zoning Ordinance considers the following:

1. The environs surrounding the airport and especially those in Juniata Township
2. Comments as received at the Public Hearing pursuant to Section 306 of the Michigan Zoning Enabling Act No. 110 of 2006, and as transmitted by the airport manager pursuant to Section 308 of that same document.

This Zoning Ordinance prevents, and does not increase, any inconsistency between this Zoning Ordinance or structures and uses of any Airport Zoning

Regulations, airport layout plan, or airport approach plan. This section does not limit the right to petition for submission of a zoning ordinance amendment or the right to file a protest petition.

SECTION 204: AVIATION HEIGHT LIMITATIONS

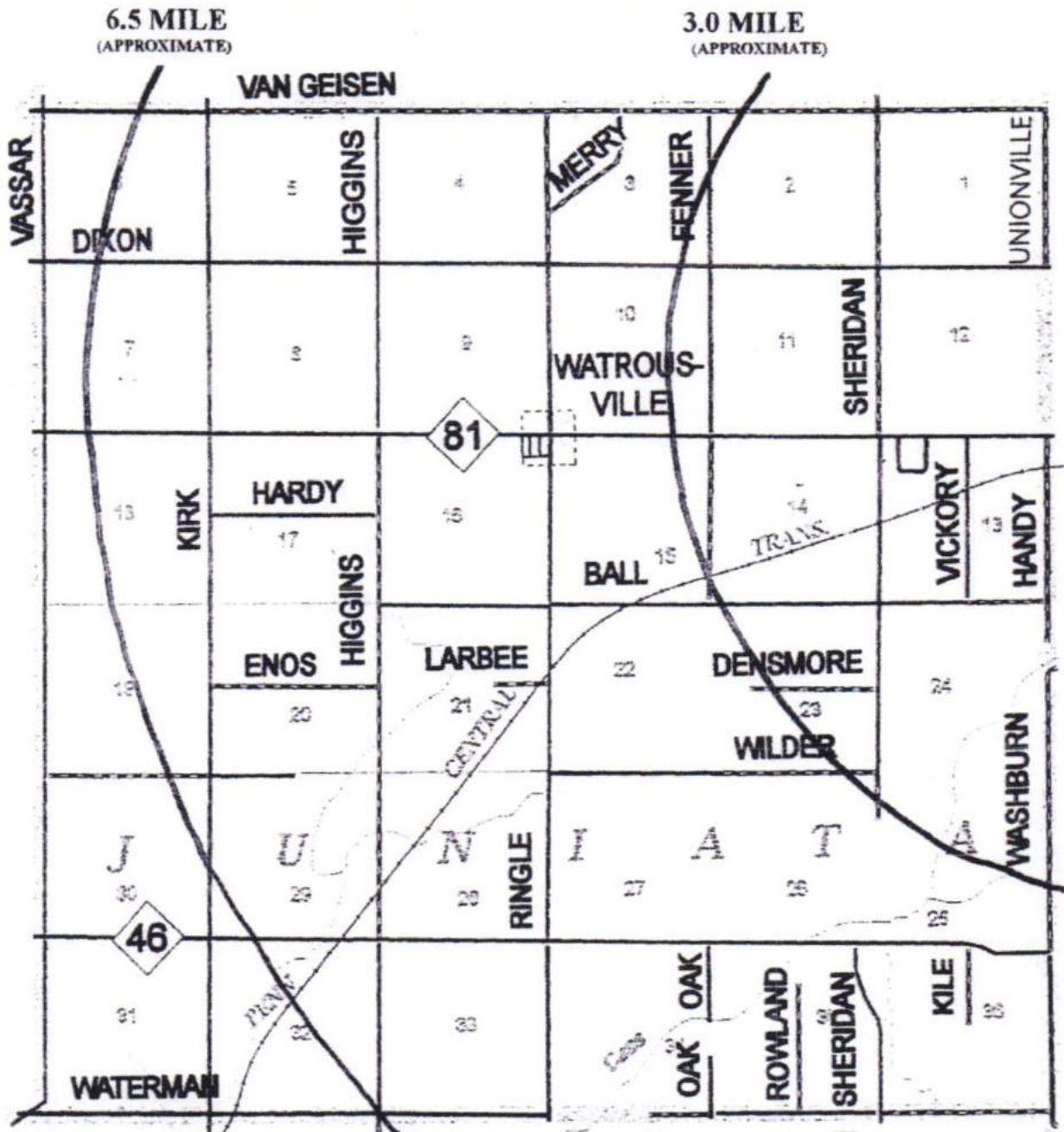
Juniata Township is in close proximity to Tuscola Area Airport and accordingly has a special need to consider the height of any development that may create unsafe conditions for aircraft operations. Thus the Township hereby establishes these height limitations for development as follows:

1. A permit shall be obtained from the Township before any structure, natural growth or other object extending more than fifty (50) feet above the highest land elevation within one (1) mile of the object, shall be erected, rebuilt, altered, allowed to grow or maintained within the Township.
2. No permit shall be required for emergency repair, alteration or replacement of public utility structures, unless the height of such structures is increased by such action. Any circumstance calling for immediate action or remedy in the repair, alteration, or replacement of public utility structures, shall be deemed an emergency.
3. In areas of Juniata Township within a three (3) mile radius of the center of the Tuscola Area Airport, as shown on the following map (see page 2-5), a permit shall be required before a person shall erect, increase height, or replace an object which exceeds a height of one hundred forty-nine (149) feet above the Airport reference altitude, which is an altitude of eight hundred fifty-three (853) feet above Mean Sea Level (MSL).
4. Between a radius of three (3) miles and a radius of six and one-half (6.5) miles from the Tuscola Area Airport, a permit as described in Section 204-3 above, shall be required for an object exceeding a sloping surface which rises at a rate of one (1) foot vertical for each fifty (50) feet horizontal radially from the center of the Airport. The altitudes applicable to this

surface are eight hundred fifty-three (853) feet MSL at the inner radius and one thousand, two hundred fifty (1250) feet MSL at the outer radius.

5. This Ordinance does not require removal, lowering, change or alteration of a structure, vegetation or other object not conforming to this Ordinance as of its effective date. Owners of such not-conforming objects shall provide without expense, or permit installation, operation and maintenance of, markers and/or lights deemed necessary by the Michigan Aeronautics Commission.
6. An encroachment upon an airport protection area arising out of the erection, rebuilding, alteration, growth, or maintenance of a structure, vegetation or other object, constitutes a public nuisance and shall be abated under provisions of this Ordinance.

**JUNIATA TOWNSHIP
HEIGHT LIMITATIONS FOR AVIATION SAFETY**



Slope from three (3) miles at eight hundred fifty-three (853) ft. MSL
To six and one half (6.5) miles at twelve hundred fifty (1250) ft. MSL

is at a rate of

one (1) ft. vertical for fifty (50) ft. horizontal

CENTER OF AIRPORT IS CENTER OF RADIUS

SECTION 205: HOME INSTRUCTION IN FINE ART OR CRAFTS

This Zoning Ordinance shall provide for the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence. This section does not prohibit the regulation of noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of a residence under this section.

SECTION 206: PRIVATE UTILITIES

1. This Zoning Ordinance is subject to the Electrical Transmission Line Certification Act, Public Act 30 of 1995, as amended.
2. The Township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to issuance of permits for location, drilling, completion, operation, or abandonment of such wells.

SECTION 207: PROHIBITING LAND USES

Juniata Township shall not have the effect of totally prohibiting a land use in the presence of demonstrated need for that land use unless a location does not exist where the use may be appropriately located or the use is unlawful.

SECTION 208: EXEMPT FROM COUNTY ZONING ORDINANCE

Juniata Township has enacted this Zoning Ordinance and is not subject to a zoning ordinance, rule, or regulation of Tuscola County.

SECTION 209: ZONING ORDINANCE PRECEDENCE

This Zoning Ordinance, adopted pursuant to the Michigan Zoning Enabling Act No. 110 of 2006, shall be controlling in the case of inconsistencies between ordinances adopted under any other State law.

ARTICLE 3
GENERAL REQUIREMENTS

ARTICLE THREE: GENERAL REQUIREMENTS

SECTION 301: NON-CONFORMING USES

If the use of a dwelling, building, premises, structure, or of the land is lawful at the time of enactment of this Zoning Ordinance or an amendment to it, that use may be continued although the use does not conform to the provisions of the Zoning Ordinance or an amendment.

Such non-conforming lots, uses of land, or structures are incompatible uses. It is further the intent of this Ordinance that non-conforming uses and structures not be enlarged upon, replaced, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

The Township Board of Trustees may provide in this Ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution, of non-conforming structures and establish different classes of non-conforming use and different requirements for each class. All such completion, resumption, restoration, reconstruction, extension, or substitution of non-conforming uses or structures shall be done according to the requirements of this section of the Zoning Ordinance.

The Township Board of Trustees may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for removal of non-conforming uses and structures. The Board of Trustees may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a Special District in accordance with the applicable statutory provisions relating to the creation and operation of Special Assessment Districts for public improvements in townships.

The elimination of the non-conforming uses and structures in a Zoning District is declared to be for a public purpose and for public use. The Board of Trustees may institute proceedings for condemnation of non-conforming uses and structures under Public Act 149 of 1911 as amended.

1. **NON-CONFORMING LOTS**

- A. In any District in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, any single-family dwelling and customary accessory buildings may be erected on a 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 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 Zoning Board of Appeals.

- B. If two (2) 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 an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or occupied which does not meet lot width and area division for parcels in the Zoning District in which it is located.

2. **NON-CONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of the Ordinance, lawful use of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming 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.

- B. No such non-conforming 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. **NON-CONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lot of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- B. 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. (See 301-8, pg. 3-5)
- C. 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.

4. **NON-CONFORMING USES OF STRUCTURES AND LAND**

If a lawful use of a structure, or of 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:

- A. 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, moved or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- B. Any non-conforming 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 the Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. In any District, if no structural alterations are made, any non-conforming use of a structure, or structure and premises may be changed to another non-conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use.

In permitting such change the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land or land with structure is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

- D. Any structure, or structure and land in combination in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceased to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period,

the structure, or structure and premises in 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.

- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

5. **NON-CONFORMING STRUCTURES, REPAIR AND REPLACEMENT**

On any building devoted in whole or in part to any non-conforming use, work may be done in a period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed 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.

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.

6. **USES ALLOWED BY SPECIAL LAND USE, NOT NON-CONFORMING USES**

Any existing use which is permitted as a Special Land Use as provided in its District of location shall not be deemed a non-conforming use but shall without further action be deemed as conforming.

7. **CHANGE OF TENANCY OR OWNERSHIP**

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

8. REBUILDING ON NON-CONFORMING LOTS

In the event a dwelling, conforming or non-conforming, on a non-conforming lot that exists at the effective date of adoption or amendment of this Ordinance, is irreparably destroyed, it is the intent of this Ordinance to permit the complete rebuilding of the structure provided:

- A. The existing non-conformities shall not be enlarged upon.
- B. The possibility does not exist to increase the size of the non-conforming lot.
- C. The front, rear, and side yard setbacks along with the first-floor area shall be reestablished having the same horizontal and vertical dimensions as existed immediately prior to the need for rebuilding.
- D. The codes and regulations of all local authorities, in effect at the time of rebuilding shall be complied with and that all necessary permits be acquired by the owner prior to rebuilding.
- E. All rules and regulations of the State of Michigan and the County Building Authorities be complied with.
- F. All the foregoing conditions are required in order for the Zoning Administrator to issue a Land Use Permit.

SECTION 302: ACCESSORY BUILDINGS

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

1. GENERAL PROVISIONS

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all regulations of the Ordinance applicable to the main building.
- B. Buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard.
- C. No detached accessory building in residential areas shall exceed one (1) story of fourteen (14) feet in height, except that farm accessory building area exempt from the requirements hereof.
- D. When an accessory building in any Residential or Business Area is intended for other than the storage of private motor vehicles, that accessory use shall be subject to the approval of the Zoning Board of Appeals.

2. SIZE OF ACCESSORY AND UTILITY BUILDINGS

- A. 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 yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- B. A Utility building shall be no more than two hundred (200) square feet in area.

3. LOCATION OF ACCESSORY AND UTILITY BUILDINGS

- A. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building. An accessory building shall conform to the setbacks of the District in which it is located.

- B. No detached Utility building shall be located closer than ten (10) feet to any main building nor shall it be located closer than eight (8) feet to any side or rear lot line.
- C. In those instances where the rear lot line is contiguous with an alley right-of-way the Utility building shall not be closer than one (1) foot to such rear lot line. In no instance shall a Utility building be located within a dedicated easement or right-of-way.

4. **ACCESSORY AND UTILITY BUILDINGS ON CORNER LOTS**

- A. When a building, accessory to a residential building, is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. An accessory building shall conform to the setbacks of the District in which it is located but in no case shall it be located nearer than thirty (30) feet to a street right-of-way.
- B. When a Utility building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line to its rear, said building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A Utility Building accessory to a Residential Building shall in no case be located nearer than thirty (30) feet to a street right-of-way.

SECTION 303: PERFORMANCE STANDARDS

Standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained for all land uses:

1. **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 gas born 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 gas born or airborne solids shall not exceed twenty hundredths (0.20) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.

2. **FIRE AND EXPLOSIVE HAZARDS**

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

3. **GLARE AND RADIOACTIVE MATERIAL**

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, optic emissions or transmissions and electromagnetic emissions such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

4. **NOISE AND VIBRATION**

Objectionable sounds or vibrations, including those of intermittent nature shall be controlled and enforced under the provisions of the Township of Juniata Noise Control Ordinance.

5. **ODOR AND GASEOUS DISCHARGES**

Smoke, odorous gases, toxic or corrosive fumes or other odorous materials shall not be emitted in such quantities as to be offensive at or beyond any boundary of the parcel within which it originates, except for those created in normal and responsible farming activities as regulated under Generally Accepted Agricultural and Management Practices (GAAMPS) by the Michigan Department of Agriculture.

6. **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 District in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such District, there shall be provided an obscuring masonry wall or wood fence of a least six (6) feet in height.

7. **SMOKE**

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

- A. Smoke of density equal to but not darker than No. 2 of the Ringelmann Chart may be emitted for not more than three (3) minutes in any thirty (30) minute period.
- B. Smoke of a density equal to but not darker than No. 3 of the Ringelmann Chart may be emitted for not more than three (3) minutes in any sixty (60) minute period, but such emissions shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.

8. **WASTE AND RUBBISH DUMPING**

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored or dumped on any land within the Township in such a manner as to constitute a nuisance or create a hazard to health, safety, morals, and general welfare of the citizens of the Township. All waste material, trash, and rubbish must be disposed of at least once in each month and in accordance with the laws and ordinances of the Township and provided further that nothing contained in this Ordinance shall prevent the reasonable use of garbage, fertilizers, manure and similar material for the improvement of land situated within a District which is being utilized for farming purposes, where such use is not carried on in an unhealthy or unsanitary manner or does not constitute a menace to the health and welfare of the public or a nuisance to the surrounding area; provided, however, that the storing, piling, placing, or dumping of the first above mentioned materials from other than one (1) household or business shall be deemed to be a commercial operation, whether such operations be carried on for a profit or not, and in such cases shall adhere to the requirements of Act 641 of 1978, The Solid Waste Management Act of the Public Statutes of the State of Michigan as amended. Waste and Rubbish dumping including those of intermittent nature shall be controlled and enforced under the provisions of the Township of Juniata Blight Control Ordinance.

SECTION 304: USE RESTRICTION

No portion of a lot or parcel used once in complying with the provisions of this Ordinance for yards, lot area, density, or percentage of lot occupancy, 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.

SECTION 305: CORNER CLEARANCE

No fence wall, shrubbery, crops, signs, or other visual obstruction shall be permitted above a height of thirty (30) inches from the established street grades

in any District within a triangular area formed by the intersection of any street right-of-way lines at a distance along each such line of twenty-five (25) feet from their point of intersection.

SECTION 306: SITE PLAN

Juniata Township requires submission and approval of a site plan for most land uses, Special Land Use Permits, and Planned Unit Developments. The site plan may be approved, denied or approved with conditions by the Juniata Township Planning Commission or Zoning Administrator at a properly notified meeting.

1. **A site plan shall be required for, but not limited to the following uses:**
 - A. Permitted uses in the Manufactured Housing, Business or Industrial Districts.
 - B. Special Land Use Permits in any District.
 - C. Expansions, alterations, or additions to any building or structure otherwise requiring site plan review.
 - D. Any use except single-family residential which lies contiguous to a major thoroughfare or collector street.
 - E. All residentially related uses permitted in single-family areas such as, but not limited to, churches, schools and public facilities.
 - F. Any uses otherwise required to have site plan review in this Ordinance.
2. **In reviewing a site plan the Juniata Township Planning Commission or Zoning Administrator will consider the following:**
 - A. Improvements of the site shall be designed to minimally interrupt the natural features of trees, wetlands, vegetation, animal habitats, topography and other natural characteristics insofar as possible.

- B. Land use and development shall fit the surrounding land uses in terms of compatible appearance, buffering landscape, setbacks and similar conditions to maintain an attractive and orderly pattern for growth consistent with the plan and this Ordinance.
 - C. Transportation shall be carefully done to integrate site access to a public a road with driveways meeting road conditions including separation from road intersections of at least fifty (50) feet. Shared driveways, cross street access and other appropriate access management activities shall be required when possible.
 - D. A six (6) foot vegetative strip shall be provided along any drainage feature or watercourse to allow filtration before water enters the watercourse.
 - E. Fences, landscaping, buffer strips, vegetative screens and appropriate plants shall be used for the project. The Planning Commission may require data to ensure that the landscaping is harmonious with neighbors.
 - F. Location and character of signs and on-site lighting shall be considered with particular attention to preventing glare and having no flashing or intermittent lights.
 - G. Proposed parking areas and drives showing individual ten (10) foot by twenty (20) parking spaces per Article 5.
 - H. The site plan shall meet all minimum setback, parking and other dimensional requirements of this Zoning Ordinance and the applicable Zoning District and Special Land Use Permit requirements.
3. **Every site plan submitted to the Planning Commission, Zoning Administrator or Zoning Board of Appeals shall be in accordance with the**

requirements of this Ordinance and shall include the following information:

- A. A scale of not less than one (1) inch equals twenty (20) feet if the subject property is less than two (2) acres and one (1) inch equals fifty (50) feet, if two (2) acres or more.
 - B. Date, north point and scale.
 - C. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
 - D. The uses of all surrounding properties, including general topography, natural characteristics such as woods, wetlands, and floodplains, public drains, utilities and other related items.
 - E. The location of all existing structures within one hundred (100) feet of the property.
 - F. The location of existing development, planned new development and site revisions including grading, landscaping, pedestrian circulation, and other activities.
 - G. The location of all existing and proposed drives and parking areas.
 - H. The location and right-of-way widths of all abutting streets and alleys.
 - I. The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.
4. **A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with any conditions imposed by this Zoning Ordinance, and other local units of government planning documents, other applicable ordinances and State and Federal statutes.**

SECTION 307: DWELLING STANDARDS

All dwellings whether, single-family, or multiple-family, standard built, mobile, modular or premanufactured must meet the following conditions:

1. General Standards:

- A. All standards required within the individual Residential Districts in the District regulations of this Ordinance.
- B. A minimum floor to ceiling height of seven and one half (7.5) feet.
- C. A minimum exterior width for any side elevation of fourteen (14) feet.
- D. A minimum floor area of nine hundred eighty (980) square feet of living area.
- E. Connection to a public sewer and water supply or to private facilities approved by the local Health Department.
- F. Prohibiting no room or other area additions to the home unless constructed of similar material and quality of workmanship as in the principal structure, and including an appropriate foundation and permanent attachment thereto.
- G. Compliance with all building and fire codes including, among others, those pertaining to newly manufactured homes, manufactured mobile homes, or other homes and such other standards as may be hereafter developed.

2. Additional standards for single-family, mobile home dwellings:

- A. Any mobile home shall bear the Michigan State Construction Inspection Seal.

- B. Any pre-manufactured or precut residential structures shall be supported and attached agreeable to Michigan Construction Code.
- C. Any mobile home without a basement shall be placed on a concrete slab (wire meshed) which extends at least twelve (12) inches beyond the outside dimensions of the mobile home. This slab shall be at least six (6) inches thick. The mobile home shall be anchored to this slab in compliance with mobile home manufacturers specifications.
- D. There shall be no exposed wheels, towing mechanism, undercarriage, or chassis.
- E. For residences without basements, a masonry skirting comprised of mortared brick or concrete blocks shall be erected between the slab and lower edge of the home on all sides and shall be sufficiently vented. An access panel of sufficient size to allow full access to utility hook-ups shall be installed in the rear section of the masonry skirting.
- F. All mobile homes must be skirted within sixty (60) days.
- G. Permanently attached steps or a porch shall be constructed where an elevation differential requires same.
- H. Any mobile home shall be constructed to comply with all applicable State and local building code requirements.
- I. There shall be no additions of any less quality construction than the original construction.
- J. The foregoing standards shall not apply to mobile homes located within a mobile home park unless specifically otherwise required in the Zoning Ordinance.

SECTION 308: RESIDENTIAL ENTRANCEWAY

1. GENERAL REQUIREMENTS:

In Residential Areas, 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 in Section 305, 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.

2. **DRIVES, PRIVATE DRIVES, EASEMENTS, RIGHT-OF-WAY:**

- A. The width of all drives, private drives, easements, or right-of-ways will be no less than sixty-six (66) feet.
- B. The center line of these drives, private drives, easements, or right-of-ways will be no closer than thirty-three (33) feet to an adjacent or abutting property line.
- C. The Zoning Board of Appeals may allow a shared easement along property lines of interior lots, if the width of said easement is equally shared by both parcels and all requirements except item B above are met.

SECTION 309: 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 one (1) lot.

SECTION 310: RESIDENTIAL YARD FENCES

Fences or walls of not more than six (6) feet in height may be constructed in residential areas 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. Such fences shall be constructed of a durable material, such as brick, stone, wood,

steel, plastic etc. and shall be appropriate for the District in which it is located. Such fences shall not infringe upon adjacent property or properties.

SECTION 311: ACCESS THROUGH YARDS

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

SECTION 312: PORCHES AND PROJECTIONS INTO YARDS

For the purposes of this Ordinance an open, unenclosed and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies or roofs. Architectural features, not including vertical projections, may extend or project into a required front or rear yard for not more than three (3) feet.

SECTION 313: GENERAL EXCEPTION AS TO AREA. HEIGHT AND USE

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

1. ESSENTIAL SERVICES

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

2. 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.

3. **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 Zoning Board of Appeals or Planning Commission may specify a height limit for any such structure when such structure requires authorization as a conditional use.

4. **FLAGPOLES**

Flag poles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than one-half (1/2) the distance between the right-of-way and the principal building.

SECTION 314: 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 Special Land Uses for which special lot and requirements are specified in this Ordinance, in the District in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance, except as provided in Section 301-1, Non-Conforming Lots, of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided 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.

In the event that a lot encompasses more than one (1) Zoning District, such as Rural Residential and Agriculture Districts, a dwelling and associated accessory and/or utility buildings shall be located in the District that permits the structures with the least restrictive conditions for lot area, provided all other provisions of

the Ordinance can be met. In the example given, if the lot area for an Agricultural District cannot be met, the buildings shall be located in the Rural Residential District.

SECTION 315: STATE LICENSED RESIDENTIAL FACILITY

1. A state licensed residential facility shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required of other dwellings of similar density in the same zone.
2. Sub-section (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
3. A family daycare home is considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required of other dwellings of similar density in the same zone.
4. A group daycare home shall be issued a special use permit, conditional use permit, or other similar permit if the group daycare home meets all of the following standards:
 - A. Is located not closer than fifteen hundred (1500) feet to any of the following:
 - (1) Another licensed group daycare home.
 - (2) Another adult foster care small group home or large group home, licensed under the Adult Foster Care Facility Licensing Act 218 of 1979, as amended.

- (3) A facility offering substance abuse to treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code 369 of 1978, as amended.
 - (4) A community correction center, resident home, halfway house or other similar facility, which house an inmate population under jurisdiction of the Department of Corrections.
- B. Has appropriate fencing for the safety of children in the daycare home as determined by Juniata Township.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed sixteen (16) hours of operation during twenty-four (24) hour period. Operation of the group daycare may be limited between the hours of 10:00 pm to 6:00 am as determined by Juniata Township.
 - E. Meets regulations for governing signs to be used by group daycare home to identify itself
 - F. Meets regulations requiring the group daycare home operator to provide off-street parking accommodations for employees.
- 5. The subsequent establishment of any of the facilities listed under 4-A above, will not affect any subsequent special use permit renewal, conditional use permit renewal, or other similar permit renewal pertaining to the group daycare home.
 - 6. The requirements of this section shall not prevent Juniata Township from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group daycare home that does not meet Juniata Township standards.

7. The distances under 4-A above shall be measured along a road, street or place maintained by the State or Tuscola County Road Commission and generally open to the public as a matter of right for the purpose of vehicular traffic but not including an alley.

SECTION 316: SWIMMING POOL SAFETY REQUIREMENTS

Because of the dangers of inadvertent drowning or water accidents, the Township of Juniata hereby regulates swimming pools as follows:

All such swimming pools, above-ground and in-ground, shall not be located under or near overhead transmission lines as required by the Electric Utility.

1. ABOVE-GROUND POOLS

Above-ground pools that have a wall height of no less than forty-two (42) inches distance between the ground and the top of the wall or a surrounding fence, shall not require any additional fence around the pool site. Such above-ground pools, however, must have a removable ladder that is to be taken from the pool whenever the pool is not in use under adult supervision. A ladder that is permanent, but has a restraint device that can be used and locked, is an acceptable alternative to a removable ladder.

2. IN-GROUND POOLS

In-ground pools constructed in the Township of Juniata shall meet the following requirements:

- A. A land use permit shall be acquired from the Township Zoning Administrator prior to construction
- B. All such swimming pools constructed shall be enclosed by a fence at least four (4) feet in height and of a type not readily climbed by children.

The bottom of the fence shall be so constructed that children cannot readily crawl under the fence.

- C. The fence shall be constructed to surround the swimming pool providing that it is not closer than four (4) feet nor further than twenty (20) feet from the water's edge, or at the edge of the apron surrounding the pool. A dwelling house or accessory building may be used as a part of the fence, providing that there is only one (1) opening door or gate to the swimming pool area.
- D. The fence shall have one opening with a gate, which shall be equipped with a self-closing latch that is to be accessed only from the inside of the gate or by reaching over the gate.
- E. If lighting is to be provided in a residential area, the lighting shall be so arranged, shielded and operated so as to prevent annoyance to neighboring premises.

SECTION 317: PONDS

Recreational ponds, scenic ponds, and agricultural or farm ponds, may be permitted on lots which have a minimum area of two (2) acres in the Rural Residential, Agricultural, or Forestry Districts, subject to the following:

1. Ponds, unless otherwise determined by the Zoning Board of Appeals, shall be considered to be excavations more than two (2) feet in depth and/or more than one thousand (1,000) square feet in area.
2. A land use permit shall be acquired from the Township Zoning Administrator prior to construction.
3. A pond shall have a maximum area of ten (10) percent of the gross land area of the lot on which the pond is located.
4. Ponds shall not be permitted in any required front yard area.

5. There shall be a minimum setback from the edge of the excavation to all dwellings and property lines of at least fifty (50) feet.
6. There shall be a minimum setback from any septic tank or septic disposal field of at least one hundred (100) feet.
7. There shall be a minimum setback from any telephone, electrical, or other utility line of at least one hundred (100) feet, and subject to the requirements of said utility.
8. All manmade ponds shall be secured by totally enclosing the pond or subject property with a fence of not less than four (4) feet or more than six (6) feet, unless otherwise approved by the Planning Commission. In reviewing this matter, the Planning Commission shall take into consideration the size of the subject property, and the density and proximity of housing on the surrounding properties.
9. Excavated materials in excess of one thousand (1000) cubic yards, may not be hauled off the site unless specific approval is granted by the Township Board.
10. Pond exceeding five (5) acres will be classified as a lake, and could be subject to other permit requirements.
11. Ponds shall be subject to all applicable State of Michigan and Soil Conservation District requirements.

SECTION 318: EXTERIOR LIGHTING

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

SECTION 319: SIGNS

The following conditions shall apply to all signs erected or located in any use District.

1. All signs shall conform to all Codes and Ordinances of the Township and, where required, shall be approved by the Zoning Inspector and a permit issued.
2. No sign, except those established and maintained by the Township, County, State, or Federal Governments, 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. The Zoning 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 building 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. Signs and posters relating to the seeking of an elected office shall be allowed in all Districts for a period not exceeding sixty (60) days prior to an election, or fifteen (15) days following an election. Signs relating to the winners of a Primary election or the initial round election, may be displayed the entire period between the Primary or initial, and the General or final election dates. All signs of this nature shall not exceed eight (8) square feet in areas. This Section does not apply to public service messages.
7. Lighted signs are not permitted in a Residential District except under a Special Land Use Permit issued by the Township Board.

8. Strobe signs or flashing signs of a distracting nature are not permitted in a Business District without application to the Zoning Board of Appeals.
9. Signs for non-profit community organizations are permitted, provided they comply with the Ordinance Regulations for the District in which they are located.

SECTION 320: HOME OCCUPATION (IN HOME BUSINESS)

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.

All home occupations shall meet the following requirements:

1. Be operated in its entirety within the principal dwelling or within a normally associated accessory structure.
2. Not include more than one (1) employee not living in the dwelling.
3. Not involve alteration or construction not customarily found in such a dwelling.
4. Not use any mechanical equipment except that which has no impact beyond that which is used normally for purely domestic or household purposes.
5. Not use more than twenty-five (25) percent of the total floor area of the dwelling nor more than fifty (50) percent of any accessory structure.
6. Not display or create outside the structure any external evidence of the operation of the home occupation except for one (1) unanimated, non-illuminated, sign having an area of not more the twelve (12) square feet of area.

SECTION 321: PRIVATE ROADS

1. LEGISLATIVE PURPOSE

The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to assure the following:

- A. That private roads are designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles.
- B. That said roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
- C. That private roads shall be constructed in accordance with the provisions as stated in Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, being Section 324.9101 to 324.9123 of the Michigan Compiled Laws Annotated.
- D. That private roads are properly maintained.

2. PERMITS REQUIRED

No private road shall be constructed, extended, used, utilized, improved or upgraded to serve additional parcels, or relocated after the effective date of the Ordinance unless an application for a private road construction permit has been completed and filed with the Township Zoning Administrator or his/her designee, the permit fee has been paid, and a permit has been issued. The private road construction permit shall be issued after the Township Board of Trustees considers these review

standards and approves consistent with the above purposes. The application for such permit shall provide all the following information:

- A. **Ownership:** The name(s) of the owner(s) and any other parties having any legal interest in the private road and the property across which it is to be constructed.
- B. **Site Plan:** A site plan, drawn to scale, showing the precise location, grade, route, elevation, dimensions, and design of the private road including a cross section of proposed drainage ditches. The site plan shall be prepared by a registered land surveyor or a registered engineer
- C. **Survey:** A survey of the right-of-way by a registered land surveyor, along with surveys for each parcel to be served by the private road.
- D. **Utilities and Easements:** The location of all public utilities, including but not limited to water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
- E. **Water Bodies:** The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one hundred (100) feet thereof.
- F. **Buildings and Structures:** The location of buildings and structures located, or to be located, within one hundred (100) feet of the private road right-of-way.
- G. **Maintenance Agreement:** A proposed maintenance agreement, as defined in this Section.

3. ENTRY BY ZONING ADMINISTRATOR

The Building Inspector/Zoning Administrator or his/her designee shall have the right to enter upon the property where the private road is, or will be, located to conduct such inspections as may be necessary to enforce this Section.

4. **STANDARDS FOR PRIVATE ROADS**

No private road construction permit shall be issued unless the plans, maintenance agreement, and proposed construction comply with the following standards of this Ordinance.

- A. **Right-of-way and Utility Easement:** All private roads shall have a recorded, permanent right-of-way and easement with a minimum width of at least twenty-eight (28) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.

- B. **Cleared Road Width, Road Bed and Materials:** The area in which the private road is to be located shall have a minimum cleared width of twenty-four (24) feet, which clearing shall always be maintained. Road bed and construction materials shall be consistent with the requirements of the Tuscola County Road Commission. The private road shall meet the standards described below:

Private Road Standards:

Width of Traveled Road Bed:

Serving 2-6 parcels	Sixteen (16) feet
Serving 7- 11 parcels	Twenty-two (22) feet
Serving 12 or more parcels	Twenty-two (22) feet

- C. **Cul-de-Sac or Continuous Loop System:** Any private road which terminates at a dead end shall have a vehicle turn-around either by use of a cul-de-sac, with a minimum radius of sixty (60) feet, or a continuous loop private road system constructed in accordance with this Section.

- D. **Road Length:** No private road shall extend for a distance of more than two thousand, six hundred forty (2640) feet in length from the nearest public street without a second direct access available from another public street.
- E. **Crown:** The road surface shall have a minimum crown consistent with the standards of the Tuscola County Road Commission.
- F. **Shoulders:** A road shoulder composed of material approved by the Tuscola County Road Commission shall be provided on each side of the private road surface with a minimum width of two (2) feet and sloped so as to meet County Road Commission Standards.
- G. **Grade:** The maximum longitudinal road grade shall be determined by the Tuscola County Road Commission.
- H. **Layout and Clear Vision:** The layout of all private roads and the intersections of private roads with other public or private roads shall meet Tuscola County Road Commission standards.
- I. **Drainage:** The private road shall be constructed with such storm water run-off culverts and drainage contours as is required by the Tuscola County Road Commission.
- J. **Stream Crossings:** The method and construction technique to be used in crossing any natural stream, wetland, or drainage course shall satisfy requirements of the Tuscola County Road Commission, the Local Soil Erosion Enforcing Agent, the Department of Natural Resources and any other agency having jurisdiction.
- K. **Road Name and Property Address:** The private road shall be given an unduplicated name and street signs shall be installed in accordance with the standards and approval of the Tuscola County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road.

- L. **Indemnity:** The applicant(s)/owner(s) of the private road agree that by applying for and securing a permit to construct the private road, that they shall indemnify and will hold Juniata Township and its agents and Tuscola County and its agents harmless from any and all claims for personal injury and/or property damage arising out of the use of the road or of the failure to properly construct, maintain, repair, and replace the private road.
- M. **Maintenance Agreement:** The applicant(s)/owner(s) of the proposed private road right-of-way or private road shall provide Tuscola County with a recordable, private road maintenance, or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein, or other documentation satisfactory to Tuscola County, which shall provide for and assure that the private road shall be regularly maintained, repaired, and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded and run with the land. A copy of said agreement shall be furnished to the Clerk of Juniata Township prior to issuance of the permit.
- N. **Construction Clean Up:** Upon completion of construction of the private road, the applicant(s)/owner(s) shall remove and properly dispose of any and all trees, shrubs, construction debris and rubbish.

5. **CERTIFICATE OF COMPLIANCE**

Upon completion of construction of the private road, the Zoning Administrator or his/her designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance. If the private road serves seven (7) or more

parcels, the applicant(s) shall provide Tuscola County with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with Tuscola County requirements. The Township Board retains the right to refuse the Certificate of Compliance for a private road if the Township Board determines that the requirements for the location, construction methods, construction materials, or standards for the private road have not been met. The Township Board also reserves the right to refuse to accept the road as other than a private road.

6. **MAINTENANCE AND REPAIRS**

Upon completion of the construction, improvement, relocation or extension of a private road, the applicant(s)/owner(s) shall maintain, repair and snowplow the private road right-of-way to always comply with the requirements of this Ordinance in such manner as to assure that the private road is safe for travel at all times. All private roads shall be continuously maintained in such a way that they will not constitute a danger to the health, safety and welfare of the inhabitants of the Township in all types of weather. All costs for the maintenance and repair of the private road shall be the responsibility of the property owners or association served by the private road.

7. **FEES**

Fees for the permits required hereunder shall be set by the Juniata Township Board of Trustees by resolution.

8. **PERMITS FOR BUILDING ON PRIVATE ROADS**

No building permit shall be issued for any building, dwelling, use or structure until a private road has been constructed in accordance with the provisions of this Section of the Ordinance for private roads.

9. **LOCATION AND USE**

Private roads may be located in all Districts except in any Business or Manufacturing Districts. No commercial, business or mercantile use shall utilize or be located on a private road. Notwithstanding this prohibition, agricultural uses may utilize private roads. Service drives for commercial business, or industrial uses may be used only as otherwise authorized by Site Plan Review, Special Land Use Permits under this or any other Township ordinance.

10. APPROVAL BY THE COUNTY ROAD COMMISSION

No construction permit shall be issued for a private road until the applicant(s)/owner(s) have presented the Township with either an approved private road permit by the Tuscola County Road Commission, or a letter from the Tuscola County Road Commission indicating that no private road permit from the County is required at that location.

11. ENFORCEMENT

Failure to comply with the provisions of this Section shall subject the offending party to the general enforcement provisions of this Zoning Ordinance.

SECTION 322: PLANNED UNIT DEVELOPMENT

1. A planned unit development plan shall be submitted in conformance with the definition in Article 1, General Provisions; the objectives of the Zoning Program, and consistent with planning requirements in the Juniata Township Development Plan. Additional specific planned unit development requirements are designed to permit flexibility, encourage innovation and variety of design, layout, type of structures completed; achieve economy and efficiency in land use, natural resources, energy, provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities for the residents of Juniata Township. The denial, approval, or approval with conditions for a

Planned Unit Development is the responsibility of the Juniata Township Planning Commission after review by the Zoning Administrator and/or a Community Planner.

2. Zoning regulations for a planned unit development shall be designed for flexibility and innovation while being appropriate for land use in Juniata Township. The regulations are presented in the following table on the next page. If requested by the owner or developer, the Juniata Township Planning Commission may approve a planned unit development with open space that is not contiguous with the rest of the plan used development.
3. In order to be considered for approval, approval with conditions, or denial the planned unit development shall be evaluated by the Juniata Township Planning Commission under the following requirements:
 - A. A Planned Unit Development request shall be reviewed and denied, approved, or approved with conditions by the Juniata Township Planning Commission after proper notification and a public hearing. The Planning Commission may request review by the Zoning Administrator and/or a Community Planner. The following requirements shall be included in any application for a Planned Unit Development.
 - B. The conditions that created the planned unit development eligibility may include the size of the complex in terms of land use, residences, employment, nature of mixed uses, property conditions or other factors. Furthermore, the developer must hook-up to a public water system consistent with the Tuscola County Health Department; assure that adequate drainage is provided for by drains, retention/detention ponds or other methods approved by the Tuscola County Drain Commissioner; and design an adequate road access system in consultation with the Tuscola County Road Commission and the Michigan Department of State Highways. It is anticipated that any project including commercial or manufacturing elements would have direct access to M-46 or M-81.

The participants shall be fully identified in the process including, if appropriate, the Planning Commission, Zoning Administrator, possible Community Planned Supervisor of the Township, Clerk of the Township and other active parties in the process for Juniata Township. The landowner, developer(s), engineer(s), architect(s), builders(s) and other parties involved shall be identified for the proponent.

The following requirements shall be included in any application for a Planned Unit Development:

- A. An executed Planned Unit Development Permit Application submitted to the Zoning Administrator with the required attachments.
 - B. A Site Plan Review map portraying existing development, planned new development, and site revisions including grading, landscaping, parking, pedestrian circulation and other activities as required in Section 501-2.
 - C. Payment of a fee for Planned Unit Development permit as established from time to time by the Juniata Township Board of Trustees.
 - D. Any easements on the property.
 - E. Additional requirements as requested in writing by the Zoning Administrator or the Planning Commission.
4. Requirements and standards upon which applicants will be reviewed and denial, approval, or approval with conditions will be granted are as follows:
- A. Detail how a Planned Unit Development is the most effective use of the proposed land and that there is sufficient market for the mix of proposed uses in the development with maps and descriptive material. The number of residential units, square feet of rental space, available open space and its proposed use are examples of required documentation

- B. Document how the facility will ultimately have a positive and appropriate relationship with the balance of the township and surrounding communities.
 - C. Determine that the relative juxtaposition of land uses is appropriate and well designed with particular attention to transition areas between mixed land uses and landscaping.
 - D. The impact of the facility on public and private infrastructure including public water, storm drainage, sanitary sewer treatment, gas, electricity, telephone, cable, communications and other infrastructure.
 - E. The adequacy of transportation within the project including golf carts, nonmotorized vehicles, hiking/walking paths/sidewalks, and vehicles and adequacy of transportation within the broader community.
 - F. The need for and possible provision of open space and recreation activities in the plan
 - G. A site plan for the project that includes all the elements of Section 306 as well as the above elements.
5. Following receipt of an application for a Planned Unit Development, the Juniata Township Planning Commission shall initiate the notification process including a public hearing. Preapplication conferences with the Zoning Administrator and/or Community Planner may be held prior to final submission of an application. The application shall be available at designated location(s) fifteen (15) days before the public hearing.
 6. The Juniata Township shall hold a meeting for final consideration of the Planned Unit Development to approve, approve with conditions, or deny the request within a reasonable time following the public hearing.
 7. An amendment to the Zoning Ordinance or map may be done simultaneously with the process for the Planned Unit Development

providing all requirements for notification are provided for rezoning as well. The rezoning, if required, must be approved before the Planned Unit Development is considered.

8. If the Planned Unit Development is part of a multi-phased project, final approval may be made for each phase providing each phase contains the necessary components to insure protection of natural resources and the public health, safety, and welfare of the users of the Planned Unit Development and the residents of surrounding areas.
9. In establishing Planned Unit Developments, Juniata Township may incorporate by reference other ordinances or Statutes which regulate land development. The Planned Unit Development regulations in this Zoning Ordinance shall encourage complementary relationships between Zoning regulations and other regulations affecting the development of land. Additional regulations are shown on the charts in Article VI.

ARTICLE 4
LAND USE DISTRICTS

ARTICLE FOUR: LAND USE DISTRICTS

SECTION 401: ZONING DISTRICTS

1. Juniata Township is subdivided into seven (7) Zoning Districts according to the above requirements of Section 201, excepting streets and alleys, as follows:

A -1	Agricultural Zoning Districts
FC - 1	Forestry and Conservation Zoning District
RC - 1	Residential Cluster Zoning Districts
RR - 1	Rural Residential Zoning Districts
MHP - 1	Manufactured Home Park Zoning District
B - 1	Business Zoning Districts
M - 1	Manufacturing Zoning Districts

2. The boundaries of these Zoning Districts are hereby defined and are shown on two (2) maps. One (1) is a "Zoning Plan" to show the long-term expectations for Zoning Districts over ten (10) to twenty (20) years. This map is not intended to show current Zoning Districts. (See Appendix A-5)
3. Second (2nd) is the "Zoning District Map" intending to show the current Zoning Districts. (See Appendix A-1)
4. The boundaries identified by the "Zoning District Map" are intended to portray the Zoning Districts as accurately as possible at the time of printing, but the following guidelines apply if more clarity is required:
 - A. Boundaries indicated as approximately following the street right-of-way lines shall be construed as such.
 - B. Boundaries indicated as following Juniata Township boundaries, zoning jurisdiction boundaries, or parcel (lot) lines shall be construed as following those lines.

- C. Boundaries indicated as approximately following the center lines of roads shall be construed as following such center lines.
- D. Boundaries indicated as following section lines shall be construed as following such section lines.
- E. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad right-of-way.
- F. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) Districts, the regulations of the more restrictive District shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals, after recommendation from the Zoning Administrator. An appeal of the Zoning Administrator's decision may be taken to the Zoning Board of Appeals.
- H. Where a District boundary line divides a lot at the time of passage of this Ordinance, the Township Board may permit, as a Special Land Use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the District line into the remaining portion of the lot.
- I. 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 the 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.

SECTION 402: ZONING OF FILLED LAND

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action acquire and be subjected to the same zoning regulations under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

SECTION 403: ZONING DISTRICT CHANGES

When District boundaries become changed, any use made non-conforming by such change may be continued, subject to the provisions of Article 3.

SECTION 404: OFFICIAL ZONING MAP AND LAND USE PLAN MAP

The boundaries, of those divisions or Districts in existence, are hereby defined and established as shown on a map entitled "Juniata Township Zoning Districts Map" which accompanies this Ordinance. (See Appendix, Pg. A-1) The "Juniata Township Zoning Plan Map", also indicates the boundaries of those divisions or Districts planned for future possible expansion. (See Appendix, Pg. A-5) Said maps, with all explanatory matter thereon, are hereby made a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Township Clerk.

SECTION 405: INTERPRETATION OF ACREAGE REQUIREMENTS

All RR-1 frontages on Township roads are 250 feet deep, beginning at the road right-of-way. After 250 ft., the rules governing the designated District, Agricultural or Forestry, apply. If a lot extends into an Agricultural or Forestry District and appropriate area and set-back requirements cannot be met for the dwelling and accessory structures, the dwelling and accessory structures shall be

located in the RR-1 District. Utility buildings may be erected within the area of the lot with the appropriate set-back requirements.

SECTION 406: SCOPE OF REGULATIONS

No building or structure, or part thereof, shall hereafter be erected, moved, constructed, or altered, and no new use or change in use shall be made unless in conformity with the provisions of this Ordinance and with the regulations specified for the District in which it is located.

The regulations applying to such District include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions and area of lot that can be covered by each structure.

The Zoning Board of Appeals shall have the power to classify a use, which is not specifically mentioned along with a comparable permitted or prohibited use, for the purpose of clarifying the use regulations in any District.

SECTION 407: PROHIBITED LAND USES AND STRUCTURES

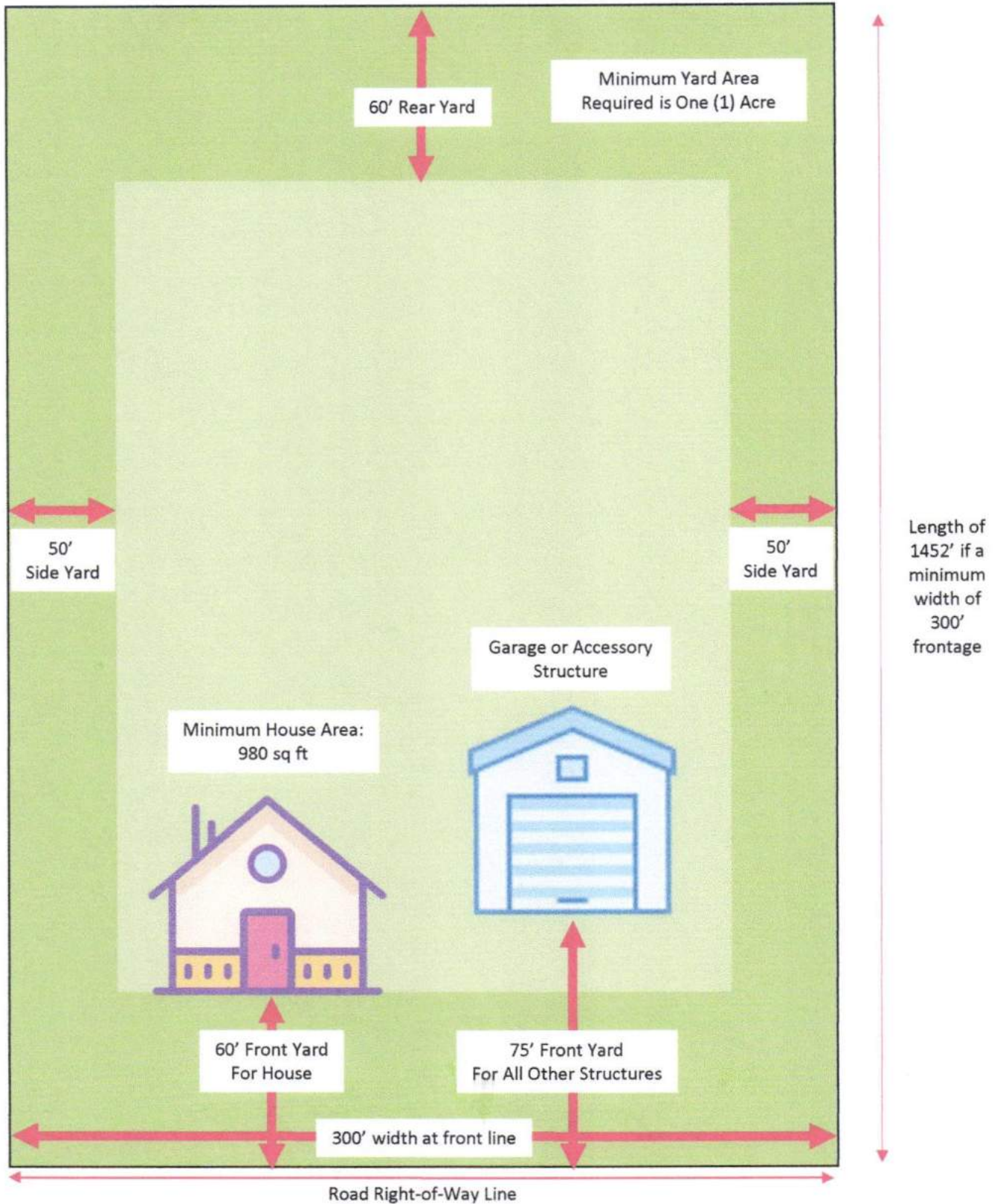
The following uses are prohibited in Juniata Township because they are inappropriate in scale and impact for a rural community:

1. Petroleum Refining
2. Large Scale Primary Metal Industries
3. Electrical Generating Plants
4. Residential uses are also prohibited in Manufacturing Districts to prevent conflict between the land uses.

SECTION 408: DISTRICT REGULATIONS

The following charts identify the intent and purpose, uses permitted by right, uses permitted by Special Land Use Permit, and the dimensional requirements for the Districts of the Township of Juniata as identified in Section 401.

A – 1 Agricultural District

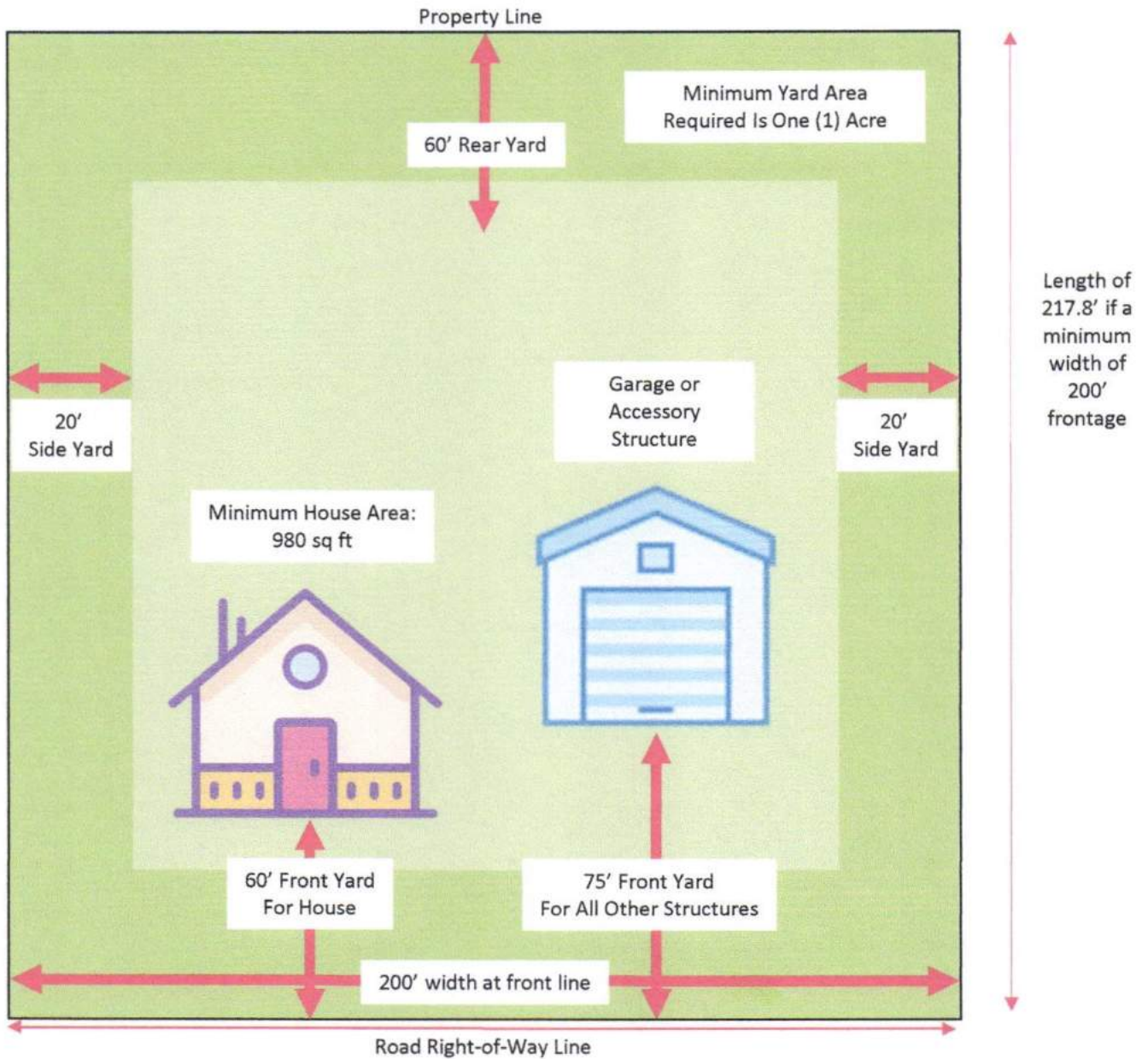


**This diagram has been designed for conceptual purposes only and is not to scale.*

A - 1 Agricultural Zoning District

Permitted Land Uses And Structures		Dimensional Requirements			Purpose and Controls
By Right	By Special Land Use Permit	Area / Width	Yard Setbacks	Floor Area / Height	
Accessory Buildings and Structures Churches, Temples and Synagogues Farming for cash crops, livestock and fiber purposes Roadside stands providing it has no more than two (2) unlighted signs of not more than sixteen (16) square feet in area; has one (1) parking space off the right-of-way for each fifteen (15) square feet of space at the stand; and the site is on a State Highway, County Primary Road or Section-Line Road Schools and Cemeteries Single-Family Dwellings Two-Family Dwellings	Agricultural storage terminals, processing facilities Airports Home Based Business Home Occupation Uses Sand, Gravel or Clay Pits Sanitary landfills, solid waste, transfer stations, processing or disposal areas and junkyards Sewage treatment and disposal areas Veterinary Clinics and Kennels Vehicle Maneuvering or Loading area	10 acres in area 3 ft in width	Front: 60 ft for residence 75 Ft for other Side: 50 ft each Rear: 60 ft	980 sq ft 2 stories (30 ft) for residences See airport requirements in Article Three (3)	District is intended to provide and protect the areas of the Township that have high quality agricultural soils and to provide limited development of rural residential uses. Farm animals are permitted by right and without restriction in this district. More than one(1) singl- family dwelling may be built on a farm if all dimensional requirements for the appropriate districts can be met for each dwelling, providing not more than two (2) such additional dwellings are permitted and providing if sold to a non-family member, a new lot description shall be required. For each dwelling unit, one (1) name plate not exceeding two (2) square feet in area, indicating name of occupant. Also for each farming unit, one sign not exceeding eight (8) square feet in area identifying the name of the farming unit.
	Wind Generator Towers	Minimum 40 Acres Required			

FC - 1 Forestry and Conservation Districts

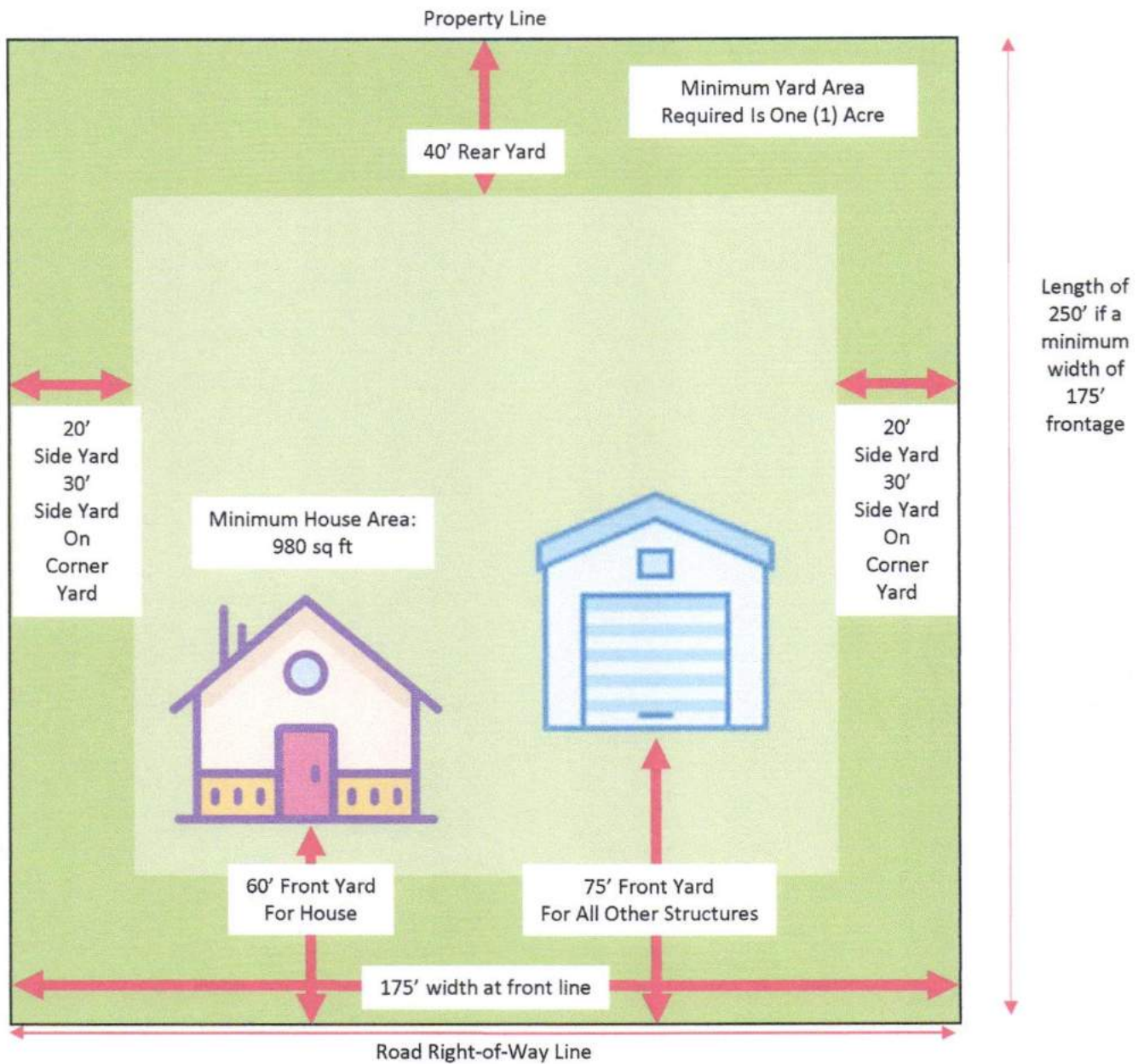


**This diagram has been designed for conceptual purposes only and is not to scale.*

FC - 1 Forestry and Conservation Zoning District

Permitted Land Uses And Structures		Dimensional Requirements			Purpose and Controls
By Right	By Special Land Use Permit	Area / Width	Yard Setbacks	Floor Area / Height	
All uses permitted by right in A1 Agricultural Districts	Campgrounds, Public and Private	One (1) acre in area (43,560 sq ft)	Front: 60 ft for residence	980 square feet	District is intended to promote appropriate use of wooded, flood plain, and natural areas, to provide and attractive environment for area biota and interest for tourists and visitors.
Common Farm Animals	Golf Courses, Country Clubs	200 ft in width	75 ft for other	2 stories (30 foot) for residences	
Forest Industries, using locally obtained lumber, including Handicrafts.	Home Based Business Activities	Greater area may be required due to nature and intensity of use	Side: 20 ft each	See airport requirements in Article Three	Farm animals are permitted in this district only if the following conditions are met: 1. The animals are kept in a fenced area that is no closer than fifteen (15) feet to adjacent property 2. Said fence is no closer than fifty (50) feet to an adjacent residential dwelling unit 3. Buildings, pens, cages and enclosures intended to house or feed animals shall be at least one hundred (100) feet from any front, rear or side yards 4. Animals are kept with proper housekeeping to avoid odors, runoff of animal wastes, or other nuisances 5. The site shall be at least five (5) acres in size For each dwelling unit, one name plate not exceeding two (2) square feet in area, indicating name of occupant.
Seasonal Homes and Cabins including Travel Trailers.	Home Occupation Uses		Rear: 60 ft		
	Hydroelectric Generating and Transmitting Facilities				
	Public and Private Parks				
	Resorts, Motels, Lodges, and Other Tourist Lodgings				
	Retail Businesses intended primarily for tourists and visitors				
	Stationary landfills, Solid Waste Transfer, Process and Disposal Areas and Junkyards				
	Shooting Clubs				
	Veterinary Clinics, Kennels				

RR - 1 Rural Residential District

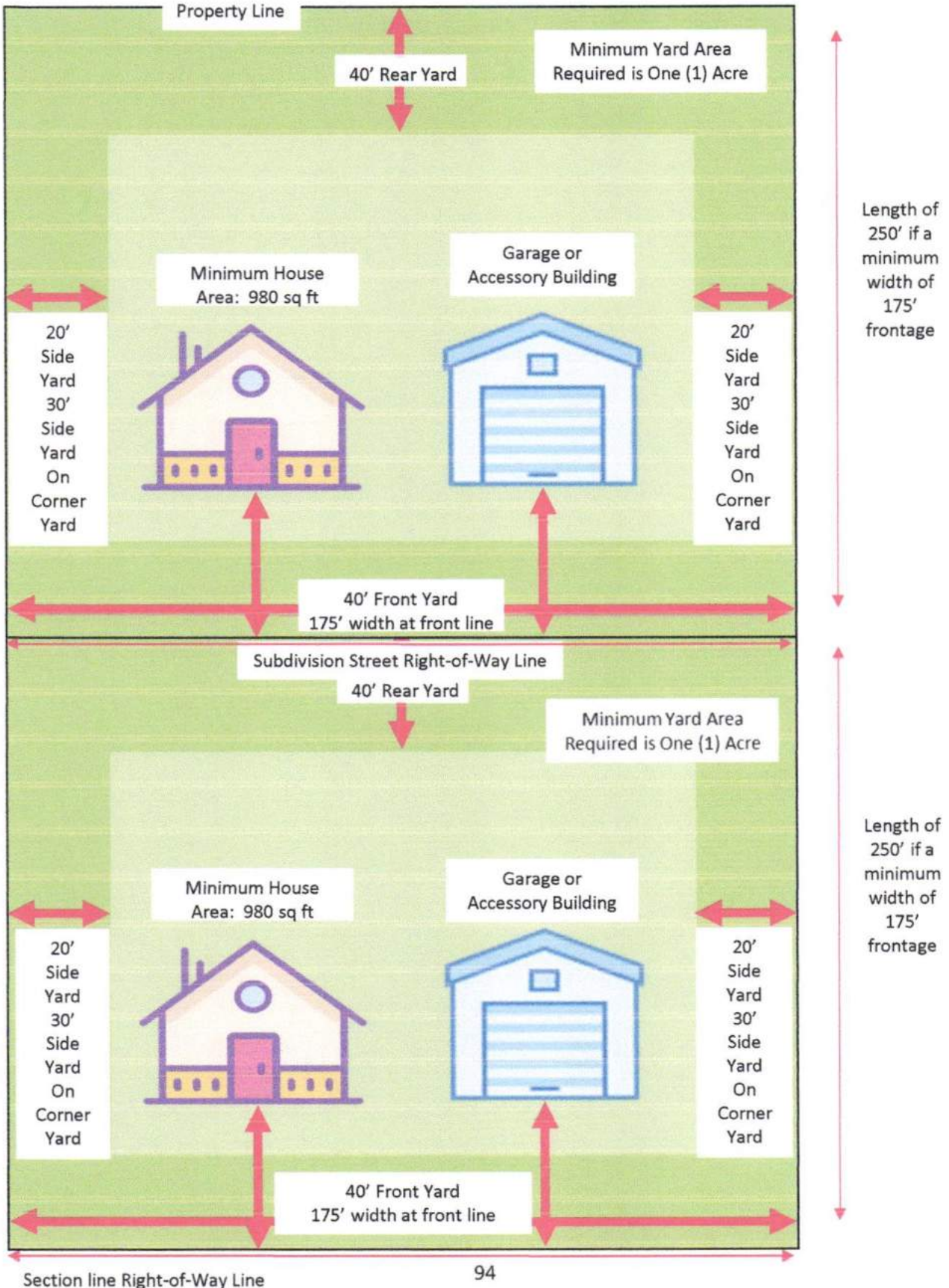


**This diagram has been designed for conceptual purposes only and is not to scale.*

RR - 1 Rural Residential Zoning District

Permitted Land Uses And Structures		Dimensional Requirements			Purpose and Controls
By Right	By Special Land Use Permit	Area / Width	Yard Setbacks	Floor Area / Height	
All permitted uses by right in A - 1 Agricultural Districts	Home Occupational Uses	One (1) acre in area (43,560 sq ft) 175 ft in width	Front: 60 ft for residence 75 Ft for other Side: 20 ft each except 30 ft on a corner side yard Rear: 40 ft	980 sq ft 2 stories (30 ft) for residences See airport requirements in Article Three	District is designed for dispersed rural residential development and related uses. Such areas are intended to be designated primarily along paved roads for convenience of rural residents. Farm animals per the conditions also specified for FC - 1 Districts except that buildings housing animals shall be set back at least 250' from the road right-of-way. For each dwelling unit, one name plate not exceeding two (2) square feet in area indicating name of occupant.

RC - 1 Residential Cluster District



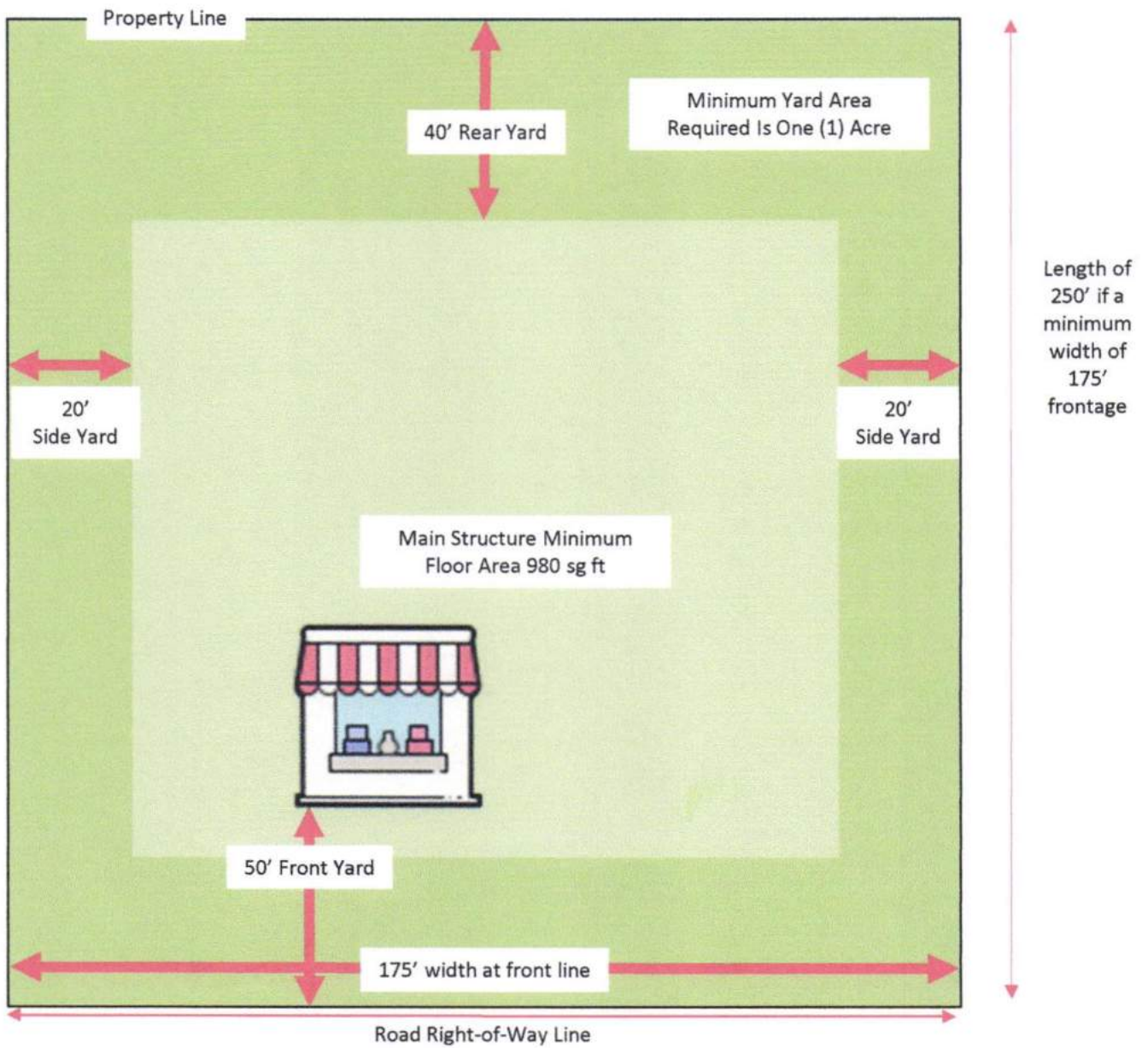
Section line Right-of-Way Line

*This diagram has been designed for conceptual purposes only and is not to scale.

RC - 1 Residential Cluster Zoning District

Permitted Land Uses And Structures		Dimensional Requirements			Purpose and Controls
By Right	By Special Land Use Permit	Area / Width	Yard Setbacks	Floor Area / Height	
Accessory Buildings and Structures	Farm and Agricultural Operations	One (1) acre in area (43,560 sq ft)	Front: 40 foot on section line road	980 sq ft	District is intended for more intensive residential development clustered in a specific area so that future provision of public facilities and services are possible For each dwelling unit, one (1) name plate not exceeding two (2) square feet in area, indicating name of occupant.
Churches, Temples and Synagogues	Home Occupation Uses	175 ft in width	40 ft on subdivision street	2 stories (30 ft) for residences	
Single and Two Family Residential Dwellings	Institutional Uses for Human Care, Education, Social, Cultural, Religious Purposes		Side: 20 ft each except for a corner side lot, which shall be 30 ft from R.O.W line	See airport requirements in Article Three	
	Multiple Family Residential Uses				
	Nursery Schools		Rear: 40 ft		
	Parking Lots and Traffic				

B - 1 Business District

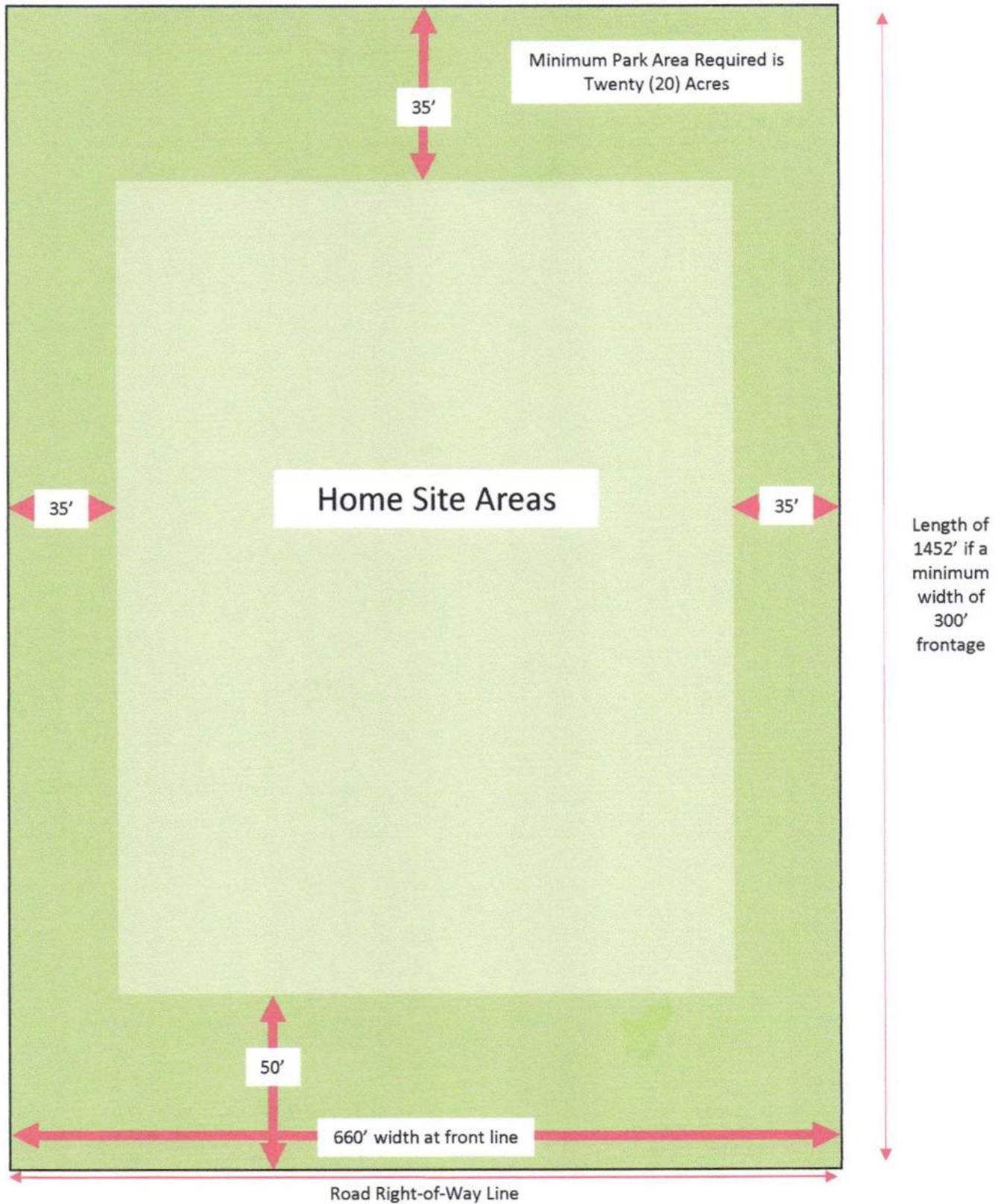


**This diagram has been designed for conceptual purposes only and is not to scale.*

B - 1 Business Zoning District

Permitted Land Uses And Structures		Dimensional Requirements			Purpose and Controls
By Right	By Special Land Use Permit	Area / Width	Yard Setbacks	Floor Area / Height	
Office Buildings for Finance, Real Estate, Insurance, Law, Medicine, and Similar uses.	Automobile Service Station, Repair, or Washing	Minimum one (1) acre in area (43,560 sq ft)	Front: 50 ft	980 sq ft	District is intended for area retail shopping, offices, personal services, consumer convenience and related business uses including wholesale and warehouse activities on small scale. Signs: No sign shall project beyond or overhang the wall, or any permanent architectural feature by more than one (1) ft and shall not project above the highest point of the roof or parapet. Freestanding accessory signs or advertisement pylons shall not be placed closer than fifty (50) ft to any adjacent residential district. Freestanding accessory signs or advertising pylons shall not be over one hundred (100) sq ft in area. Freestanding accessory signs may be located in the required front yard.
Personal Service Establishments	Building Supply Warehouses, and Wholesale Business Truck Terminals	175 ft in width	75 ft for other	2 stories (30 ft) for residences	
Restaurants, but not including Drive-In or Drive-Thru or Drinking Establishments	Commercial Recreation Uses	Greater area may be required due to nature and intensity of business	Side: 20 ft each except for a corner side yard, which shall be 30 ft from R.O.W line	See airport requirements in Article Three	
Retail Businesses including Drug, Variety, Hardware, Clothing and Dry Goods, Books and similar Commodities	Drive-In or Drive-Thru Restaurants		Rear: 40 ft		
Retail Food Establishments selling Groceries, Meat, Fruits, and Vegetables, Baked Goods, and similar foodstuffs	Institutional Uses for Human Care, Education, Social, Cultural, Religious Purposes				
Single and Two-Family Residential Dwellings	Multiple Family Residential Uses				

MHP - 1 Manufactured Home Park



**This diagram has been designed for conceptual purposes only and is not to scale.*

MHP - 1 Manufactured Home Park Zoning District

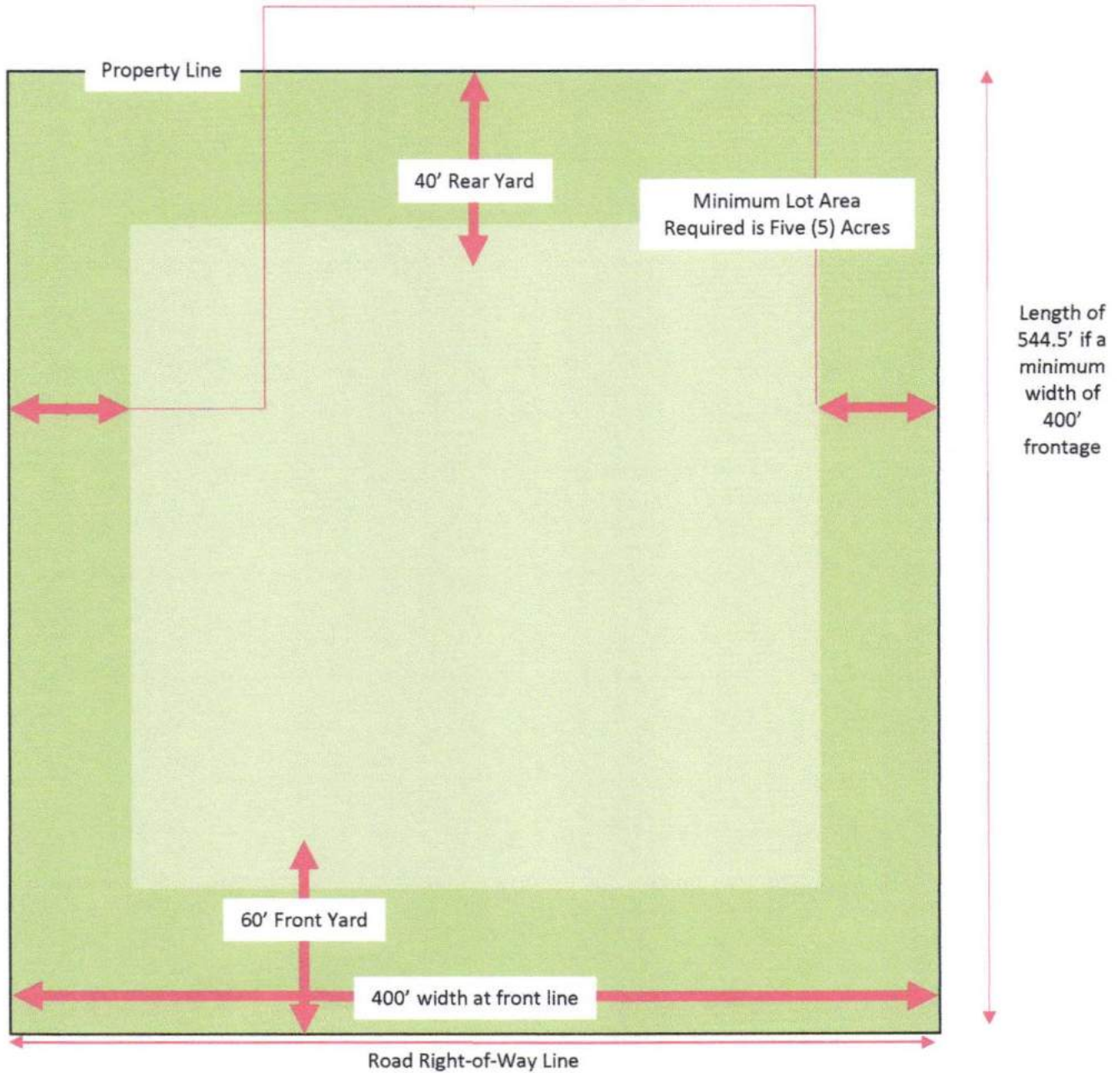
Purpose: This district is intended for Manufactured Home Parks and related medium density residential developments. All manufactured home park developments shall comply with Act 243 of the Public Acts of the State of Michigan, 1959 as amended. Parks are anticipated in non-prime agricultural areas with private utilities for the site expected or in proximity to connection with public water supply and sanitary sewer service which may become available through extensions of incorporated village or City systems.

Permitted Land Uses And Structures		Dimensional Requirements			Other Requirements
By Right	By Special Land Use Permit	Area / Width	Yard Setbacks	Floor Area / Height	
<p>Manufactured Home Parks for Mobile and Modular homes</p> <p>One or Two-Family Residence</p> <p>Medium-density residential uses such as townhouses and condominiums</p> <p>Accessory Uses and Structures:</p> <p>One (1) office building to be used exclusively for conducting the business operations of the Park</p> <p>Farm and agricultural activities which are not a hazard or a nuisance to</p>	<p>Home occupation uses</p> <p>Public and Private Parks and Recreational uses</p> <p>Recreational and conservation uses</p>	<p>Manufactured Home Parks shall have an area not less than twenty (20) acres</p> <p><u>Lot Area:</u> Fifteen thousand (15,000) sq ft with public water and sanitary sewer</p> <p>One (1) acre without public water and sanitary sewer</p> <p><u>Width:</u> Manufactured Home Park shall be a minimum of six hundred sixty (660)</p>	<p><u>Front:</u> Sixty (60) ft for all uses except Manufacture homes which shall be per State of Michigan requirements</p> <p><u>Side Yard:</u> Ten (10) ft from each side yard</p> <p><u>Rear Yard:</u> Thirty five (35) ft</p>	<p>980 sq ft per dwelling unit</p> <p>720 sq ft shall be required for each half of a two-family unit</p> <p>Height floor to ceiling: seven and one half (7 1/2) ft</p> <p>Maximum Height: Two (2) stories, thirty (30) ft for residences</p> <p>See airport requirements In Article Three</p>	<ol style="list-style-type: none"> Detailed plans to scale shall be submitted to the Planning Commission for review and recommendation to the Township Board. Manufactured Homes shall be setback at least fifty (50) ft from any public road right-of-way and at least thirty five (35) ft from any park property line. Buffer zones from any adjacent zoning district may be required. Streets or drives within the park shall be hard surfaced according to standards set by the Tuscola County Road Commission and have identification and traffic control signs approved by the Road Commission. Maximum of one (1) sign bearing only the name of the establishment having a maximum area of thirty two (32) sq ft.

M - 1 Manufacturing District

50' Side Yard if adjacent to Forestry, Agricultural or Residential District

20' Side Yard if adjacent to Business or another Manufacturing Zoning District



**This diagram has been designed for conceptual purposes only and is not to scale.*

M - 1 Manufacturing Zoning District

Permitted Land Uses And Structures		Dimensional Requirements			Purpose and Controls
By Right	By Special Land Use Permit	Area / Width	Yard Setbacks	Floor Area / Height	
Agricultural Elevators and Processing Facilities	Automobile Service Station, Repair, or Washing	Five (5) acres (217,800 sq ft in area)	Front: 50 ft	5000 sq ft	District is intended for warehouses and wholesale businesses, terminals for trucks, manufacturing, assembling, fabrication, and other light industrial uses Signs: Freestanding accessory signs or advertising pylons shall not be over the two hundred (200) square foot in area. Freestanding accessory signs may be located in the required front yard.
Manufacturing, Processing, Assembling, Packaging, Treatment, or use of previously prepared materials	Drive-In or Drive-Thru Restaurants	400 ft width	75 ft for other	Forty (40) ft in height	
Motor Freight Terminals	Institutional Uses for Human Care, Education, Social, Cultural, Religious Purposes Multiple Family Residential Uses		Side: 20 ft each except 30 ft for a corner side yard Rear: 40 ft	See airport requirements in Article Three	

ARTICLE 5
OFF-STREET PARKING REQUIREMENTS

ARTICLE FIVE: OFF-STREET PARKING REQUIREMENTS

Any time a primary building or structure is erected, enlarged, or changed in use, the Zoning Administrator and the applicant shall examine the need for off-street parking spaces that will be required by the use of the changed structure. 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. Upon application, the Zoning Board of Appeals may grant an exception to these requirements upon showing of reasonableness.

SECTION 501: GENERAL REQUIREMENTS

1. LOCATION

- A. Off-street parking shall not be permitted in a required front or side yard setback unless otherwise provided.
- 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 or 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 subject to the provisions of Article 3, Section 302, Accessory Buildings.

2. CALCULATION OF AREA REQUIRED

- A. Any area once required to meet minimum off-street parking as defined in Section 502 shall not be changed to any other use unless or until equal facilities are provided elsewhere.

- B. 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.
- C. Two (2) 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 individuals uses computed separately. 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.
- D. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- E. For the purpose of computing the number of parking spaces required, the definition of **FLOOR AREA (USABLE)** shall govern.
- F. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited on required parking spaces.
- G. Each off-street parking space shall be twenty (20) feet long and ten (10) feet wide to cover an area of two hundred (200) sq. ft. If there is a parking bay (cars) parked at ninety (90) degree angles to both the left and right, the circulation for the bay shall be an additional twenty-six (26) feet between the two spaces. This means that each space requires three hundred and thirty (330) sq. ft. of area.

SECTION 502: MINIMUM NUMBER OF PARKING SPACES

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following Land Use Classifications:

1. RESIDENTIAL LAND USES

- A. One Family - Two (2) for each dwelling unit.
- B. Multiple Family - Two (2) for each dwelling unit.
- C. Manufactured Home Park - Two (2) for each dwelling unit, one (1) visitor spot for every three (3) dwelling units, plus one (1) for each employee of the Manufactured Home Park.

2. INSTITUTIONAL LAND USES

- A. Churches - One (1) for each three (3) seats or six (6) feet of pews in the main worship area.
- B. Clubs and Social Organizations - One (1) for each three (3) members.
- C. Elementary/Junior High Schools - One (1) for each teacher, employee and administrator.
- D. Hospitals - One (1) for each bed.
- E. Nursing Homes - One (1) for each two (2) beds.
- F. Senior High Schools - One (1) for each teacher, employee and administrator, plus one (1) parking space for each ten (10) students.
- G. Stadiums, Theaters, & Auditoriums - One (1) for each three (3) seats.

3. BUSINESS AND COMMERCIAL LAND USES

- A. Banks and Financial Institutions - One (1) for each one hundred (100) sq. ft. of usable floor area.

- B. Beauty Parlor or Barber Shop - Three (3) parking spaces for each barber or beauty chair plus one and one half (1 1/2) for each additional chair.
- C. Bowling Alleys - Five (5) for each bowling lane.
- D. Business or Professional Offices - One (1) for each one hundred (100) sq. ft. of usable floor area.
- E. Dance Halls, Pool Halls, Skating Rinks and Assembly Halls without Fixed Seats - One (1) for each three (3) persons allowed by Local, County or State fire, building or health law.
- F. Furniture and Appliance, Household Equipment, Repair Shops, Plumbers and Electricians or Similar Trades, Shoe Repair or other Similar Uses - One (1) for each one hundred (100) sq. ft. of usable floor area.
- G. Gas and Service Stations - Two (2) plus one (1) for each vehicle rack, stall or pit.
- H. Mortuary Establishments - One (1) for each fifty (50) sq. ft. of assembly room or parlor.
- I. Motel, Hotel or Commercial Lodging - One and one half (1 1/2) for each unit plus one (1) for each employee.
- J. Motor Vehicle Sales and Service - One (1) for each four hundred (400) sq. ft. of retail floor space plus one (1) for each auto service stall.
- K. Restaurants - One (1) for each fifty (50) sq. ft. of usable floor area.
- L. Retail Commercial or Shopping Center - One (1) for each one hundred (100) sq. ft. of usable floor area.
- M. Retail Stores not Otherwise Specified - One (1) for each one hundred fifty (150) sq. ft. of usable floor area.

4. INDUSTRIAL LAND USES

- A. Industrial or Research Establishments - Five (5) parking spaces plus one (1) additional space for each one and one half (1 1/2) employees on the shift with most employees, or one (1) for every five hundred (550) sq. ft. of usable floor space, whichever is greatest.

- B. Wholesale Establishments - Five (5) parking spaces plus one (1) for each employee of the largest shift, or one (1) space for each one thousand seven hundred (1700) sq. ft. of usable floor space, whichever is greater.

ARTICLE 6
SPECIAL ZONING PROVISIONS

ARTICLE SIX: SPECIAL ZONING PROVISIONS

SECTION 601: INTENT AND PURPOSE

It is the intent of this Article to provide for special land uses and planned unit developments, which shall be permitted in various Zoning Districts only after review by the Juniata Township Planning Commission and review and approval by the Juniata 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. The purpose is to maintain standards and procedures for review of certain land uses, which may not otherwise be appropriate in the Zoning District that permits it as a special land use or planned unit development.

SECTION 602: SPECIAL LAND USES ELIGIBILITY

In order to be considered for a Special Land Use Permit, the proposed uses must be either identified as a Special Land Use in the appropriate Zoning District or be interpreted as consistent with similar uses permitted in those Districts by the Zoning Board of Appeals.

SECTION 603: SPECIAL LAND USE REGULATIONS AND STANDARDS

1. This Article provides for regulations and standards upon which decisions are made. Those standards are consistent with and promote the intent and purpose of this Zoning Ordinance and shall insure the land use or activity authorized shall be compatible with the adjacent uses of the land, the natural environment and the capacities of public services and facilities affected by the land use. The standards also insure the land use or activity is consistent with the public health, safety and welfare of the citizens of Juniata Township.

2. A request for approval of a Special Land Use or Planned Unit Development shall be approved if the request is in compliance with the standards stated in the Zoning Ordinance, the conditions imposed under this Zoning Ordinance, and other applicable ordinances, and State or Federal statutes.
3. Reasonable conditions may be required with approval of any Special Land Use Permit, Planned Unit Development, or other land uses or activities permitted by discretionary decision of the Juniata Township Board. The conditions may include those necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - A. Be designed to protect natural resources, the health, safety, and welfare, as well and the social and economic well-being of those who will use the land use of activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the township as a whole.
 - B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in this Zoning Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 - D. Be recorded in a record of approval actions and remain unchanged except upon the mutual consent of the Juniata Township Board and the land owner. Juniata Township shall maintain a record of Conditions which are changed.

SECTION 604: SPECIAL LAND USE PERMITS

1. FINDING OF FACT AND PURPOSE

The Township of Juniata has determined that certain classes of land use represent specialized community development needs that should be permitted only with certain specific controlling provisions and or conditions. The findings of fact are:

- A. Some extensive uses of land based on recreational or green space uses require large acreages and special attention to the location of structures and activities. Such uses include, but are not limited to, golf courses, shooting clubs, stables and auction yards, and other special open space land uses.
- B. Certain higher density uses require special consideration because of the size or character of activities that can introduce traffic, noise, place large buildings near residential areas, or otherwise have a different scale, appearance or function than most land uses in a District. These uses include, but are not limited to, cemeteries, churches, veterinary clinics, institutional uses for health and education, funeral homes and public utility service installations.
- C. Higher density than normally expected in a particular District also brings specialized need for traffic design, lot size and building controls. Such uses include, but are not limited to, planned unit developments and multiple-family uses.
- D. Some business uses will generate more traffic movements in and around them than can be effectively handled by normal District standards and thus deserve special controls. These include, but are not limited to, auto service stations, motels, and drive-in business establishments.
- E. An unusual visual impact, noise and dust, or specialized market activities can present still another class of potential special land use

consideration. These include, but are not limited to, repair businesses, certain manufacturing businesses, open-air outdoor storage/processing, and other unusual businesses.

2. BASIS OF DETERMINATION

Prior to approval of a Special Land Use application and required site plan, the Township Board shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special use under consideration.

A. GENERAL STANDARDS

The Township Board shall review the particular circumstances of the Special Land Use Request under consideration in terms of the following standards, and shall approve a Special Use Request only upon finding of compliance with each of the standards, as well as applicable standards established elsewhere in this Ordinance:

- (1) The proposed special use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the Zoning District in which it is to be located.
- (2) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the District involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

- (3) The proposed use shall be designed as to the location, size intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanation there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- (4) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- (5) The special use shall not place demands on public services and facilities in excess of current capacity.
- (6) The proposed use shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.
- (7) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or permitted land uses in the Zoning District.

B. DISCRETIONARY CONSIDERATIONS

The Township of Juniata finds that some particularly intensive, large scale, unusual or potentially intrusive land uses not only require special standards and requirements in terms of location, placement and design criteria, but also need some discretionary consideration in terms of aesthetic concerns, land use compatibility, and relationship to public health, safety or welfare. Furthermore, a specific project may also require specific conditions for the proposed special land use though such conditions cannot be defined for broad classifications. The types of land uses developing highly specialized needs include, but are not limited to, mineral extraction, sanitary landfills, institutions for mentally

challenged or handicapped persons, correctional facilities, mobile home parks, solid waste processing, chemical production, power-generating plants or similar intensive uses. Because of the large scale, mixed uses and varying dimensional requirements, these provisions also apply to planned unit developments.

It is the purpose of this Section to provide the standards, criteria and the discretionary considerations that can be brought to bear on each use. In addition to the conditions defined on each of the following charts, the general set of conditions that may be considered by the Township Board for Special Land Uses include:

- (1) Conditions designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (2) Conditions related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
- (3) Conditions necessary to meet the intent and purpose of this Zoning Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards, such as on the following charts.
- (4) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Township shall maintain a record of the conditions that are changed.

In order to address these special needs, Special Land Uses have been identified to provide the unique standards and criteria for these uses.

The purpose is to identify what requirements must be met in order to provide a process for permitting the use.

C. SPECIFIC STANDARDS AND REQUIREMENTS

The specific standards, requirements, and conditions for Special Land Use Permits are identified on the charts at the end of this article. Permits may be approved only if the Special Land Use is authorized in the listed uses for the particular Zoning District in which it would be located. (See charts in Article 4)

SECTION 605: USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use District classification, they may be permitted by the Township Board under the conditions specified, and after a public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential District, regardless of whether any specific references in this section forbid such use in a Residential District.

These uses require special consideration since they service an area larger than the Township and require sizable land areas, creating problems of control with reference to abutting use Districts. Reference to those uses falling specifically within the intent of this Section is as follows:

1. ADULT ENTERTAINMENT (Sexually-Oriented Businesses)

- a. Adult entertainment and related uses are excluded from the Rural Residential, Residential Cluster, Forestry and Agricultural Districts.

2. AGGREGATE PLANTS

- a. Aggregate plants are excluded from the Residential District.

3. AIRPORTS AND RELATED USES

Airports, landing fields, platforms, hangars, masts and other facilities for the operation of aircraft, may be permitted in Agricultural Districts and 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 Zoning Board of Appeals 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 the 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.

4. **AUTO RACE TRACKS (including midget auto, karting, motorcycle, snowmobile, all-terrain vehicle and other recreational vehicle tracks)**

Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizeable land areas which would be incompatible with Business or Residential Districts, they shall be permitted in the Industrial 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 the Zoning Board of Appeals 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.

5. COMMUNICATION AND TELECOMMUNICATION TOWERS

Communication and telecommunication towers and their attendant facilities shall be permitted in Business or Agricultural Districts provided said use shall be located centrally on a parcel having a dimension of not less than one and one half (1 1/2) times the height of the tower, measured from the base of said tower to all points on each property line. (See Township Communication and Telecommunication Ordinance.)

6. HORSE AND DOG RACE TRACKS

Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking area and require sizeable land areas which would be incompatible with Business or Residential Districts, they shall be permitted in the Industrial 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 the Zoning Board of Appeals 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.

7. KENNELS, COMMERCIAL

The raising of any fur bearing animals or commercial kennel may be permitted on a parcel of five (5) acres or more in area 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. Such kennels shall meet all requirements for kennels under provisions identified under Special Land Use Permits. (See Article 6)

8. 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 Business Districts only. Outdoor theaters shall further be subject to the following conditions:

- A. The proposed internal design shall receive approval from the Building Inspector 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 twenty (120') foot 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 an 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.

9. PENAL, CORRECTIONAL, BEHAVIOR MODIFICATION, OR BEHAVIOR REHABILITATION RESIDENTIAL FACILITIES AND RELATED USES

Penal, correctional, behavior modification, or behavior rehabilitation residential facilities and related uses are excluded from the Rural Residential, Residential Cluster, Forestry, and Agricultural Districts.

10. RIDING ACADEMIES AND STABLES

Facilities for horseback riding, accessory trails and stables may be allowed by the Township Board in Agricultural Districts, provided that animal housing facilities or enclosures are located at least two hundred fifty (250) feet from any Residential District property line. Under a temporary permit basis, riding trails may extend into the rugged and/or underdeveloped portions of the Business and Residential District.

11. SAND AND GRAVEL OPERATIONS

Because of the unique problems involved, the Township Board may permit the removal or filling or processing of soil, sand, gravel or similar materials providing a permit has been obtained from the Zoning Administrator. Each site in the Township shall require a separate permit. It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip top soil, sand, clay, gravel, or similar material, or to use lands for filling within the area of Juniata Township, without first meeting the following requirements:

- A. Meet all of the Zoning requirements and Special Land Use Permit requirements of the Ordinance.
- B. Submit an application for a permit including the following data:
 - (1) A description of said premises.

- (2) Names, addresses, and legal interests of applicants in the premises.
 - (3) A detailed proposal as to the extent, character, method of operation including land changes, machinery and equipment, type of material to be extracted or deposited, and the estimated time period the operation will encompass.
 - (4) A demonstrated conformance with soil erosion and sedimentation controls.
 - (5) A plan for reclamation of the premises to a usable purpose.
- C. The Township Board shall find that all requirements set forth in the Township Board's resolution establishing standards, operation requirements, application and review procedures, and the posting of bonds shall have been met.
- D. The Township Board may require the applicant to execute and file with the Township Clerk, a bond to the Township of Juniata with a surety company authorized to do business in Michigan as surety, in a penal sum of five thousand dollars (\$5,000) conditioned that the applicant conform to the provisions of this Ordinance.
- (1) The applicant will maintain a grade of twelve (12) inches above the existing crown of any road adjacent to or abutting the property and shall maintain a grade of twelve (12) inches above the boundary of any adjacent or abutting property for a width of twenty-five (25) feet.
 - (2) The applicant will sow seed and establish a sod after removal to maintain a stable surface on the land.
 - (3) The applicant will grade and level said premises upon termination of said use or upon the expiration of his permit, whichever shall come first.

12. WIND ENERGY GENERATORS

Wind energy generators and their attendant facilities shall be permitted in Agricultural Districts only.

SECTION 606: APPLICATION, REVIEW, APPROVAL AND APPEAL

In cases where the Planning Commission is empowered to approve certain uses 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.

1. APPLICATION REQUIREMENTS

An application for a Special Land Use or a Planned Unit Development Permit shall be submitted to the Planning Commission or the Planning Commission's Designate and processed under the following procedures:

- A. A fee shall be paid by the applicant for the processing of the Special Land Use Permit at the time of submitting the application. The Township Board of Trustees shall establish the amount of said fee.
- B. The Application shall include four (4) copies of the following:
 - (1) An Application Form provided by the Township, but filled out by the applicant.
 - (2) A site plan, prepared and submitted in conformance with Section 306 of this Ordinance.
 - (3) A legal description of the property.
 - (4) Any easements on the property.

- (5) Additional requirements as requested in writing by the Zoning Administrator, the Planning Commission or the Township Board.
- (6) A description of how the specific requirements for a Special Land Use Permit are to be met, as required in the following charts, shall accompany the Application. This description may be by text or map or both.

2. PROCEDURES FOR NOTIFICATION

The Planning Commission shall investigate the circumstances of each 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.

At the initiative of the Township Planning Commission, or upon the request of the applicant for special land use authorization, or a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for a special land use approval, as provided in Subsection B below, shall be held before a decision is made.

One (1) notice that a request for special land use approval has been received, shall be published in a newspaper which circulates in the Township. The notice shall be published not less than fifteen (15) days prior to the hearing date. Notice shall also be sent by 1st class mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet.

If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more

than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice.

In the case of a single structure containing more than four (4) dwelling units or other District spatial areas owned or leased by different individual, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice shall:

- (1) Describe the nature of the special land use request.
- (2) Indicate that property which is the subject of the special land use request.
- (3) State when and where the special land use request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.
- (5) Indicate that a public hearing on the special land use request may be requested by any property owner or occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a Special Land Use Permit.

3. PROFESSIONAL REVIEW OF APPLICATIONS

In those instances where the Planning Commission or Township Board determines it necessary, the Township may submit a site plan for review by a professional consultant. The cost of this consultant review shall be paid by the applicant, provided an estimate of the review cost is obtained from the consultant and provided to the applicant in advance. Upon receiving

estimates of the consultant review cost, the applicant may withdraw the application if he/she wishes.

4. APPROVAL LENGTH OF VALIDITY

A. PLANNING COMMISSION REVIEW

The Planning Commission shall hold a public hearing on the application. In reaching its determination on the application, it shall consider the standards and considerations set forth in Sections 603 and 604 of this Ordinance.

Following the public hearing, the Planning Commission shall then make a recommendation to the Township Board regarding the proposed use by special permit, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial of the application as follows:

- a. Approval. Upon determination by the Planning Commission that the final plan for the use by special permit is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval of the use by special permit.
- b. Approval with conditions. The Planning Commission may impose reasonable conditions upon the approval of a use by special permit, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately

adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.

- c. Denial. Upon determination by the Planning Commission that a use by special permit proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial of the use by special permit.

B. TOWNSHIP BOARD REVIEW

The Township Board shall review the recommendation of the Planning Commission, together with the public hearing findings and reports and recommendations from the Zoning Administrator, Township Planner, Township Public Safety Officials, Township Engineer, and other reviewers. The Board shall then make a decision regarding the proposed use by special permit, based on the requirements and standards of this Ordinance. The Board may approve, approve with conditions, or deny the use by special permit application as follows:

- a. Approval. Upon determination by the Board that the final plan for the use by special permit is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Board shall approve the use by special permit.
- b. Approval with conditions. The Board may impose reasonable conditions upon the approval of a use by special permit, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be

designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.

- c. Denial. Upon determination by the Board that a use by special permit proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Board shall deny the use by special permit.

- C. The decision shall be incorporated into a statement containing the conclusions relative to the special land use under consideration, specifies the basis for the decision and any conditions imposed. The Clerk of the Township shall sign and date four (4) copies of the site plan. One (1) shall be for the Township's file; one (1) shall be for the Planning Commission file; one (1) shall be for the Building Inspector for issuance of a building permit; and one (1) copy shall be sent or given to the applicant.

- D. A Special Land Use Permit issued by the Township Board shall be valid for a period of one year from the date of issue. The Zoning Administrator may grant up to a one (1) year extension if sought before the first year terminates. It shall be based only by demonstrating that the development has encountered unforeseen difficulties beyond the applicant's control. Inactivity to initiate or validate the Special Land Use Permit by activity to put the Special Land Use Permit in effect shall invalidate the permit and require re-application.

- E. An amendment to the site plan may be approved by the Zoning Administrator if it is a minor reduction of size or building/structure movement. Plantings in landscaping may be substituted by similar plant; changes to higher quality building materials or changes in internal floor plans, rearrangement of parking lot(s) may be substituted with the approval of the Zoning Administrator.

- F. The Zoning Administrator shall inform the Township Board of any minor changes approved.
- G. If a change is not deemed minor and not approved by the Zoning Administrator it shall be required to be resubmitted to the Planning Commission and Township Board for review in the same manner as with the original application.

5. PERFORMANCE GUARANTEE

Juniata Township may require that an acceptable cash deposit, certified check, irrevocable letter of credit, or surety bond be deposited with the Township Clerk to ensure compliance to the zoning ordinance and covering the estimated cost of insuring faithful completion on the required improvements. The performance guarantee shall be deposited no earlier than the time of issuance of the permit authorizing the activity or projects. Juniata Township's procedures for which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses are as follows:

- A. A review by the Zoning Administrator, community planner, engineer or an authorized representative of the Planning Commission of the improvements installed by developer.
- B. A written report of the percent of completion of relevant improvements shall be submitted to the Township Clerk.
- C. Payment consistent with the percent identified in the report shall be made to the party providing the deposit by the Township Treasurer and Clerk. This performance guarantee shall not be applicable to improvement for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond deposited under the Land Division Act, Act 288 of Michigan Public Statutes of 1967, as amended.

6. APPEAL

Any person aggrieved by the decision of the Township Board in granting or denying a Special Land Use Permit may appeal the decision to the Zoning

Board of Appeals. The appeal must be filed within twenty-one (21) days of the decision and state the basis for the appeal.

SECTION 607: REVOCATION

The privilege of a Special Land Use Permit is subject to all of the conditions that have been attached to it during the application process. The permit remains valid as long as all of those conditions are met. However, the Township Board shall revoke the Special Land Use Permit after it has been proven that any of the permit conditions have been violated.

1. FIRST NOTICE

The Township Board shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Township Board will revoke the Special Land Use Permit and order the use to cease.

2. TOWNSHIP BOARD ACTION

After the expiration of the thirty (30) days, the Township Board, at their next regular meeting or at a special meeting, shall hold a public hearing to consider revocation of the Special Land Use Permit. The Township shall notify the permit holder by certified mail of the public hearing. If it is determined that the permit holder is not in compliance with the permit conditions, the Township Board shall revoke the Special Land Use Permit.

3. SECOND NOTICE

If the Township Board revokes the Special Land Use Permit, the Township shall notify the permit holder by certified mail that the Special Land Use Permit has been revoked, and the use for which the permit was granted must cease within thirty (30) days from the date of this second notice. The Township Board shall also notify the Zoning Administrator that the Special Land Use Permit has been revoked and the date upon which the land

owner must cease the use previously granted by the Special Land Use Permit.

4. ENFORCEMENT OF ORDER

Failure to comply with the order to cease an activity for which a Special Land Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

Standards and Requirements Special Land Uses **Juniata Township Rural Zoning Ordinance**

Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Adult Entertainment (Sexually Oriented)	The proposed use shall not have a detrimental effect on any residential or general consumer retail or services such as neighborhood community, or regional shopping and service areas. A detrimental effect may include general congregation of individuals outside of the use, prostitution, drug sales, or similar activities.	As required in the district permitting it by Special Land Use Permit	<p>The specified use may not be within one thousand, five hundred (1500) ft of any place of worship, public school, youth center, community center or senior citizen center.</p> <p>Sexually-oriented uses shall not be allowed within one thousand (1000) ft of each other.</p> <p>The use shall not be within one thousand (1000) ft of any residential district.</p>	<p>The following places of business or activities are hereby regulated:</p> <ol style="list-style-type: none"> 1. Adult Bookstores 2. Adult Motion-Picture Theaters 3. Exotic Cabaret featuring strippers 4. Massage Parlors 5. Public Baths 6. Any specified sexual activities 7. Specified anatomical areas
Agriculture Storage, Terminal and Processing Facilities	Use shall be located on or have immediate access to county primary road or state ruck line or Site is adjacent to and will use side railing	Minimum site size shall be at least five (5) acres.	No building or structure shall be closer than fifty (50) feet to an adjacent property line.	<p>Fencing shall be required for any unsafe mechanical electrical or storage sites.</p> <p>Shall meet State legal and Ordinance performance standards for noise, dust, light and other conditions</p>
Airports	Site shall be located in a sparsely developed area with no residences or school in runway flight paths from one thousand, five hundred (1500) ft off the end of the runway.	Minimum site size shall be forty (40) acres.	Runway may not be closer than two hundred (200) ft from any adjacent property line.	

Standards and Requirements Special Land Uses		Juniata Township Rural Zoning Ordinance		
Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Auto Race Track This includes midget auto tracks, motorcycle racing tracks, three (3)	Ingress and egress shall be from a state highway or a paved section line road. Concentrated traffic and high noise levels shall be accommodated by landscape and	Minimum area shall be forty (40) acres and minimum width shall be six hundred sixty (660) sq ft.	All sides of the property abutting a public road or a property with a residence within three hundred (300) ft shall have a forty (40) ft green belt approved by the Planning Commission and Board of Trustees shall include an	
Building Supply, Warehouses and Truck Terminals. Commercial Recreation same as Building Supply except for Area/Shape	New sites shall not be closer than one hundred (100) ft to the nearest RC - 1 or RR - 1 district. Site shall have direct access to State Trunk Line or County Primary Road.	Site shall be at least two (2) acres in size except Truck Terminals shall be at least five (5) acres in size.		If adjacent to RC - 1 or RR - 1 district, property line shall have an eight (8) ft decorative fence or plant hedge with fifteen (15) ft of landscaped buffer.

Standards and Requirements Special Land Uses

Juniata Township Rural Zoning Ordinance

Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Campgrounds, Public and Private	Campground shall be located so that it is no closer than two hundred (200) feet to nearest RR - 1 or RC - 1 area.	Minimum site shall be forty (40) acres.	No camping site shall be closer than seventy-five (75) ft from any property or right of way line.	<p>The Planning Commission and Board of Trustees may require berms, fences or landscaping to make more compatible with adjacent land uses.</p> <p>Each campsite shall have at least five hundred (500) sq ft exclusive of campground circulation area available.</p> <p>No person shall occupy any trailer, tent or house car unit for more than three (3) months in any one (1) year.</p> <p>The minimum State of Michigan health requirements governing travel trailer courts and camping area for public use are complied</p>
Country Clubs and Golf Courses	Because of the unique nature of the facility, each application will be judged on its own merit and must be compatible with the district in which it is located.			The principle access must be a county primary or State Trunk line.

Standards and Requirements Special Land Uses		Juniata Township Rural Zoning Ordinance		
Special Land Use Permitted	General Standards	Area / Shape	Specific Requirements	
			Dimensional Requirements	Other Requirements
Drive-In or Drive-Thru Restaurants, Commercial Recreation Uses, and Automobile Service Stations, Repair and Washing	Site shall have at least one property line abutting a State Truck line or County Primary Road with access from that road.		Minimum building setback shall be forty (40) ft from street line to provide adequate vision for existing cars.	Ingress and egress shall be separate drives at least sixty (60) ft from each other at nearest edges. Drive-up windows must have thirty inch (30") pedestrian barrier for six (6) ft beyond walls or doors to avoid vehicle conflict. Nearest ingress and egress shall be at least sixty (60) ft from nearest intersecting road.

Standards and Requirements Special Land Uses		Juniata Township Rural Zoning Ordinance		
Special Land Use Permitted	General Standards	Area / Shape	Specific Requirements	
			Dimensional Requirements	Other Requirements
Home Based Businesses	All work done at the site shall be entirely within the buildings.	Minimum of five (5) acres.	<p>An approved accessory building may be used in the business but shall not exceed one thousand, two hundred (1200) sq ft for a five (5) to ten (10) acre parcel; two thousand four hundred (2400) sq ft for over ten (10) acres, and four thousand, eight hundred (4800) sq ft for a parcel in excess of forty (40) acres.</p> <p>The accessory building shall be located in the rear yard and not closer than 100 (100) feet from any property line.</p> <p>Outside storage is permitted in fenced or otherwise opaquely screened area not more than one thousand (1000) sq ft in area. The outdoor storage screen/fence shall be at least six (6) ft high.</p>	<p>Business shall be owned and operated by the owner and resident of the dwelling.</p> <p>Buildings must meet building code requirements for fire suppression, explosion proof construction, paint booths, hazardous waste management and such other standards as appropriate.</p>

Standards and Requirements Special Land Uses **Juniata Township Rural Zoning Ordinance**

Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Home Occupation: Incidental Business Activities such as Car Repair, Roadside Stand, Professional Office	Business shall be based on favorable location due to traffic or land character and shall not include buildings, structures or equipment not normally associated with district in which it is included.	Area shall be at least one (1) acre.	Not more than twenty-five percent (25%) of the total floor area of the dwelling nor more than fifty percent (50%) of an accessory structure may be used for the business activity.	Not more than one (1) employee not living at the residence may be employed at the site. Only one (1) unlighted sign is permitted not to exceed twelve (12) sq ft.
Hydro Electric Generating and Transmitting Facilities	Facilities must conform to State and Federal Guidelines.			
Institutional Uses for Human Care, Educational, Social, Cultural and Religious Purposes	Site shall have its principal access on a County Primary Road or State Trunk line.	Minimum site shall be four (4) acres except buildings less than twenty thousand (20,000) sq ft may be two (2) acres	No building shall be closer than fifty (50) ft to property or street line. Structures over twenty-eight (28) ft in height shall be set back one more foot for each additional foot of height.	One sign of not more than forty (40) sq ft shall be permitted.
Junkyards	Junkyards shall conform with Juniata Township Blight Ordinance	Minimum site shall be forty (40) acres, with minimum frontage of two hundred fifty (250) ft.	No building or material shall be closer than fifty (50) feet to property line or street line, and shall be enclosed by an eight (8) foot obscuring wall with concealing gates.	There shall be no burning of associated material on Junkyard premises. Site must conform to State of Michigan and Federal regulations and laws governing Junkyards.

Standards and Requirements Special Land Uses **Juniata Township Rural Zoning Ordinance**

Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Multiple Family Residential Units	<p>Site must have public sanitary and sewer service or provide suitable project wide services.</p> <p>Site shall be in the vicinity of existing residential development or on a County Primary or State Trunk Line road.</p>	Site shall be at least one (1) acre in size.	Structure shall not be located closer than fifty (50) feet to any street or property line.	Project shall not exceed density of more than ten (10) units per acre.
Nursery School			<p>Site must provide and maintain a minimum of one hundred (100) sq ft of outdoor play area per child. Such play space shall have a total minimum area of at least one thousand (1000) sq ft.</p>	Play area shall be fenced or screened from any adjoining residential land.
Outdoor Theater	All ingress and egress shall be from a State Highway or a County Primary road. No traffic to or from a residential area is permitted.		Road ingress/egress shall have a right-of-way no less than one hundred twenty (120) feet in width.	<p>Proof of adequacy of drainage, lighting or other technical aspects shall be required. Supporting data from competent technicians must be provided.</p> <p>All vehicles waiting to enter the facility shall be on the property and shall not be permitted on public right-of-way. A Minimum of one (1) waiting space shall be required for each ten (10) viewer spaces.</p>

Standards and Requirements Special Land Uses		Juniata Township Rural Zoning Ordinance		
Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Parking Lots and Traffic Access Areas Vehicle Maneuvering Area	Special need must be shown that requires the parking or access.	Shall have at least fifty (50) ft frontage, five thousand (5000) sq ft in area.	Must have maintained, landscaped transition strip of at least ten (10) ft on any yard adjacent to residential area or curbed entrance	Parking only for cars and light trucks. Maneuver area, or one (1) hour loading stop for any truck.
Penal, Correction and Behavior Modification Facilities	Site should be developed in an undeveloped area at least fifteen hundred (1500) ft from existing residences and have State Mandated security fencing.	Minimum site shall be eighty (80) acres.	Any security structure or enclosure shall be four hundred (400) ft from the perimeter property lines.	Any security structure or enclosure shall meet the requirements of or be one by Michigan Department of Corrections.
Public and Private Parks		Size and Area to be determined by the Planning Commission and Board of Trustees.		Site to be compatible with the district in which located.
Resorts, Motels, Lodges and other Tourist Facilities	Location should have at least one property line on County Primary road or State Trunk line.	Minimum site of two (2) acres plus four hundred (400) sq ft for each guest unit over twenty-five (25) units.	No Building shall be closer than fifty (50) ft to any property or street line. Maximum lot coverage by principal and accessory buildings and structures shall be forty percent (40%) of total lot area.	Each guest unit shall have a minimum floor area of two hundred fifty (250) sq ft.

Standards and Requirements Special Land Uses **Juniata Township Rural Zoning Ordinance**

Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Retail Business intended for Tourist or Visitors.	Business shall be located on a State trunk line or road accessing a tourist attraction.	Minimum site shall be the same as is required in the district in which the property is located	Structure housing business shall not exceed two thousand, five hundred (2500) sq ft or twenty-five (25) ft in height. At least sixty percent (60%) of goods sold must be intended primarily for tourists and visitors.	Signs shall be no more than forty (40) sq ft.
Riding Stables	It is the normal intent of the Planning Commission and Board of Trustees to include significant woodlands for such a facility. The shall include horseback corral(s), cleared trails and a stable for not more than twenty (20) horses.		Minimum area for riding trails shall be a parcel of twenty (20) acres or more. Riding trails or animal enclosures shall be at least two hundred fifty (250) ft from any residential district (R - 1) property line.	On a temporary basis the Zoning Board of Appeals my permit trail extension into B - 1 and A - 1 area for specified time period.
Rural Highway Commercial Activity	Use shall be located on or directly accessible to a public right-of-way. Land use shall not allow consumer retail traffic that attracts more than two hundred (200) vehicles per day.	Minimum size one (1) acre Five (5) or more acres may be required if the use demands extensive property	The structure shall not be located closer than fifty (50) ft to any property or right-of-way line.	Fencing shall be required for any unsafe mechanical electrical or storage units. If one (1) or more residences is located with three hundred (300) ft of the property, limited hours, operation times or similar conditions may be imposed.

Standards and Requirements Special Land Uses		Juniata Township Rural Zoning Ordinance		
Special Land Use Permitted	General Standards	Specific Requirements		
		Area / Shape	Dimensional Requirements	Other Requirements
Sand Gravel or Clay Pits and Sanitary Landfill	<p>Site shall be in rural area and not closer than fifty (50) feet to any other district.</p> <p>Site shall be located on a paved road.</p> <p>Sanitary Landfills must additionally meet all State of Michigan requirements including those of Act 641 Solid Waste management Act.</p>	<p>Minimum site shall be forty (40) acres with minimum frontage of four hundred (400) feet.</p>	<p>No fixed machinery shall be erected or stored within fifty (50) feet of a property line.</p> <p>No Cut or excavation shall be made closer than fifty (50) ft to a property line.</p> <p>No finished slope shall have a slope greater than three to one (3:1) (horizontal to vertical). Slopes shall be treated in conformance with the Michigan Soil Erosion and Sediment Control Act 347 of 1972.</p>	<p>Juniata Township Planning Commission and Board of Trustees may determine truck and machinery routes.</p> <p>Juniata Township Planning Commission and Board of Trustees may determine the need, location and height of fencing, berms, and landscape to mitigate noise, visual disturbance, or dust.</p> <p>The site plan shall show sequenced rehabilitation of the site for alternative land uses after excavation, fill or other surface movement.</p>
Sewage Treatment and Disposal	<p>Site shall be located in an area to minimize odor, noise and wastewater effluent to residential area.</p>	<p>Area shall be at least twenty (20) acres.</p>	<p>All operations, buildings and structures shall be surrounded on all sides by a landscaped transition strip of at least two hundred (200) ft width to mitigate odor and decrease visual impact.</p>	<p>The Planning Commission and Board of Trustees shall assess the physical conditions of the site, including meteorological conditions, soil types and its proximity to residential areas to assure compatibility with existing and planned land uses. Unit must comply with State of Michigan regulations.</p>
Shooting Clubs	<p>Facility shall comply with the Juniata Township Noise Ordinance.</p>	<p>Area shall be at least (20) acres.</p>		<p>Exterior Lighting – See Section 323.</p>

Standards and Requirements Special Land Uses		Juniata Township Rural Zoning Ordinance		
Special Land Use Permitted	General Standards	Area / Shape	Specific Requirements	
			Dimensional Requirements	Other Requirements
Veterinary Clinics and Kennels	Site shall include proper control of animal waste, odor and noise.	Area shall be at least one (1) acre if animals are in building, or five (5) acres if outdoor exercise area is included.	No building or outdoor fence or wall enclosure shall be closer than one hundred (100) ft to any property or street line.	Outdoor exercise areas shall be surrounded by solid masonry or brick wall or chain-link fence with obscuring, evergreen plantings at least six (6) ft high.
Wind Energy Generator	Wind energy conversion systems are intended primarily for personal energy generation for agricultural and dwelling with excess energy sold to area energy utilities. They shall be located in A-1 Districts.	Minimum of five (5) acres for dwellings and forty (40) acres for agricultural operations.	See Section 605.12 for all requirements.	

ARTICLE 7
DEVELOPMENT PROGRAMS

ARTICLE SEVEN: DEVELOPMENT PROGRAMS

SECTION 701: PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

1. As used in this Section and those following “PDR” program means a Purchase of Development Rights program.
2. The Township is adopting this PDR program as part of its Zoning Ordinance limited to the establishment, financing and administration of a PDR program. The PDR program shall be used only to protect agricultural and other eligible land.
3. A PDR program shall not acquire development rights by condemnation. This Section and those following do not limit any authority of this Zoning Ordinance or other Ordinance of Juniata Township to protect natural resources, preserve open space, provide for historic preservation or accomplish similar purposes.
4. The Juniata Township Board of Trustees may promote and enter into agreements with other local units of government for purchase of development rights, including cross-directional purchases, subject to applicable Development Rights Ordinances.

SECTION 702: PDR PROGRAM, CONVEYANCE, NOTICE, REQUIREMENTS

1. The development rights portion of this Zoning Ordinance shall provide for a PDR program and Juniata Township may purchase development rights, but only from a willing landowner. The Juniata Township Board of Trustees is responsible for the PDR program.
 - A. Juniata Township employs the PDR program to meet local needs to protect natural resources, preserve open space, provide for historic preservation or accomplish similar purposes.

B. Application procedures for the PDR program are as follows:

- (1) Completion of an Application Form by the landowner
- (2) A copy of the legal property description, which shall be no less than forty (40) acres. The ownership by the applying landowner must also be documented. Identification of wetlands, if any, must be certified by the Society of Wetland Scientists or the Michigan Department of Environmental Quality.
- (3) A map of the site for the proposed open space preservation plan with the date, a north arrow, and scale of not more than one inch equals 100 feet (1"=100'). The map shall show street rights-of-way, easements, demonstrated compliance with Zoning requirements, location of utilities, and the location of environmentally sensitive lands such as wetland, floodplain, slopes exceeding twenty (20) percent, or other features prohibiting development for residential purposes.
- (4) Copies of legal instruments, such as a conservation easement, plat dedication, restrictive covenant, or other legal instruments limiting the use of the land and intended to provide legal effect of ownership of development rights. The Township Board is responsible for reviewing these prior to recording the instrument.
- (5) The standards and procedures to be followed by the Township Board in reviewing the application shall include determination of the following:
 - (a) Whether there are sufficient funds to purchase development rights to the land; whether the soils, productivity, natural resources, or other use of the land justifies public involvement in acquiring the land; whether access to the property by non-motorized activities is sufficient; utilities such as drainage support the intent of the PDR program.

- (b) The precise scope of development rights to be purchased must be carefully defined. Agriculture can be expected to dominate the use for the township but if there are to be any exclusions of potential uses the Board of Trustees need to identify them.
 - (c) The Township Board of Trustees must then estimate the maximum intensity of development after the purchase on the land from which development rights are purchased.
 - (d) The price at which the development rights will be purchased and the method of payment. The price shall be determined by current market activity.
 - (e) The procedure for ensuring that the purchase or sale of development rights is legally fixed so as to run with the land. This shall require a written opinion by an attorney retained by the Board of Trustees.
- (6) Should the owner of the land from which development rights have been purchased under a PDR program wish to repurchase those development rights, the circumstances under which repurchase may occur with all of the conditions as follows:
- (a) A written statement identifying the precise use of the land after the repurchase of development rights.
 - (b) The original costs of the purchase of the development rights to be distributed to participating purchasers accordingly.
 - (c) All documented costs of the Township and other participating governments in the purchase to be distributed according to the total costs for each government

(d) A penalty for repurchase of development rights amounting to fifteen (15) percent of the original purchase of development rights payable only to the Township.

2. The purchase of development rights is consistent with Section 203 of this Zoning Ordinance.
3. Development rights acquired under a PDR program may be conveyed only as provided under subsection 1(d).
4. The Township shall notify each incorporated village, if it exists, in which is located land from which development rights are proposed to be purchased of the receipt of an application for the purchase of development rights and shall notify each village of the disposition of the application.
5. Tuscola County shall not purchase development rights under a development ordinance from land subject to the Juniata Township Zoning Ordinance unless all of the following requirements are met:
 - A. The purchase of development rights by Tuscola County under a PDR program are consistent with the plan upon which Juniata Township is based.
 - B. The Juniata Township Board of Trustees adopts a resolution authorizing the Tuscola County PDR program to apply in the Township.
 - C. As part of the application procedure for the specific proposed purchase of development rights, the Township provides the County with written approval of the purchase.

SECTION 703: PDR PROGRAM FINANCING

1. A PDR program may be financed through one (1) or more of the following:
 - A. General appropriations by Juniata Township local government.

- B. Proceeds from sale of development rights subject to Section 328.
 - C. Grants.
 - D. Donations.
 - E. Bonds or notes issues under sections 609-2 to 609-5
 - F. General fund revenue.
 - G. Special assessments under 609-6.
 - H. Other sources approved by Juniata Township Board of Trustees and permitted by law.
2. The Board of Trustees may borrow money and issue bonds or notes under the revised municipal finance act, Public Act 34 of 2001, as amended, subject to the general debt limit applicable to Juniata Township. The bonds or notes may be revenue bonds or notes, general obligation limited tax bonds or notes, or subject to Section 6 of Article IX of the Michigan State Constitution of 1963, general obligation unlimited tax bonds or notes.
 3. The Juniata Township Board of Trustees may secure bonds or notes by mortgage, assignment or pledge of property, including, but not limited to, anticipated tax collections, revenue sharing payments, or special assessment revenues. A pledge made by the Board of Trustees is valid and binding from the time the pledge is made. The pledge is subject to the lien of the pledge without a filing or further act. The lien of the pledge shall be binding as against the parties having claims in tort, contract, or otherwise against the Township, irrespective of whether the parties have notice of the lien. Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

4. Bonds or notes issued under this Section are exempted from all taxation in this State except inheritance and transfer taxes and the interest on the bonds or notes is exempt from all taxation in this State.
5. The bonds and notes issued under this Section may be invested in by the State Treasurer and all other public officers, State agencies, and political subdivisions, insurance companies, financial institutions, investment companies, and fiduciaries and trustees may be deposited with and received by the State Treasurer and all other public officers and agencies and political subdivisions of the State all purposes for which the deposit of bonds or notes is authorized. The authority granted by this Section in addition to all other authority granted by law.
6. A development rights ordinance authorizes the Juniata Township Board of Trustees to finance a PDR program by special assessments. In addition to meeting the requirements of Section 607, the development rights ordinance shall include in the procedure to approve and establish a Special Assessment District both of the following:
 - A. The requirement that there be filed with Township Board of Trustees a petition containing all of the following:
 - (1) A description of the development rights to be purchased, including a legal description of the land from which the purpose is made.
 - (2) A description of the proposed Assessment District.
 - (3) The signatures of at least sixty-six (66) percent of the land area in the proposed Assessment District.
 - (4) The amount and duration of the proposed special assessments.
 - B. The requirement that the Board of Trustees specify how the proposed special assessment will benefit the land in the proposed Special Assessment District.

SECTION 704: OPEN SPACE PRESERVATION

In order to comply with MCL 125.3506, notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed at the option of the landowner with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than zero percent (0%) of the land if all the following apply:

1. The land is zoned at a density equivalent to two (2) or fewer dwelling units per acre; or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
2. Not less than fifty percent (50%) of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend on such an extension.
4. The development option provided pursuant to this Section has not previously been exercised with respect to the subject property.

The development of land under this Section is subject to all other applicable ordinances, laws and rules including but not limited to:

- A. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 506 of the Michigan Zoning Enabling Act.
- B. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).

- C. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
- D. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- E. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

As used in this section, the term “undeveloped state” means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway, or linear park.

ARTICLE 8
ADMINISTRATION

ARTICLE EIGHT: ADMINISTRATION

SECTION 801: 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 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.

SECTION 802: ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Township Board of Trustees or by such official as the Township Board may delegate, to enforce the provisions of this Ordinance.

SECTION 803: ZONING ADMINISTRATOR/BUILDING INSPECTOR

1. DUTIES

- A. The Zoning Administrator shall have the power to grant Zoning Compliance and Occupancy 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 permit or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.
- B. The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out

the provisions of Section 702. 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 Building Inspector.

- C. The Zoning Administrator or Township Board Representative will inspect all new construction or alterations at the time footings are placed and shall make such additional inspections, as he may deem necessary. The Zoning Administrator or Township Board Representative shall make periodic inspections of the Township to ascertain that the requirements of the Ordinance are being complied with. No person shall refuse to permit the Zoning Administrator or his Representative to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator or his Representative in the discharge of his duties.

- D. The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans and records of any fees submitted with applications. The same shall form a part of the records of his office and shall be readily available to the Juniata Township Board and all other officials of the Township and County.

2. ZONING AND BUILDING PERMIT REQUIREMENTS

No building or part thereof shall hereafter be erected, moved, enlarged or altered until a Zoning Permit has been granted by the Zoning Administrator and a Building Permit has been granted by the County Building Inspector. The Application shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by a site plan, building plans, and such other information as may be necessary to provide for the enforcement of this Ordinance. See Section 306 for Site Plan Requirements.

No Building permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance and the State Building Code. All Building Permits shall expire one (1) year from their date

of issuance. A copy of all approved building permits shall be sent to the Township Supervisor.

SECTION 804: PLANNING COMMISSION

1. AUTHORITY AND MEMBERSHIP

The Township Planning Commission is hereby designated as the Commission specified in Section II, of Act 168 of the Public Acts of 1959, and shall perform the duties of said Commission as provided in the statute in connection with the amendment of this Ordinance. The Board shall be composed as follows:

- A. The Planning Commission shall consist of no less than five (5) members, who shall be representative of major interests as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation, and industry.
- B. All members of the Planning Commission shall be appointed by the Supervisor with the approval of the Township Board.
- C. The term of each member shall be for three (3) years, with one-third (1/3) of the membership being appointed each year.
- D. An employee or contractor of the Township Board of Trustees may not serve as a member or employee of the Township Planning Commission.

2. RESPONSIBILITIES AND APPROVAL

- A. In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this 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.
- B. 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.

- C. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of the Ordinance.

SECTION 805: ZONING BOARD OF APPEALS

1. AUTHORITY, MEMBERSHIP

There is hereby established a Zoning Board of Appeals, hereinafter called the "Board", which shall perform its duties and exercise its powers as provided in Act 110, of the Public Acts of 2006, and in such a way that the objectives of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Board shall be composed of the following three (3) members.

- A. The first member shall be the Chairman of the Township Planning Commission, or his/her designate for the period of his/her term of office.
- B. The second member shall be a member of the Township Board of Trustees appointed by the Township Board, for the period of his/her term of office, but may not serve as Chairman.
- C. The remaining member of the Board shall be selected from the electors of the township residing outside of incorporated cities and villages, shall be representative of the population distribution and of the various interests present in the township, and serve for a period of three (3) years.
- D. The Planning Commission and the Township Board of Trustees shall each place no more than one (1) member on the Zoning Board of Appeals.

- E. An employee or contractor of the Township Board of Trustees may not serve as a member or employee of the Township Zoning Board of Appeals.
- F. The Board of Trustees may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve in the absence of a regular member who will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. The alternate member appointed shall see in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- G. Members of the Zoning Board of Appeals shall be paid a reasonable per diem and reimbursed for expenses actually incurred in discharge of his or her duties. A member of the Zoning Board of Appeals may be removed by the Board of Trustees for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- H. The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members on the Planning Commission or Board of Trustees, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- I. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

2. MEETINGS

All meetings of the Zoning 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 of each member upon each question, or if absent, or failing to vote, indicating such fact. The Board shall keep records of its hearings and other official action and file a copy of such with the Township Clerk. The Board shall have the power to subpoena and to 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.

3. RESPONSIBILITIES

The Zoning Board of Appeals shall have the following responsibilities:

- A. Hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps, and may adopt rules to govern its procedures.
- B. Hear and decide on matters referred to it by the Zoning Administrator, Planning Commission, or Board of Trustees or under this Zoning Ordinance as specifically permitted or assigned by this Zoning Ordinance.
- C. Hear and decide appeals from and review any administrative order, requirement, decision or determination made by an Administrative Official such as the Zoning Administrator or anybody charged with enforcement of the Zoning Ordinance.
- D. May not hear or decide appeals for a Special Land Use, or Planned Unit Development.

The concurring vote of a majority of members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision or determination of the Administrative Official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under the Zoning Ordinance or grant a variance to the Zoning Ordinance. A majority of those present is not sufficient if any members are absent and not replaced by an alternate.

4. JURISDICTION

The Board of Appeals may take certain appeals from the Planning Commission for certain administrative items, but it cannot be used to overturn any zoning or Special Land Use decision. It can only take appeals for issues related to the physical conditions of a parcel of land.

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

- A. To hear and decide on all matters 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/Building Inspector or The Planning Commission, in the enforcement of the Ordinance.
- C. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant special exceptions and to grant such variance there from as may be in harmony with their general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured and substantial justice done, including the following:
 - (1) May interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the Plan, as shown upon the Zoning Map fixing the Use Districts, accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

- (2) May permit the erection and use of a building or use of a premises in any Use District for public utility purposes, upon recommendation of the Township Planning Commission.
- (3) May permit the modification of the automobile parking space or loading space requirements where, in particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- (4) May permit the modification of wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.
- (5) May permit upon proper application a temporary use, not otherwise permitted in any District, not to exceed twelve (12) months with additional twelve (12) month extensions being permissible providing such uses do not require the construction of any major modifications or capital improvement.

The Board of Appeals, in granting permits for the above Temporary Uses shall do so as closely as possible to the following conditions:

- (a) The granting of the Temporary Use shall in no way constitute a change in the basic uses permitted in the District nor on the property wherein the Temporary Use is permitted.
- (b) The granting of the Temporary Use shall be granted in writing, stipulating all conditions as to time, nature or development permitted and arrangements for removing the use at the termination of said temporary permit.
- (c) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township, shall be made at the discretion of the Board of Appeals.

- (d) In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either de-mountable structures related to the permitted use of land recreation developments such as, but not limited to, golf-driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
- (e) The use shall be in harmony with the general character and the intent and purpose of the Zoning District in which it is located.
- (f) No Temporary Use Permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in Section 705-6 of this Ordinance.

D. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships, 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 the Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

- (1) There are exceptional or extraordinary circumstances or condition applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same District or Zone.
- (2) Such variance is necessary for the preservation and the enjoyment of a substantial property right possessed by other property in the same Zone and vicinity.

(3) The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such Zone or District in which the property is located.

(4) With the exception of the variance(s) granted by the Board of Appeals, all other requirements shall be in compliance with the Ordinance.

(5) The granting of such variance will not adversely affect the Purpose of Objectives of the Comprehensive Plan of the Township.

E. In consideration of all appeals and all proposed variations of this Ordinance, the Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair realization of any of the purposes for which this Ordinance was established. 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) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same District or Zone.

(2) Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same Zone and vicinity.

(3) The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such District or Zone in which the property is located.

(4) With the exception of the variance(s) granted by the Board of Appeals, all other requirements shall be in compliance with the Ordinance.

(5) The granting of such variance will not adversely affect the Purpose of Objectives of the Comprehensive Plan of the Township.

- F. 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 to the Township Board of Trustees in the manner thereafter provided by law.

5. EXERCISING POWERS

In exercising the above powers , the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Township Planning Commission or Building Inspector/Zoning Administrator from whom the appeal is taken. All provisions of the Michigan Open Meetings Act shall also be followed by the Board.

6. APPEAL PROCEDURES

- A. An appeal may be taken to the Zoning Board of Appeals by any Person, Firm, or Corporation, or by any Officer, Department, Board or Bureau affected by a decision of the Zoning Administrator/Building Inspector or the Planning Commission. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnations Procedures Act, Public Act 87, as amended. The Zoning Board of Appeals shall state the grounds of any determination made by the Board.
- B. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator or 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.

- C. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals that 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.
- D. After receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in Section 103, Act 110 of the Public Acts of 2006.
- E. Upon receipt of a written request for an interpretation of the Zoning Ordinance or an appeal from an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. In addition, if the request or an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation shall be sent by first class or personal mail delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet of that boundary. If a tenant's name is not known, the term "occupant" may be used.
- F. At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals (ZBA) may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- G. If there are practical difficulties for nonuse variances as provided in Subsection 705-4H in carrying out the strict letter of Zoning Ordinance, the Zoning Board of Appeals may grant a variance in accordance with this Section, so that the spirit of the Zoning Ordinance is observed,

public safety secured, and substantial justice done. Conditions that can be sufficient to limit or preclude use of the property include the following:

- (1) The local Health Department finds the site unusable for a practical on-site wastewater disposal system.
- (2) The Tuscola County Board of Road Commissioners determines the proposed site cannot satisfy required vehicular access or egress because of visibility, slope, or other safety limitations.
- (3) Other conditions that preclude effective use of the proposed site for the proposed use.

- H. Juniata Township Zoning Board of Appeals may grant nonuse variances relating to construction (excluding building codes), structural changes, or alteration of buildings or structures related to dimensional requirements of this Zoning Ordinance or to any other nonuse-related standard in this Ordinance.
- I. Juniata Township shall not permit the Zoning Board of Appeals to approve any variances from the Zoning Ordinance in the use of the land.

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 of Trustees.

7. MISCELLANEOUS

No order of the Board of Appeals permitting the 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 obtained within such period and 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 or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

8. RECORD AND BASIS FOR DECISION

The record and decision of the Zoning Board of Appeals shall be based on the following considerations:

- A. Complies with the Constitution and laws of the State of Michigan.
- B. Is based upon proper procedure.
- C. Is supported by competent material, and substantial evidence on the record.
- D. Represents the reasonable exercise of discretion granted by state enabling legislation to the Zoning Board of Appeals.

SECTION 806: APPEAL TO CIRCUIT COURT

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to the Circuit Court, which is empowered by law to review the above considerations.

- 1. Any party aggrieved by a decision of the Juniata Township Zoning Board of Appeals may appeal to the Circuit Court of Tuscola County. The Circuit Court shall review the record and decision kept in documentation of Juniata Township to ensure the decision meets the following requirements:
 - A. Complies with the Constitution and Laws of the State of Michigan.

- B. Is based upon proper procedure.
 - C. Is supported by competent, material, and substantial evidence on the record.
 - D. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.
2. If the Court finds the record inadequate to make the review required by this Section or finds that additional material evidence exists that with good reason was not presented, the Court shall order further proceedings on conditions that the Court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The Court may affirm, reverse, or modify the decision.
 3. An appeal under this section shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision. The Court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of the Circuit Court to the Court of Appeals.
 4. Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, Zoning Board of Appeals, or Board of Trustees of Juniata Township made under Section 301 may obtain a review in the Circuit Court of Tuscola County. The review shall be in accordance with Section 706. Any person required to be given notice under Section 705-4E of the appeal of any order, determination, or decision made under Section 301 shall be a proper party to any action for review under this Section.

SECTION 807: CHANGES AND AMENDMENTS

The Township Board of Trustees, may from time to time, on recommendations from the Planning Commission, on its own motion, or on petition amend, supplement, or change this Ordinance in accordance with the procedure established in Act 110 of the Public Acts of 2006.

SECTION 808: PUBLIC NUISANCE PER SE

Any building 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 the Ordinance, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 809: TOWNSHIP FEES

1. 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. Any other permit required under this Ordinance, such as Zoning Appeal, Special (Conditional) Land Use Permit, Occupancy Permit, Site Plan Review, or other action shall also be accompanied by a fee. The amount of any fees shall be established by a resolution of the Township Board of Trustees 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 hearing.
2. Fees for certificates and permits which are under the jurisdiction of the Township may be waived in part or whole in hardship cases upon the Owner making written application for such waiver to the Township Zoning Administrator and upon approval by the Township Board of Trustees.
3. In the event an owner or occupant shall initially undertake any use, construction, or improvement covered under this Ordinance without a permit, then the permit fee may be doubled in cost.

SECTION 810: VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the following penalties:

1. The first violation of this Ordinance shall be a civil infraction punishable by a fine not to exceed one hundred dollars (\$100.00). A citation for civil infraction may be issued by the enforcement officer as designated by the

Juniata Township Board of Trustees. Each day that a violation exists shall constitute a separate offense.

2. Subsequent violations of this Ordinance shall be a misdemeanor punishable upon conviction by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in the county jail for a period not to exceed ninety (90) days or by both such fine and imprisonment. A misdemeanor violation may be initiated by a citation issued by the enforcement officer as designated by the Juniata Township Board of Trustees. Each day that a violation exists shall constitute a separate offense. In addition to the foregoing penalties, anyone convicted of violating this Ordinance under this provision shall be assessed the costs of prosecution including any attorney fees incurred by the Township.
3. This Ordinance shall be enforced by such a person or persons as may be designated by the Juniata Township Board of Trustees.

SECTION 811: PENALTIES, FINES AND IMPRISONMENT

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

1. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
2. The rights and remedies provided herein are cumulative and in addition to any other remedies provided in law.

SECTION 812: VESTED RIGHT

Nothing in the Ordinance should be interpreted or constructed 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.

**ARTICLE 9
GOVERNANCE**

ARTICLE 9: GOVERNANCE

SECTION 901: CONFLICTS WITH OTHER ACTS, ORDINANCES, OR REGULATIONS

Whenever any provision of this Ordinance imposes requirements for lower heights of buildings, or a less percentage of lots that may be occupied or require wider or larger courts or deeper yards than are imposed or required by existing provisions of Acts, Ordinances, or Regulations of the Township of Juniata, the provisions of this Ordinance shall govern. Whenever provisions of and requirements for lower height of buildings or less percentage of lots that may be occupied, or require wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the other Act, Ordinance or Regulation shall govern. In the interpretation and application of this Ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body;
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 902: VALIDITY AND SEVERABILITY

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 903: OPEN MEETINGS

1. All meeting subject to this act shall be conducted in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended.
2. Any writing prepared, owned, used, in possession of, or retained as required by this ordinance or the Michigan Zoning Enabling Act 110 of 2006. as amended shall be made available to the public in compliance with the Freedom of Information Act. 442 of 1976, as amended.

SECTION 904: REPEALER

Any ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

SECTION 905: EFFECTIVE DATE

This ordinance shall become effective seven days following publication as provided by law.

Date of Public Hearing:	02/26/2019
Date of Recommendation by Planning Commission:	02/26/2019
Date of Review by Tuscola County Planning Commission:	04/03/2019
Date of Adoption by Township Board of Trustees:	04/08/2019
Date of Publication in Tuscola Advertiser:	04/17/2019



Brenda Bigham
Clerk, Juniata Township

4/17/19
Date



Garrett Tetil
Supervisor, Juniata Township

4/17/19
Date

ARTICLE 10
APPENDIX

JUNIATA TOWNSHIP Zoning Districts Map



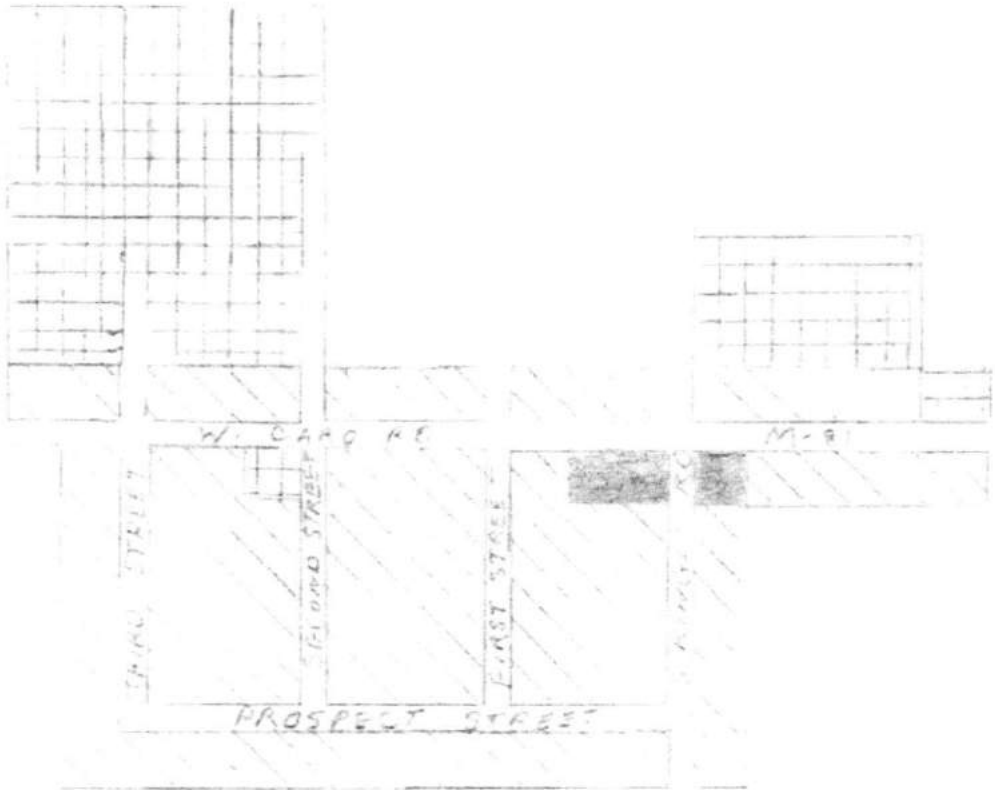
LEGEND

- | | |
|--|--|
| <p>FC - 1 FORESTRY CONSERVATION </p> <p>RC - 1 RESIDENTIAL CLUSTER </p> <p>RR - 1 RURAL RESIDENTIAL </p> | <p>A - 1 AGRICULTURAL </p> <p>B - 1 BUSINESS </p> <p>M - 1 MANUFACTURING/DISTRIBUTION </p> |
|--|--|





JUNIATA TOWNSHIP

Zoning Districts Map

Watrousville

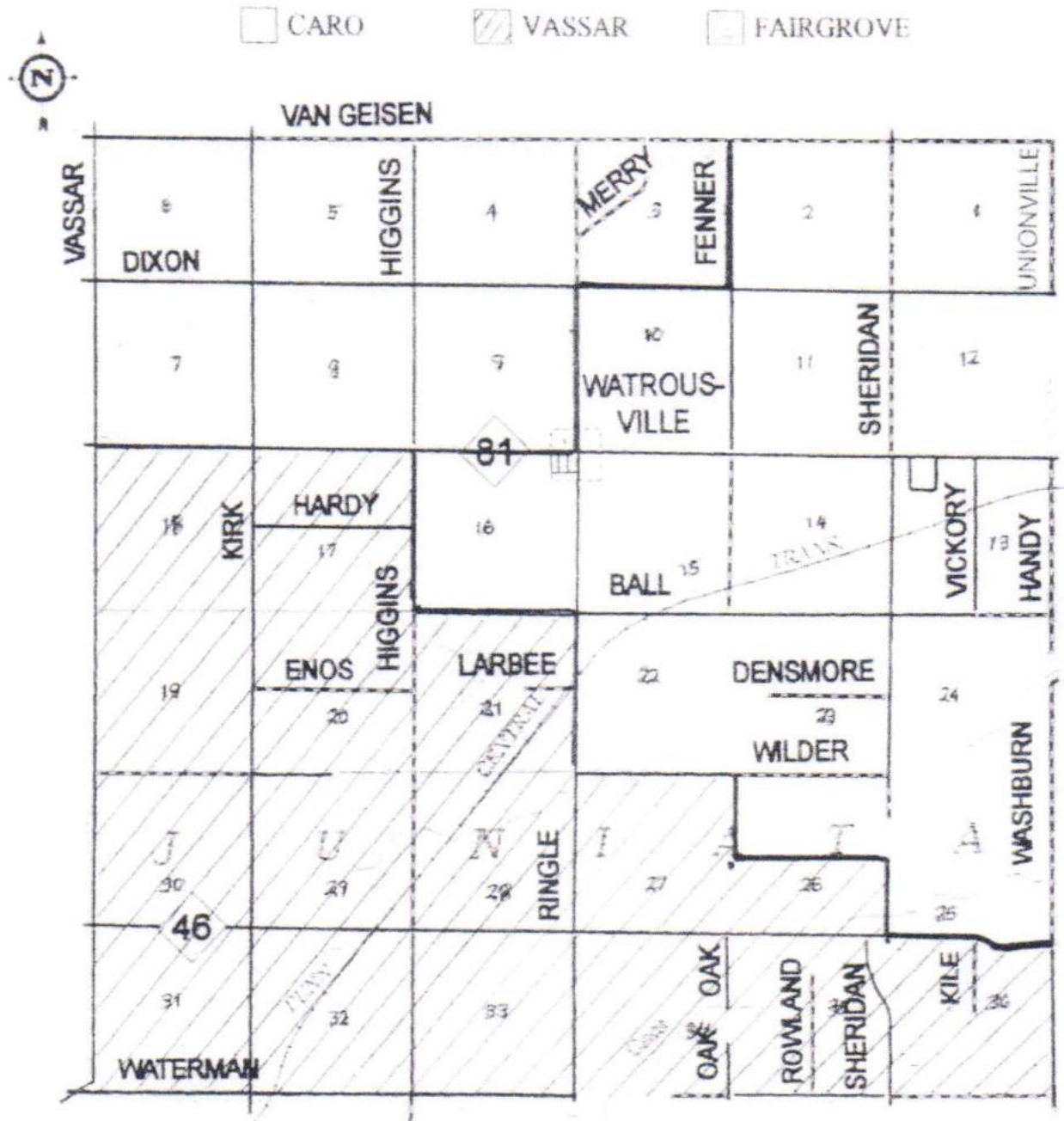


LEGEND

RESIDENTIAL CLUSTER		BUSINESS	
PUBLIC/QUASI PUBLIC		AGRICULTURE	

JUNIATA TOWNSHIP

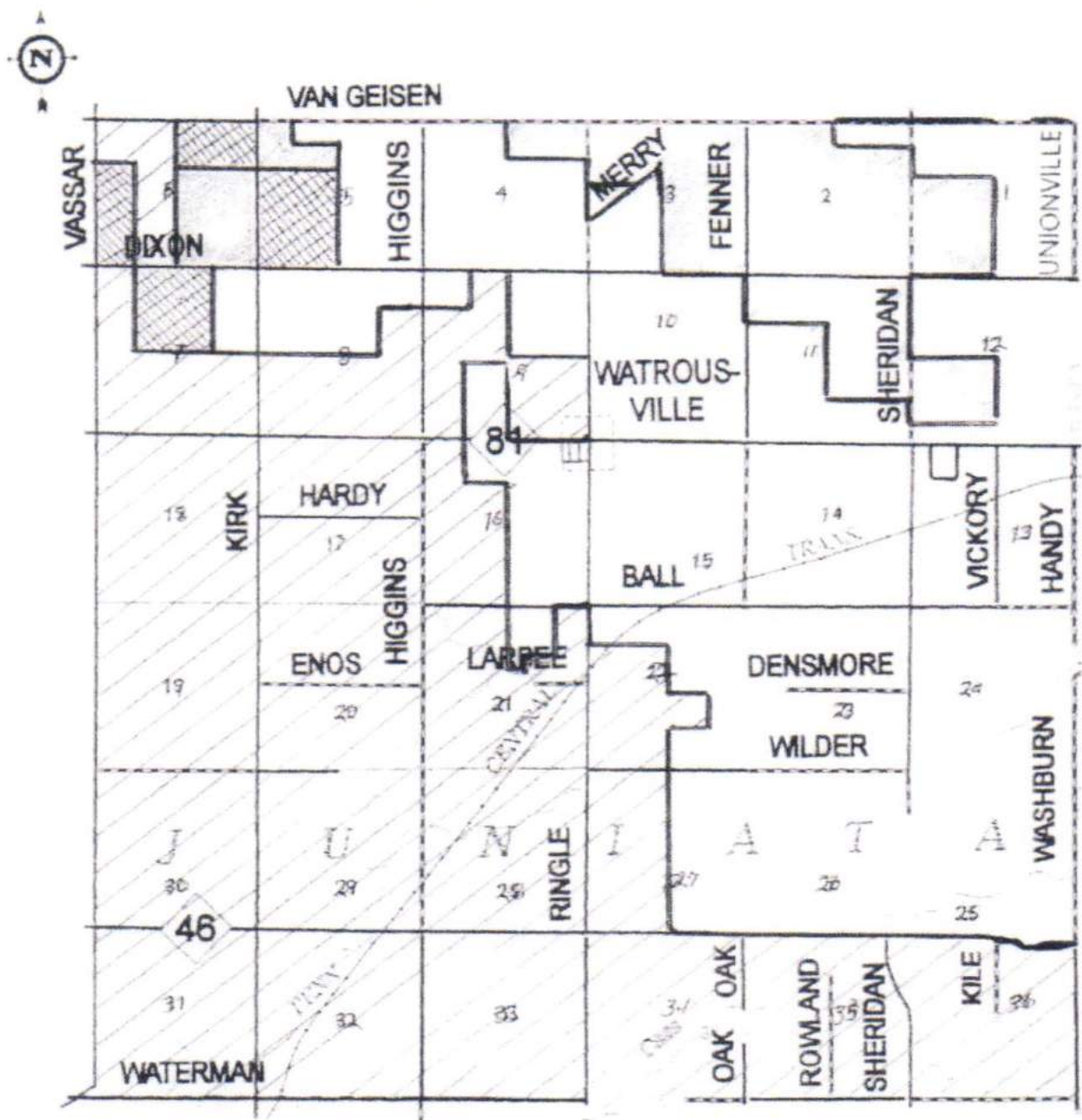
Fire Zone Map



JUNIATA TOWNSHIP

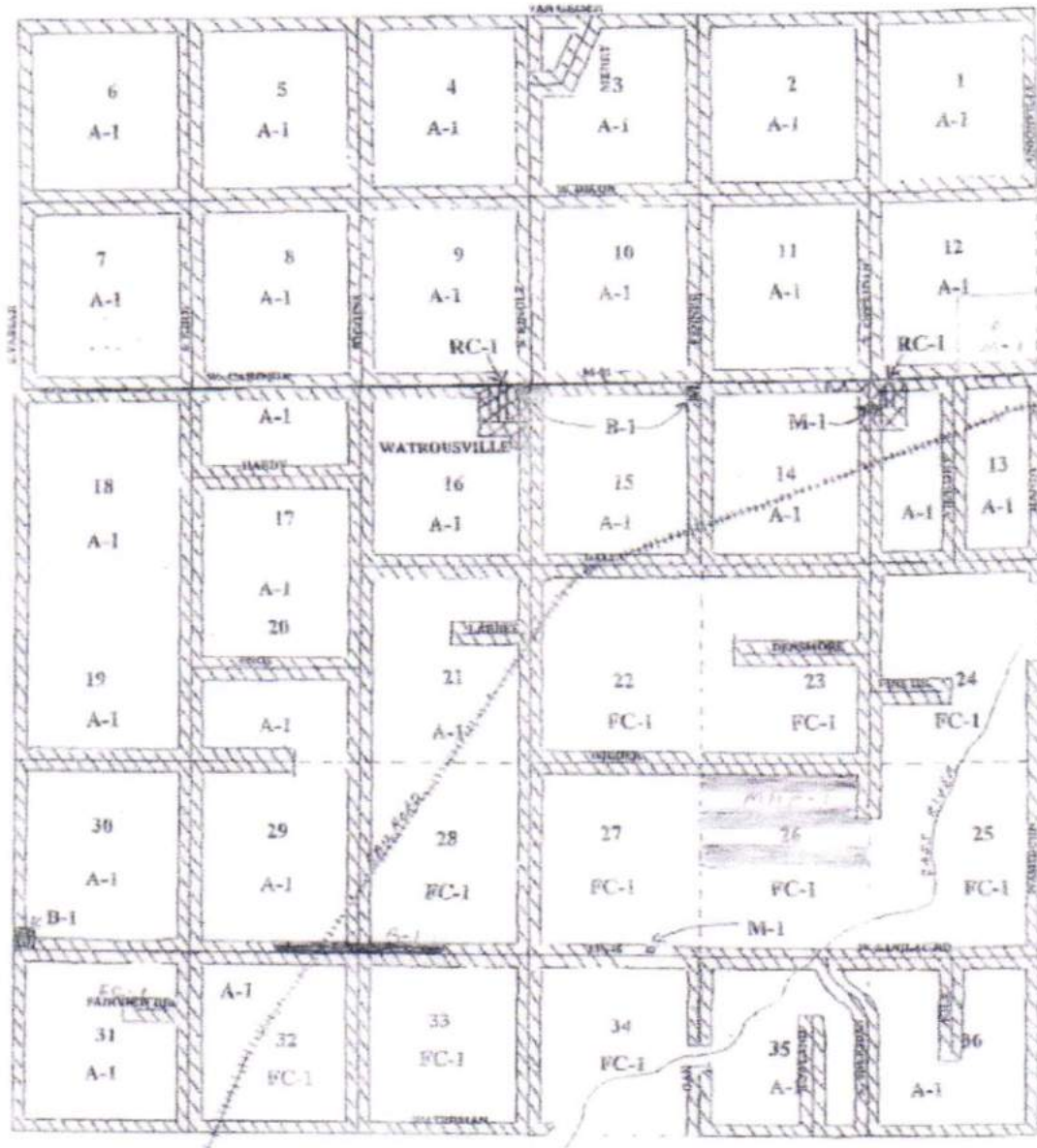
School Districts Map (2004)

CARO
 VASSAR
 FAIRGROVE
 REESE



JUNIATA TOWNSHIP

Zoning Plan Map



LEGEND

A-1	AGRICULTURAL		MHP-1	MANUFACTURED HOME PARK	
B-1	BUSINESS		M-1	MANUFACTURING/DISTRIBUTION	
FC-1	FORESTRY CONSERVATION		RR-1	RURAL RESIDENTIAL	
	RESIDENTIAL CLUSTERS				