

ARTICLE 16 GENERAL PROVISIONS

Section 16.01 Accessory Structure

Accessory structures except for farms or other uses otherwise regulated by this Ordinance, shall be subject to the following regulations.

1. Where an accessory structure is structurally attached to a main building, it shall be deemed part of the building and shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building.
2. Accessory structure shall not be erected in any required front or street side setback area as defined in this Ordinance.
3. An accessory structure shall not occupy more than twenty-five (25) percent of a required rear yard. In no instance shall an accessory structure exceed the ground floor area of the main building.
4. No detached accessory structure shall be located closer than ten (10) feet to any main building, nor shall it be located closer than ten (10) feet to any side or rear lot line. In no instance shall an accessory structure be located within a dedicated easement i.e.: access, utility, or right-of-way.
5. A detached accessory structure in a residential district shall not exceed the maximum permitted height for the district; however, the vertical exterior surface of the building, not forming a part of the roof, shall not exceed a height of fourteen (14) feet, measured from grade to the top plate of the wall.
6. Accessory structure in any commercial or industrial district may be constructed to equal the maximum permitted height of structures in said district.
7. No accessory structure shall be constructed prior to the construction of the main building.

Section 16.02 Building Regulations

1. Unlawful Building

Any building, or part thereof, which is used, erected, occupied or altered contrary to law or the provisions of this Ordinance shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

2. Temporary Building/Structure

No temporary building shall be erected unless a permit has been issued by the Zoning Administrator for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy for the permanent building.

A temporary structure may be permitted by the Zoning Administrator for sixty (60) days for commercial businesses to store overflow product if it meets the following requirements:

1. Shall maintain the same setbacks as the building.
2. Shall not be permitted in the front yard.
3. Shall be permitted by the Blair Township Fire Code, as amended, and any other ordinances or codes deemed applicable.
4. No temporary structure permit has been issued in the last sixty (60) days.

3. Frontage on a Road (Amendment 104-05-06-06; Page 171; Effective February 27, 2007)
Manufactured home parks, multiple-family developments, commercial shopping centers, or office parks do not need to have such structures within the development front upon a publicly dedicated road, provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the Township.

4. One Lot, One Single-Family Dwelling Unit

In all districts, only one (1) single-family dwelling unit shall be placed on a single lot.

5. Easements

A site plan shall provide an easement in a specified width, giving access from a public road or roads to all not having required public road frontage. Such easements shall be established for the joint use of owners of all abutting resultant parcels of the original property for ingress and egress and roadway maintenance, and also for occupation by private and public utilities serving the abutting parcels. (Amendment 104-05-06-06; Page 170; Effective February 27, 2007)

6. Building Locations

Within each parcel shown on such site plan, there shall be delineated and fully dimensioned an area within which the principal structure shall be confined and a greater area within which accessory buildings shall be confined. The areas delineated shall be such that, in the opinion and judgment of the Planning Commission, Zoning Administrator and Assessor, development on each parcel will be in conformity with the spirit and intent of this Ordinance with respect to the particular zoning district regulations, will be compatible with existing development in the vicinity, and will not adversely affect adjacent properties. No permits shall be issued for buildings not located within the limits shown on an approved site plan.

7. Keyholing (Easements to Waterfront)

Any land having water frontage that is for group easement or beach purposes shall have a minimum of not less than fifty (50) feet, measured at the high water mark, and shall contain an additional five (5) feet for each single-family unit/lot having easement or use privileges. Individual docks, hoist and related installations shall not exceed one set per fifty (50) feet of shoreline, measured at the high water mark.

8. Use of Structures/Types of Storage

Structures shall be used in the manner intended. Semi Trailers, shipping containers, mobile homes, vehicles, etc., wheeled or not, shall not be used as accessory buildings and/or for storage.

Section 16.03 Exterior Lighting

1. All outdoor lighting in all districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent properties, road ways, and the nighttime sky.
2. All outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent roadways or neighboring property.
4. Illumination of signs shall be provided so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

Section 16.04 Fences

1. Requirement for fences in all zoning districts
 - a. Fences shall be constructed of wood, metal, masonry, or any other materials acceptable by the township, that are intended, by the manufacturer, for use as fence. Plastic interwoven designs shall not be permitted. Only materials shall be used which have been manufactured and/or treated in a manner to prevent rust and corrosion and/or rot and decay.
 - b. Fences must be maintained in a neat and safe condition that is acceptable by the

township, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers public health, safety and welfare or property is hereby deemed a nuisance. The Zoning Administrator shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance and specify the time period in which required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed.

- c. Fences shall not contain barbed wire, electric current or charge of electricity except when used as part of a farm operation.
- d. Fences which enclose parks or playgrounds within or adjacent to residential areas shall not exceed eight (8) feet in height.
- e. No fence shall obstruct access by emergency personnel. A gate at least three (3) feet in width shall be provided for access by emergency personnel to all parts of the property and as such shall not be considered an obstruction.
- f. All fences shall be constructed with the finished side exposed in a manner which serves to enhance the aesthetic appearance of the neighborhood and surrounding area.
- g. The following fences shall not be regulated by this section:
 - 1. Agricultural fences that are used for general farming and horticultural uses, field crops, and raising and keeping of livestock.
 - 2. Temporary fence such as snow fence placed during the winter to control drifting snow or safety fences during construction.
- h. All fences shall be erected one (1) foot behind the road right of way. (Amendment 104-05-11-01; Effective 5/19/2016)
- i. All fences must be located entirely on the private property of the person constructing the fence, except if adjoining property owner(s) consent in writing to the construction of a fence on the property line, it may be so constructed. Such written consent shall be filed with the permit application. In the case of adjoining properties, only one (1) fence between the two properties shall be erected.
- j. In residential areas, fences within a side or rear yard area shall not exceed six (6) feet in height, measured from the surface of the ground. Fences within a front yard area shall not exceed four (4) feet in height, measured from the surface of the ground.
- k. All fences in areas zoned or used for office, commercial, and industrial purposes shall not exceed a height of six (6) feet above grade level, unless superseded by a site development standard listed in Article 18.

1. No materials shall be stored higher than the fence that surrounds the material.
2. All fences shall require a permit. Fees for the review of a fence permit shall be established by resolution of the Township Board.

Section 16.05 Greenbelt Buffers, Screening, Landscaping

These requirements shall apply to all uses that require site plan review under Article 21, Site Plan Review Procedures. No site plan shall be approved unless the site plan depicts required greenbelt buffers, screening, and landscaping consistent with the requirements of this Section. In cases where the use of an existing building changes or an existing building is altered or reoccupied, all the standards set forth in this Section shall be met.

1. Screening Between Land Uses

Where a nonresidential use is adjacent to properties zoned or used for residential uses, one of the following forms of screening shall be provided. The Planning Commission shall retain the right to require a specific screening, if proposed screening is deemed inappropriate or ineffective.

- a. A landscape screen shall conform to the following standards:
 - 1) A strip of land a minimum of ten (10) feet in width located between the residential use or residential zoning district and the nonresidential use or zone.
 - 2) The equivalent of one (1) tree for each twenty-five (25) lineal feet of buffer zone, or fraction thereof, shall be planted between the residential use or residential district and the conflicting land use. Required trees may be planted at uniform intervals, at random, or in clusters.
 - 3) The property owner shall maintain all landscape materials in a healthy condition, free from refuse or debris. All unhealthy or dead plant materials shall be replaced within one (1) year or the next appropriate planting season. All plant materials shall be installed in such a manner so as not to alter drainage patterns, obstruct vision for safe ingress and egress, and not cause damage to utility lines or public roads.
- b. An evergreen screen shall conform to the following standards:
 - 1) The evergreen screen shall consist of evergreen trees planted at the minimum spacing distance specified in Subsection 6b.
 - 2) The evergreen screen shall form a complete visual barrier at least six (6) feet in height within five (5) years of planting.
- c. A landscape berm shall conform to the following standards:

- 1) The berm shall be at least three (3) feet in height with a two (2) foot wide crown and side slopes not exceeding a three (3) to one (1) slope ratio.
- 2) The berm shall be planted with grass or other suitable ground cover to ensure that it withstands the effects of wind and water and retains its height and shape.
- 3) A minimum of one (1) tree shall be planted for each fifty (50) lineal feet or portion thereof. Required trees may be planted at uniform intervals, at random, or in clusters.
- 4) Eight (8) shrubs per tree may be substituted for trees required above.
- 5) Berms shall be constructed so as to not alter existing drainage patterns or obstruct vision for safe ingress and egress.
- 6) Plantings in this buffer area shall be maintained in a healthy condition, free from refuse or debris. All unhealthy or dead plant materials shall be replaced within one (1) year or the next appropriate planting season. All plant materials shall be installed in such a manner so as not to alter drainage patterns, obstruct vision for safe ingress and egress, and not cause damage to utility lines or public roads.

d. A screening fence shall conform to the following standards:

- 1) The fence shall be six (6) feet or more in height as measured on the side of the proposed wall having the higher grade
- 2) The fence shall be constructed on both sides with face brick, poured in place simulated brick face, precast brick panels having a simulated face brick, or stone.
- 3) Fencess shall be constructed so as to not alter existing drainage patterns or obstruct vision for safe ingress and egress.

2. Road Right of Way Landscaping

- a. A strip of land a minimum of ten (10) feet in width shall be reserved along the road right-of-way and shall be landscaped as provided below.
- b. A minimum of one (1) tree shall be planted for each thirty (30) lineal feet, or fraction thereof, of road right-of-way frontage. Required trees may be planted at uniform intervals, at random, or in clusters.
- c. The remainder of the greenbelt area shall be landscaped in grass, ground cover, shrub, and/or other natural, living plant materials. Plantings in this buffer area shall be maintained in a healthy condition, free from refuse or debris. All

unhealthy or dead plant materials shall be replaced within one (1) year or the next appropriate planting season. All plant materials shall be installed in such a manner so as not to alter drainage patterns, obstruct vision for safe ingress and egress, and not cause damage to utility lines or public roads.

- d. Access drives from road rights-of-way are permitted to interrupt a greenbelt buffer. However, such access drives shall not be subtracted for the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of any minimum spacing requirements.

3. General Site Landscaping

All portions of a site not occupied by structures and/or parking area shall be landscaped and conform to the following general landscaping standards, except where specific landscape elements such as greenbelts or screening are required.

- a. All portions of the landscape area shall be planted with grass, shrubs, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval.
- b. A mixture of evergreen and deciduous trees shall be planted at a rate of one (1) tree for each three thousand (3,000) square feet of site area. Required trees may be planted at uniform intervals, at random, or in clusters.

4. Parking Lot Landscaping

Separate landscaped areas shall be required either within or at the perimeter of parking lots. Parking lot landscaping shall be so designed to provide directional guidance to access drives and interior circulation.

- a. In off-road parking areas containing more than twenty (20) spaces, at least five (5) percent of the total parking lot area shall be used for interior landscaping.
- b. There shall be a minimum of one (1) tree for every ten (10) spaces.
- c. A minimum distance of three (3) feet shall be established between the proposed tree or shrub and the backside of the curb or edge of pavement.
- d. Individual landscape areas shall be at least fifteen (15) feet wide.
- e. Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a buffer, at least twenty (20) feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of structural or plant materials no less than four (4) feet in height.

5. Screening of Trash Storage Areas

- a. All trash storage areas shall be limited to normal refuse that is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
- b. In no instance shall any such refuse be visible above the required screening.
- c. A fence, six (6) feet in height, shall enclose three (3) sides of the trash storage area along with a gate six (6) feet in height on the fourth (4) side. Such walls shall be constructed of materials approved by the Zoning Administrator to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete that complies with local building requirements.
- d. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent roads and uses. In no instance shall any such area be located in a front yard.

6. Landscape Material Standards

Landscape materials shall meet the following minimum standards:

- a. Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to Grand Traverse County, conform to the current minimum standards of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- b. Minimum plant sizes and spacing at the time of installation:

Plant Material	Size	Minimum Spacing
Deciduous Canopy Tree	2 ½ inch caliper	25 feet
Deciduous Ornamental Tree	2 inch caliper	20 feet
Evergreen Tree	6 foot height	20 feet
Deciduous Shrub	2 foot height	6 feet
Upright Evergreen Shrub	2 foot height	8 feet
Spreading Evergreen Shrub	18-24 inch	6 feet

Caliper measure taken at six (6) inches above ground level.

c. The following trees shall not be permitted:

Common Name	Botanical Name
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust (with thorns)	Gleditsia Triacanthos
Black Locust	Robinia Species
Willow	Salix Species
Siberian Elm	Ulmus Pumila
Chinese Elm	Ulmus Parvifolia

d. Where healthy trees exist on a site prior to its development, the Planning Commission may lessen the minimum tree planting requirement if existing trees are maintained on site.

If existing trees are maintained, such trees must be designated "to be saved" on the site plan and protective techniques shall be installed during the construction period. Such techniques may include, but shall not be limited to, the installation of fencing around the drip-line of designated plant materials and the prohibition of parking vehicles or construction equipment within the drip-line of such plant materials.

In the event that trees designated "to be saved" on the approved site plan are destroyed or damaged, the trees shall be replaced to meet the standards of this Section.

Section 16.06 Keeping of Animals

	Zoning District	Less than 2 acres	2 or more acres
The keeping of more than four (4) dogs or the keeping of any number of poultry, hogs or other livestock.	RC	Prohibited	Prohibited
	AG	Permitted	Permitted
	RN	Prohibited	Permitted
	MH	Prohibited	Permitted
	CM	Prohibited	Prohibited
	V	Prohibited	Permitted

	BV	Prohibited	Permitted
Horses for Recreational Purposes		Less than 2 acres	2 or more acres
	RC	Prohibited	Permitted
	AG	Permitted	Permitted
	RN	Prohibited	Permitted
	MH	Prohibited	Permitted
	CM	Prohibited	Prohibited
	V	Prohibited	Prohibited
	BV	Prohibited	Permitted

1. In those zoning districts specified in the above mentioned table where the keeping of any number of poultry is prohibited, there shall be an exception to allow for the keeping of chickens subject to the following regulations:
 - a. A maximum of six (6) hens may be kept per lot.
 - b. Roosters are prohibited.
 - c. A person shall not keep chickens in any location on the property other than in the rear yard.
 - d. No covered enclosure or fenced enclosure shall be located closer than ten (10) feet to any property line of an adjacent property.

These regulations shall not apply to those lots where the keeping of any number of poultry is permitted in the above mentioned table.

2. Provided, however, that any litter of dogs which causes the aforesaid limit of four (4) to be exceeded shall not constitute a violation of this provision for a period of six (6) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to remain on said premises within any consecutive six (6) month period.
3. Districts allowing horses for recreational purposes shall be for the private personal use of the owner or lessee of such land, his family and friends, and shall not constitute a commercial occupation nor a public riding stable, and which further meets the following conditions:
 - a. Two (2) acre shall be provided for the first horse so kept. At least one-half (½) acre shall be provided for each additional horse kept, except that the number of horses now existing on each parcel where horses are presently kept for recreational purposes may be continued under the nonconforming use provisions of this Ordinance and subject to all conditions therein.
 - b. Foals born on parcels where horses are presently kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the per acre limitation, as provided above, but in no

case shall there be more than one (1) horse and one (1) foal per acre.

4. The keeping of poultry, hogs, horses, livestock, or more than four (4) dogs is prohibited if the same becomes obnoxious by reason of odor, noise, or other nuisance. The determination of Zoning Administrator shall be conclusive on the question of whether the same are obnoxious under the terms of this Ordinance and consistent with the provisions of the Michigan Right to Farm Act, Act 93 of the Public Acts of 1981, as amended.
5. No wild animals shall be kept permanently or temporarily in any district in the Township except as provided below:
 - a. In a bona fide zoo.
 - b. In a bona fide, licensed circus.
 - c. By a person licensed by the state of Michigan to temporarily harbor and treat an injured animal or an animal designated as an endangered species until it can be released into its natural habitat.
6. Non-application to Farms
The provisions of this subsection above shall not apply to a farm.

Section 16.07 Specified Conditions

All activities and uses within Blair Township shall conform to, and demonstrate compliance with at the time of site plan review, the following performance standards. However, whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations that are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

1. Smoke

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour, which is:

- a. As dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines; or
- b. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in the above subsection.
- c. At no time may smoke emissions be darker than Ringelmann No. 1.

2. Fire

All uses and structures shall meet the requirements of the Blair Township Fire Department.

3. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

4. Air Contaminants

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.

5. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as to not cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

Section 16.08 Recreational Vehicle Storage

1. The open parking or storage of recreational vehicles not owned by a resident of the Township on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, one (1) travel trailer or motorized home may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks within one (1) calendar year provided a permit has first been secured from the Zoning Administrator.
2. Residents of the Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within any required front or side yard setback area. The maximum number of such owner-owned recreational vehicles stored outdoors on the property shall not exceed four (4).

3. A travel trailer parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.
4. A mobile home shall not be considered a travel trailer, motorized home, or any other type of recreational vehicle.

Section 16.09 Access Management / Interconnection of Off-Road Parking Areas

The purpose of access management is to coordinate access on to public roads to enhance traffic safety, reduce traffic congestion, minimize highway expansions, and protect public investment in street systems. It is the intent of this section that land uses share access wherever possible or provide alternative access as a means to accomplish these purposes.

The Michigan Department of Transportation and Grand Traverse County Road Commission approve and regulate all access management to their respective roads.

The Planning Commission shall require an off-road parking area to be interconnected with off-road parking areas on adjacent properties. The access drive that interconnects the off-road parking area shall conform to the following standards:

- a.) Minimum pavement width of twenty-four (24) feet.
- b.) Shall conform to the same setbacks as parking areas.
- c.) Access Drives shall be constructed of asphalt or concrete.
- d.) The area between the marginal access drive and public road right-of-way shall be landscaped. The landscaping shall meet the requirements listed in 16.05(1) of this Zoning Ordinance.

During Site Plan Review the Planning Commission shall have the authority to modify the portion of this section regarding interconnection of off-road parking areas if the interconnection is not possible due to the presence of existing buildings or topographic conditions.

Section 16.10 Reserved

Section 16.11 Soil Removal; Extraction; Filling

1. Prohibition, Permits Required:
 - a. It shall be unlawful for any person, firm, corporation, partnership, other organization or entity to engage in or conduct any soil removal or extraction within the Township without first procuring a Special Land Use Permit as regulated in Article 22, Special Land Use Review Procedures. This provision shall not apply to the removal or extraction of top soil or temporary excavations for building construction purposes, pursuant to a permit issued by the County Building Inspector.

- b. The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except in IS Overlay Zone and pursuant to the terms and conditions of a special land use permit be granted in a proper case by the Township Board.

2. Application for Special Land Use Permit

- a. Application for a special land use permit shall be made in accordance with Article 22, Special Land Use Review Procedures. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of one (1) inch to one hundred (100) feet with a two (2) foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and conditions regarding soil removal, extraction and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk, or by Grand Traverse County.
- b. The original of each application shall be signed by the applicant and sworn to before a notary public. Two (2) confirmed copies shall be filed with original application.

3. Reference of Application to Zoning Administrator, Investigation, Report, and Standards

One copy of the application shall be referred to the Zoning Administrator, or his duly authorized agent, who shall investigate the premises described in the application and the surrounding area. Within thirty (30) days, the Zoning Administrator shall make a recommendation to the Planning Commission as to whether the special land use permit should be granted subject to this Ordinance, or whether the application should be denied. Recommendations shall include a report on the following matters, which, in addition to those general standards outlined in Article 22, Special Land Use Review Procedures, shall serve as the standards to be used by the Zoning Administrator in making his recommendation to the Planning Commission and by the Planning Commission in making its findings and rendering its recommendation to the Township Board regarding the special land use application.

- a. The ability of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect the public health,

safety, and general welfare.

- b. The full and complete effect on the public health, safety, and general welfare of granting the special land use permit without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- c. The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefore. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- d. In connection with items b. and c. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare. No application shall be granted on any basis whatsoever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation. The Zoning Administrator shall include on his report to the Planning Commission, and the Planning Commission shall consider in its recommendation to the Township Board, whether the granting of the permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

4. Rules and Conditions

Each party granted a special land use permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the special land use permit, to honor any and all applicable provisions of law, and to comply with the following regulations:

- a. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during or following the completion of the extraction operations, unless an impoundment of water has been previously approved by the Township Board as a part of restoration operations as described in item d., below.
- b. Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh, or other suitable material, to afford protection to persons and property, with warning signs, lights

and watchman provided where found by the Township Board to be reasonably necessary based on the conditions involved.

In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Board as a part of restoration operations (as described in item d. immediately below). Slopes at a ratio of seven (7) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface.

- c. Where a permit for soil removal or extraction specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or extraction operation, shall commence and complete the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required.
- d. In the case of a permit for filling:
 - 1) Evidence of compliance with Solid Waste Management Act, Act 641 of the Public Acts of 1978, as may be amended, must be provided by the applicant. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary combustion of said rubbish or fill material deposited at the site of the permitted operation.
 - 2) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Planning Commission, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the special land use permit holder to keep the area in a reasonably clean and neat condition.
 - 3) All rubbish and garbage fill when deposited must be thoroughly compacted.
 - 4) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the special land use permit, shall be covered with a compacted layer of soil matter six (6) inches thick and of a kind and texture that will be suitable for the growing of turf or for a construction base or other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and

texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one (1) week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.

- e. The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any special land use permit for the purposes of making inspections and for causing compliance with the terms of this Ordinance in the event the Permit holder shall fail to do so. It shall be the duty of the Zoning Administrator to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.

5. Permits; Suspensions; Revocation

In the event a special land use permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Board, the Zoning Administrator shall have the power to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail, and provided further that the permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice. If it shall appear to the Township Board from the facts presented that the special land use permit holder has been committing the violation as charged, then the Township Board shall revoke said permit. In the event of the revocation of a special land use permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Board, based on the standards of this Ordinance and conditions previously imposed by the Township Board.

6. Dangerous Excavations or Holes Prohibited

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits that constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This Section shall not apply to excavations operated under a special land use permit issued pursuant to this Ordinance, or the Building Code of the Township, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Zoning Administrator, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state of Michigan, Grand Traverse County, Blair Township, or other governmental agencies.

7. Restoration

All areas within any landfill or extraction site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a special land use permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends, to the extent possible, with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation or filling occurs.

The Zoning Administrator shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Board may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, then the Township Board shall set a new date, which shall be final.

Section 16.12 Structure Completion and Personal Construction Authority

1. All structures shall be completed within one (1) year of the date of issuance of the permit for such structure, unless an extension for not more than one (1) additional year is granted for good cause by the Zoning Administrator.
2. Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from altering his or her own building, plumbing, electrical installations, etc., provided the minimum requirements of the Electrical and Plumbing Codes adopted by Grand Traverse County, and the applicable County Health Department regulations are complied with.

Section 16.13 Street and Trail Connectivity

1. The street layout in a new development shall be designed to provide emergency vehicle connections to existing and potential adjacent developments.
 - a. The minimum width of the vehicular connection shall be twenty four (24) feet.
 - b. In the event that this requirement is impractical due to topography (such as steep slopes), natural features (such as a river), or land use (such as active agricultural operations), this requirement may be waived by the final approving authority.
 - c. Gates are allowed at all private road stubs and connections subject to the following:
 - i. Width of gate shall not be less than the driving surface
 - ii. If locked, shall be equipped with an Emergency Padlock typical of those

licensed for use in Grand Traverse County, manufactured and distributed by the “KNOX company.”

- iii. Shall be installed and maintained in accordance with the Blair Township Fire Code, as amended.
 - iv. Shall be approved by the Blair Township Fire Department.
2. The layout of a new developments shall be designed to provide pedestrian connections to existing and potential adjacent developments and to designated public parks.
- a. The pedestrian trail shall be a minimum of six (6) feet wide and shall be designated only for non-motorized use.
 - b. If an adjacent subdivision does not have a pedestrian trail, then the proposed pedestrian trail may connect to a public road right-of-way.
 - c. In the event that this requirement is impractical due to topography (such as steep slopes), natural features (such as a river), or land use (such as active agricultural operations), this requirement may be waived by the final approving authority.

Section 16.14 Open Space Connectivity

Land areas dedicated for common open space in residential, commercial, and industrial developments shall be designed to be contiguous to adjacent common open space areas in existing and/or potential developments. When the development of the adjacent property does not physically allow for the connection of the common open space areas, then the final approving authority may waive this requirement.

Section 16.15 Subdivision Park

A Subdivision Park is a parcel of land that is dedicated to outdoor leisure time activities for nearby residents through the site plan review process. Leisure-time activities include walking, ball field sports, and playground activities and other similar type activities.

Subdivision Parks are encouraged in residential developments. When a subdivision park is incorporated into a residential development, the minimum side setback requirement for residential lots in that subdivision shall be reduce by five (5) feet.

(Amendment 104-05-11-01; Page 168; Effective 12/13/05)

The following regulations shall apply to all Subdivision Parks:

1. The minimum size shall be one (1) acre.
2. The minimum lot width shall be one hundred (100) feet.

3. The subdivision park shall not be in a designated drainage ~~or wetland~~ area.
4. The land dedicated for a subdivision park shall be used only for a subdivision park.
5. A subdivision park shall be a minimum of fifty (50) feet from a commercial zoned or industrial zoned parcel.
6. A subdivision park shall contain improved facilities or equipment for playgrounds, ball fields, ball courts, or other constructed recreational amenities.
7. Any subdivision park in a wetland shall include an elevated walkway and it shall be maintained by the condominium or neighborhood association associated with the subdivision park.

16.16 Sanitary Sewer System Connection

Shall comply with Blair Township Master Sewer Agreement.

16.17 Private Roads and Drives

For the purposes of this Ordinance, the following table will identify the type of area of ingress and egress required for the amount of parcels that the area serves

Areas used for ingress and egress	Parcels Served
Private Road	Eight (8) or more
Private Drive	More than two (2) less than eight (8)
Driveway	one (1) or two (2)

1. Approval Process:
 - a. Application shall be made to the Township on a form provided by the Township for a Private Road or Private Drive. The submission shall include:
 1. Engineered road construction plans
 2. Drainage Plans
 3. Signed road maintenance agreement acceptable to the Township
 4. Proposed road name
 - b. The Zoning Administrator will review the submitted application for compliance with the applicable ordinance(s) and submit a copy of the plans for review by the Blair Township Fire Department.
 - c. Road name will be submitted to the Township Board for approval.

- d. After the application is approved by the Zoning Administrator and Fire Department and road name approved by the Township Board, a land use permit for private road construction shall be issued.
 - e. A Township representative may inspect and review during construction.
 - f. After construction is complete, a final site inspection of the road shall be made by applicable agencies and recommendations shall be sent to the Zoning Administrator. The Registered Professional Engineer that designs the private road shall certify that the road was built in compliance with the approved plans, specifications and the Township's private road standards. When the Zoning Administrator has received notice of completions from applicable agencies and certified letter from the engineer, the Zoning Administrator shall issue a certificate of completion for the road.
 - g. No land use permit will be approved for any parcels that use, or border on, a private road until the road construction is completed and approved by the applicable government unit(s), and meets all other private road standards as specified in this Ordinance.
 - h. The Township Board may allow for a land use permit to be issued prior to road paving and completion if the developer supplies a performance guarantee to cover the cost of paving. The occupancy permit for the structure will not be issued until the certificate of completion is issued for the road.
2. Maintenance Agreement. A maintenance agreement shall be recorded with the Grand Traverse County Registered of Deeds, this agreement shall also be recorded as part of the Master Deed of a condominium project, as a general deed restriction to be recorded against subdivision parcels and metes and bounds parcels created by a land division and a copy of this agreement shall be submitted to the Blair Township for their files. The road maintenance agreement shall provide as a minimum:
- a. A provision for an incorporated association of co-owners along the proposed private road, which shall be responsible to collect fees and to build and maintain the private road/drive.
 - b. Majority vote rules regarding road maintenance and improvement decisions.
 - c. The owner of each parcel will be responsible for payment of the share of costs apportioned to his or her parcel.
 - d. The owners shall have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
 - e. The agreement shall be recorded and shall run with the land and bind and benefit the parcels, and the owners, thereof, in perpetuity.
 - f. The owner or owners of the land served by the road shall provide for the requirement to grade, drain, and otherwise maintain the private road including the road name sign, and emergency service access, in accordance with public agency requirements.

- g. A statement that the owners are aware that the road will not be maintained by the Grand Traverse County Road Commission or Michigan Department of Transportation. As such, the roadway will be private, and the Road Commission or Department of Transportation will have no obligation to maintain the road in any manner.
 - h. A statement regarding the ability for Blair Township to inspect and repair the roadway at the owners expense and may create a special assessment district if deemed necessary and a statement that says, if the Township exercises discretion to intervene, that there is, nevertheless, no further obligation to maintain or repair the road on the part of the Township.
 - i. The road maintenance agreement may be reviewed and approved by the Township Attorney for compliance with the Township regulations. Following approval of the Township Attorney when required, the agreement shall be recorded with the Grand Traverse County Register of Deeds.
 - b. An explicit clause advising all current and future parties to said agreement that Blair Township is not obligated to perform regular inspections of the easement area or provide repairs or maintenance to the private road and that Blair Township is not responsible for the legality or enforcement of the maintenance agreement.
 - c. A statement that the owners will hold the Township harmless from liability and indemnify the Township from liability associated with any repair or maintenance or approval of the private road/drive by the Township.
3. Private roads and drives shall have a minimum easement width of thirty-three (33) feet.
4. As a condition of approval, the Township may require surety by the developer to make the road improvements shown on the site plan and to insure completion of filing requirements.
5. In addition to the above requirements private roads shall be designed with the following standards:
- a. Minimum Pavement Width. Twenty-four (24) feet. With a base asphalt mix of 110#/s.y. of CATM surfacing over 165#/s.y. of CALC leveling course. A comparable or higher grade asphalt mix may be substituted as determined by a state certified engineer.
 - b. The private road shall have a suitable sand/gravel sub-base not less than 12 inches of Class II sand/gravel and a minimum of 6 inch M.D.O.T. 22A or a GTCO 22A modified gravel specification.
 - c. Storm Water Drainage. Private roads shall be designed to control storm water drainage utilizing collection and storage systems or seepage systems in accordance with Michigan Best Management Practices. An engineer licensed in the State of Michigan shall prepare the drainage plan.

6. In addition to the above requirement, except 5., private drives shall be designed with the following standards:
 - a. Minimum surface width of twenty (20) feet.
 - b. Private drives shall be surfaced with asphalt, concrete or gravel

16.18 Class 1 Disposal Wells and Related Facilities

(Amendment 104-05-12-05; Effective 03/25/13)

1. Prohibition, Permits Required

- a. *It shall be unlawful for any person, firm, corporation, partnership, other organization or entity to place any Class 1 Disposal Well within the Township without first procuring a Special Land Use Permit as regulated in Article 22, Special Land Use Review Procedures.*

2. Application for Special Land Use Permit

- a. *The Application for Special Use Permit shall include a complete description of all waste and/or industrial waste, including all chemical constituents and total volumes, intended for disposal at the facility. The Applicant shall copy the Township on all data required to be delivered to the Michigan Department of Natural Resources and Environment (MDNR) and/or Michigan Department of Environmental Quality (MDEQ) for the use. If the Special Use Permit is approved, the Applicant shall inform the Township, in writing, of any modification of the waste stream and/or any new waste or industrial waste that the Applicant proposes for disposal. Any such modification or new waste proposed for disposal shall require approval for modification of the Special Use Permit and be subject to all requirements of this Zoning Ordinance. If approved, the Applicant shall provide a yearly report to the Township which includes analysis of the waste stream for all chemical constituents and total volumes. The Applicant shall also allow the Township to conduct random samples of the waste stream upon a forty eight (48) hour notice to the Applicant at the Township's expense.*
- b. *The Application for Special Use Permit shall include an independent, valid and reliable groundwater analysis from at least three (3) test wells properly placed downgradient from the proposed disposal well. If approved, the Applicant shall sample these test wells for chemical constituents as required by the Township and deliver the results of these independent, valid and reliable analyses to the Township quarterly from the date of the any approved Special Use Permit. If the results of the initial groundwater analysis or the required groundwater monitoring indicate any contamination, as defined by Part 201 of the Natural Resources and Environmental Protection Act (MCL 324.20101 et seq), then the Applicant shall provide proof that the contamination is being investigated and remediated in accordance with the*

state and federal regulations or was not caused by its activities. The Township retains the authority to revoke the Special Use Permit if the Applicant fails to provide such proof. The Applicant shall also allow the Township to conduct random samples from all test wells upon a forty eight (48) hour notice to the Applicant at the Township's expense.

- c. The Application for Special Use Permit shall include an independent, valid and reliable soil analysis from five areas within the containment area surrounding the proposed disposal well. If approved, the Applicant shall provide 5 independent, valid and reliable soil analyses from within the containment area for chemical constituents as required by the Township quarterly from date of any approved Special Use Permit. If the results of the initial soil samples or the required soil monitoring indicate any contamination, as defined by Part 201 of the Natural Resources and Environmental Protection Act (MCL 324.20101 et seq), then the Applicant shall provide proof that the contamination is being investigated and remediated in accordance with the state and federal regulations. The Township retains the authority to revoke the Special Use Permit if the Applicant fails to provide such proof. The Applicant shall also allow the Township to conduct random soil samples upon a forty eight (48) hour notice to the Applicant at the Township's expense.*
- d. The Applicant shall provide the results of all testing and lab procedures to the Township upon the Township's request*
- e. The Applicant shall provide an analysis of all feasible and prudent alternatives to the use*
- f. The Applicant shall provide an analysis of impacts or potential impacts to soil, surface water and groundwater by use, contamination or pollution*
- g. The Application for Special Use Permit shall include proof of liability insurance with a pollution rider deemed adequate by the Township*
- h. If the Special Use Permit is approved, the Applicant shall furnish a performance bond or cash to the Township Clerk in an amount sufficient to insure proper closure and restoration of the well and site.*

16.19 Sexually Oriented Businesses

All sexually oriented businesses shall comply with Blair Township General Ordinance #115, as amended, restrictions for Sexually Oriented Businesses.