

**BLAIR
TOWNSHIP
ZONING
ORDINANCE**

Township Ordinance #104-05

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May 3, 2005

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BLAIR TOWNSHIP ZONING ORDINANCE

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ARTICLE 1
TITLE, PURPOSE, SCOPE, INTERPRETATION,
VESTED RIGHT AND SEVERABILITY CLAUSE

Section 1.01 Title

This Ordinance shall be known as the "Blair Township Zoning Ordinance."

Section 1.02 Repeal of Ordinance

The Blair Township Zoning Ordinance, Ordinance No. 104-96, as amended, is hereby repealed effective coincident with the effective date of this Ordinance.

Section 1.03 Purpose

The primary purpose of this Ordinance shall be:

To promote the use and conservation of the lands and resources of the Township in conformity with their character and adaptability;

To ensure that use of the land shall be situated in appropriate locations and relationships;

To create safe and desirable conditions for living, economic progress, recreation, and other activities in the Township;

To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;

To facilitate the provision of adequate systems of transportation, fire protection, energy, waste disposal, water supplies, education, recreation, and other public service and facility requirements; and

To promote public health, safety, and welfare.

Section 1.04 Scope

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

Section 1.05 Interpretation

The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements necessary for the promotion of the public health, morals, safety,

comfort, convenience, or general welfare. This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of structures or premises except as specifically provided by Section 1.02; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1.06 Vested Right

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, such 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.

Section 1.07 Severance Clause

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

Section 1.08 Savings Clause

Nothing in this Ordinance shall be construed to affect any suit or proceedings impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed pursuant to Section 1.02 of this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

ARTICLE 2 DEFINITIONS

Section 2.01 Rules Applying to the Text

For the purpose of this Ordinance, certain terms or words shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual.
2. The present tense includes the future tense; the singular number includes the plural and the plural number includes the singular.
3. The word "shall" is mandatory; the word "may" is permissive.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. Any word or term not defined herein shall have the meaning of common or standard use that is reasonable for the context in which used herein.
6. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Board of Appeals.

Section 2.02 Definitions

Accessory Dwelling: A secondary dwelling unit contained within a one-family detached dwelling (granny flat) or above a garage (coach house) on the same lot as a one-family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, bathing and cooking. Also known as a mother-in-law apartment or accessory apartment.

Accessory Structure: A structure subordinate to a main building on the same lot that is occupied by, or devoted exclusively to, an accessory use.

Accessory Use: A use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-road parking spaces or loading) located on the same zoning lot as the principal use to which it is related.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.

3. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, or storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
6. Accessory off-road parking spaces, open or enclosed, subject to the accessory off-road parking regulations for the district in which the zoning lot is located.
7. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
8. Accessory off-road loading, subject to the off-road loading regulations for the district in which the zoning lot is located.
9. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
10. Satellite dishes or television or radio antennae for the use of occupants of a residence, or place of business.

Acreage: Any tract or parcel of land that has not been subdivided or platted.

Addition: An extension or increase in floor area or height of a building or structure.

Adult: A person having arrived at the legal age of majority as defined by the laws of the state of Michigan.

Alterations: Any change, addition, or modification in construction or type of occupancy, or 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."

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family, or a group of individuals living together as a single housekeeping unit.

Anemometer Tower: An instrument for measuring and recovering the speed of wind; a wind monitoring station.

Animal Services: personal services, for dogs, cats or other household pets, including grooming. This definition shall not include veterinary clinics.

Arcade: Arcade shall mean any place of business or establishment whose principal use is amusement devices and which contains six (6) or more mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skill ball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

Architectural Features: Architectural features of a building or a structure shall include, but is not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Automatic Car Wash: A structure containing facilities for washing vehicles and automatic or semi-automatic application of cleaner, brushes, rinse water, and heat for drying.

Automobile Repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile Repair Garage: An establishment primarily engaged in furnishing automobile repair services to the general public.

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used for the retail sales of motor fuels, servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar automobile accessories.

Automobile Wash: Any building or premises or portions thereof used for washing vehicles.

Basement and Cellar:

1. A basement is that portion of a building partly below grade and so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement shall not be counted as a story.
2. A cellar is that portion of a building partly below the grade and so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling, with a ceiling height of less than 6.5 feet.

Bed and Breakfast: A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and breakfast in return for payment.

Block: The property abutting one (1) side of a road and lying between the two (2) nearest intersecting roads, (crossing or terminating) or between the nearest such road and railroad

right-of-way, undivided acreage, lake, river, or other drainage way; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Bluff: A bank of a river rising at a slope of 33% or greater from within ten (10) feet of the river's edge.

Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Height: The vertical distance measured from the grade to the highest point of the roof surface for flat or dome roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

Cabin: Any structure or tent which is maintained offered or used for dwelling or sleeping quarters for transients or for temporary dwelling, but not including what are commonly designated as hotels, lodging houses, or tourist homes.

Certificate of Zoning Compliance: A document issued by Blair Township allowing the occupancy or use of a building and/or land and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances. For purposes of this Ordinance, a Certificate of Occupancy and Zoning Certificate shall be considered as one in the same.

Child Care Center: Refer to definition of day care center.

Class I Disposal Wells: *Any Hazardous Waste Well, Industrial Waste Disposal Well, or related facilities, including any Brine Disposal Facility. (Amendment 104-05-12-05, Effective March 25, 2013)*

Clinic: An establishment where human or animal patients are admitted for examinations and treatment by a physician(s), dentist(s), veterinarian(s), or similar professional(s).

Club: Any facility established to provide recreational or social activities for the exclusive use of its members, their families, and guests.

Cluster Development: A development design technique that concentrates buildings onto a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. This design technique may be used with a conventional subdivision or with a condominium project.

Commercial Laundromat: An establishment providing washing, drying, or drying cleaning services to businesses. Commercial Laundromats do not provide rental machines for individuals for their own service and use.

Common Open Space: Unoccupied land within a development, not individually owned or publicly dedicated, that is designed and intended for the common use or enjoyment of the residents and their guests and may include such improvements as are necessary and appropriate.

Communication Towers: are transmitters, antenna structures, antennas, accessory equipment and shelters pertaining to the facility as well as other types of installations used for the provision of wireless services.

Condominium: A form of property ownership and land development as detailed in the State of Michigan Land Division Act, Public Act 59 of 1978, as amended.

1. **Condominium Project:** A plan or project consisting of not less than two (2) condominium units established in conformity with P.A. 59 of 1978, as amended.
2. **Condominium Unit:** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, whether it is intended for residential, office, industrial, business, recreational, use of a time share unit, or other type of use, in accordance with P.A. 59 of 1978, as amended.
3. **Condominium, Standard:** A Standard Condominium is defined as any plan or project where two or more Condominium Units have a common boundary, abut against one another, or are within two (2) feet or less of separation between the legal descriptions of one another, and are not separated on all sides by co-owned or common lands from another Condominium Unit, whether it is intended for residential, office or other use as described above. Uses of Standard Condominiums are equivalent to multi-family dwellings, resort hotels, office complexes, and shopping malls.
4. **Condominium, Site: (Site Condominium).** A Site Condominium is defined as any plan or project where two or more Condominium Units do not have a common boundary, do not abut against one another, or are separated by more than two (2) feet between legal descriptions of one another, and are separated on all sides by co-owned or common lands from another Condominium Unit, whether it is intended for residential, office or other use as described above.

Congregate Care Facility: Apartments and dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

Contractor's Yard- Major: A lot or parcel upon which a contractor maintains an office and the storage of machinery, equipment, and materials customarily used in the trade performed by the contractor, such as activities related to excavation, concrete work, building construction, mining, and roads, etc. This definition also includes building materials sales yards, including but not limited to rock, sand, and gravel.

Contractor's Yard-Minor: A lot or parcel upon which a contractor maintains an office and the storage of machinery, equipment, and materials customarily used in the trade performed by the contractor, such as activities related to plumbing, electrical work, and drywalling, etc. Often these operations repair or retail items related to their operation.

Convalescent Home: A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing center provides.

Conventional Subdivision: The division of a lot, tract, or parcel of land into lots, tracts, or parcels of land, in accordance with all standards, regulations, and permits as stipulated in the Land Division Act, P.A. 288 of 1967, as amended, for the purpose, whether immediate or future, of sale or of building development.

Corral or Barnyard: A pen or enclosure for confining animals or livestock, but not grazing area.

Crest: The first river-ward facing area at least one hundred (100) feet long (approximately parallel to the river) that breaks to a slope of at least 18% for a distance away from the river of at least twenty-five (25) feet.

Cul-de-sac: A road terminating at one end, with a turning radius.

Day Care Center: A facility, other than a private residence, receiving one or more preschool or school age children for 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. Childcare center or day care center includes a facility that 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 childcare center, day care center, day nursery, nursery school, and parent cooperative preschool, play-group, or drop-in center.

Density: The number of households, or housing structure per unit of land.

Direct Access: Access not requiring trespass over adjacent property or rights-of-way.

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

Drive-In/Drive-thru: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure, or to provide self-service for patrons and food carry-out.

Dwelling: Is a structure or portion thereof used exclusively for human habitation.

Dwelling, Attached: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for multiple-family dwellings.

Dwelling, Single-Family: A building designed exclusively for one (1) family for residential use.

Dwelling, Semi-Detached: A single-family dwelling attached to one other single-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other.

Dwelling, Standard: A dwelling unit that meets the following requirements:

1. The dwelling complies with the minimum square footage and performance requirements for the district within which located;
2. The dwelling complies in all respects with the Michigan State Construction Code as promulgated by the State Construction Commission in accordance with Act 230 of the Public Acts of 1972, as amended;
3. The dwelling is firmly attached to a permanent foundation constructed on the site in accordance with the Township/County/State building code;
4. The dwelling is compatible in design and appearance with other residences in the vicinity including either a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and has not less than two exterior doors with the second one located in either the rear or side of the dwelling;
5. The dwelling has no additions or rooms or other areas which are not constructed with similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein;
6. The dwelling complies with all pertinent building and fire codes. The forgoing standards do not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required by the Township pertaining to such parks.

Dwelling, Townhouse: A single-family dwelling in a row of two (2) but no more than four (4)

such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Two-Family (Duplex): A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units, which is also referred to as a duplex.

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

Dwelling Unit, Efficiency: A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Dwelling Unit, Manufactured: A factory built single-family structure that meets the National Manufactured Home Construction and Safety Standards Act (commonly known as the HUD Code); also referred to as a modular home.

Dwelling Unit, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises intended to serve as its final location.

Earth Berm: A mound of earth of a minimum eighteen (18) inches in height, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

Easement: A granting of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal system, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals and hydrants and other similar equipment and accessories in connection with, but not including, buildings. For purposes of this Ordinance, essential services shall also be defined to include cable television facilities. This definition shall not include Wind Energy Systems or anemometer towers. This definition shall not include Communication Towers.

Extractive Operation: Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards on any calendar year is excavated or removed for the purpose of disposition away from the premises, except excavation in connection with the construction of a building or within public highway rights-of-way.

Façade: The front of a building or any face of a building given special architectural treatment which may consist of false, superficial, or artificial appearance or effect. (*Amendment 104-05-08-08, Effective February 20, 2009*)

Family: A single individual doing his or her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of unrelated persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Family Daycare: A private home in which one (1) but fewer than seven (7) minor children receive care and supervision for periods of less than 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. Family Daycare includes a home that gives care to an unrelated minor child for more than four weeks during the calendar year.

Farm: The land, buildings, and machinery used in the commercial production of farm products as the principle use of the property. For purposes of this Ordinance, gardens and other agricultural accessory uses do not constitute a farm.

Farm Animal: Is described as any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck, turkey, or more than one rabbit. Farm animal also means any other animal, other than dogs and cats, raised for commercial profit or slaughter.

Farm Buildings: Any structure or building other than a dwelling used or built on a farm.

Farm Market: A “farm market” is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market’s marketing season or up to a five year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations. (*Amendment 104-05-11-03, Effective March 25, 2013*)

Farm Operation: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Farm Product: Those plants and animals useful to human beings and including, but not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees and tree saps, fish, apiaries, equine, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

Feedlot: Any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for smaller animals, or more than thirty (30) fowls per acre.

Fence: A wall composed of posts, carrying boards, rails, pickets, or wire, or of iron structures consisting of vertical and/or horizontal bars.

Fence, Decorative: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. Floor area shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-road parking or loading shall not be included in floor area.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Usable: That 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 that is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Foster Care Group Home: A facility with the approved capacity to receive seven (7) but no more than twelve (12) persons who are provided supervision, personal care, and protection, in addition to room and board for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

Front Building Face Area: The facade of the building facing the front line calculated as its width multiplied by the building height.

Frontage: All property fronting on one (1) side of a road between intersecting or intercepting roads, or between a road and right-of-way, water-way, end of a dead-end road, or township boundary measured along the road line.

Frontage, Single Property: That side of a lot abutting a road.

Garage, Private and Public: Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted, is a private garage. A public garage is one that is not a private garage.

Garbage: Rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable not in a properly maintained composting operation.

Gasoline Filling Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories, but not including any automobile repair.

General Development Plan: A plan showing land use, circulation, open space, utilities, storm water management, environmental features, community facilities, housing, impacts, and phases of parcels.

Governmental Agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance of four (4) feet from the building.

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

Greenway: A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad right-of-way converted to recreational uses, a scenic road, or other route. Any natural or landscaped course for pedestrian or bicycle passage. An open space connector linking parks, natural reserves, cultural features, or historic sites. Linear parks designed as a parkway or greenbelt.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of disease, pain, injury,

deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, or chronic disease hospital.

Home Occupation: Any activity carried out for profit by a resident of the dwelling and conducted as a customary, incidental, and accessory use within the resident's dwelling unit.

Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

Household: A household includes all persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters.

Housing for the Elderly: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include a foster care home, home for the aged, nursing home, or convalescent home.

Impervious: Any material that prevents the absorption of storm water into the ground, including buildings, parking areas, and driveways (gravel driveways are considered to be impervious); this excludes drain-fields and playground equipment.

Industrial Park: A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

Junk: Any manufactured goods, appliance, fixture, furniture, machinery, boat or personal property or any part of the preceding items or anything, whether of value or valueless, that is demolished, discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state.

Junkyard: The storage or keeping of junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition, or abandonment of more than one automobile or other vehicle, or machinery or parts thereof, excluding tires.

Kennel: A building or structure used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennels shall also mean the keeping of four (4) or more dogs over the age of six (6) months. Kennels may have indoor, outdoor or indoor/outdoor runs and may provide animal services.

Landing Area: An area of an airport or landing field used or intended for use in landing, taking-off or taxiing aircraft, excluding area and facilities for shelter, servicing or repair of

aircraft, or for receiving or discharging passengers or cargo.

Landing Field: Any location which shall be used for the landing or take-off of aircraft with safety, but which is not equipped with facilities for the shelter, supply and repair of aircraft.

Livestock: Domestic animals, such as cattle, horses, sheep, hogs, poultry, or goats raised and/or boarded for home use or for profit.

Loading Space: Is an off-road space on the same lot with a building or group of buildings and used for the temporary parking of a commercial vehicles while these vehicles are loading or unloading merchandise and materials.

Lot: A parcel of land occupied or intended to 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 yards and open spaces as are required under the provisions of this Ordinance; a lot may or may not be specifically designated as such on public records.

1. **Corner Lot:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purposes of this Ordinance, if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
2. **Double Frontage Lot:** Any lot, excluding a corner lot, which fronts on two (2) roads that do not intersect.
3. **Flag Lot:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.
4. **Interior Lot:** Any lot other than a corner lot.
5. **Through Lot:** Any interior lot having frontage on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to roads shall be considered frontage, and front yard setbacks shall be provided as required.

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

Lot Coverage: The part or percent of the lot occupied by impervious area (see Impervious definition).

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

Lot Frontage: The length of the front lot line measured at the road right-of-way line.

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

1. **Front Lot Line:** In the case of an interior lot, is that line separating the lot from the road. In the case of a corner lot or double frontage lot, it is those lines separating said lot from either road.
2. **Rear Lot Line:** That lot line opposite the front lot line, except in the case of double frontage lot. 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 line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more metes and bounds parcels as contained in the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines. For a lot that has a curved front setback line, the straight-line distance between the side lot lines shall be measured at the tangent of the curve.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use (Principal Use): The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Manufactured Home: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S. C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code. A structure, transportable in one (1) or more sections, which is built on a chasis and designed to be used as a year-round dwelling unit, with or without a permanent foundation, connected to required public utilities. No home constructed prior to 20 years from the current year to date shall be permitted and shall not meet any of the dangerous building standards as stated in Blair Township Dangerous Building Ordinance # 136-09 section 3. A-I.(*amnd 7-16-18*)

Manufactured Home Park: A parcel of land that has been planned and improved for the

placement of manufactured and/or mobile homes for residential use.

Marginal Access Drive: A road that is parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Master Plan: The master plan includes graphic and written proposals indicating the general location for roads, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mega-Church: A large, specialized type of house of worship that includes such nontraditional accessory uses as retail sales, residential uses, amusement parks, sports and entertainment, as an integrated part of the development.

Mezzanine: An intermediate floor in any story occupying and not to exceed one-third (1/3) of the floor area of such story.

Mini-Warehouse (Self-Storage Facility): A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out or sold to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials, is expressly prohibited.

Mobile Home: (*see manufactured home*) (*amnd 7-16-18*)

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to standard dwellings. . Home shall not meet any of the dangerous building standards as stated in Blair Township Dangerous Building Ordinance # 136-09 section 3. A-I. (*amnd 7-16-18*)

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

Municipality: Blair Township, Grand Traverse County, Michigan.

Narrow Parcel Width: A parcel containing a width measurement that is less than the minimum frontage requirement prescribed for it by the Schedule of Regulations of the Zoning Ordinance.

Nonconforming Lot: Any lot, out-lot, or other parcel of land existing at the effective date of this Ordinance, or amendments thereto, which does not meet the land area or dimension requirements of this Ordinance.

Nonconforming Structure: A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that structure does not conform to the provisions of the Ordinance in the district in which it is located.

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

Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: 1) sound, 2) dust, 3) smoke, 4) odor, 5) light and glare, 6) fumes, 7) flashes, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) objectionable effluent, 13) sound of congregation of people, particularly at night, 14) passenger traffic, 15) invasion of non-abutting road frontage by traffic, 16) junk.

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Occupied: The word occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Office: A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

Off-Road Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Off-Road Vehicle (ORV): Vehicles designed for use on a variety of unimproved surfaces,

including all-terrain vehicles, snowmobiles, trail bikes, motorcycles, and the like.

Open Air Business Use: An open-air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services.
2. Outdoor display and sale of garages, swimming pools, and similar uses.
3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

Open Space: Any unoccupied area of land or water and set aside, dedicated, designated, or reserved for public or private use. Pervious facilities such as playgrounds, trails, pathways, ball fields, drain fields, and farm fields are considered open space.

Park: A tract of land designated and used by the public for active and passive recreation.

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Pasture: A grazing area not including land areas within fifty (50) feet of any property line.

Pathway: A cleared, improved area for pedestrians and/or bicyclists that may or may not be paved; only for non-motorized use.

Patio (Deck): An uncovered courtyard or platform extending horizontally out from the main building or structure.

Pen: A fenced enclosure for animals.

Person: An individual, sole proprietorship, partnership, association, corporation, public or private.

Place of Worship: A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis by a religious congregation.

Planned Unit Development: An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

Planned Unit Development Agreement: Is a written agreement prepared by the developer specifying the details of the planned unit development submittal and the conditions under which the submittal received final approval.

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

Porch: A covered projection on a building or structure containing a floor, which may be either totally enclosed or open except for columns supporting the porch roof, and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operations of the business.

Premises: Any lot or parcel of land owned or occupied by any person, vacant or improved with any dwelling, building or other structure or public lands or public right-of-way or easement.

Public Building: Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

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

Recreation Area: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure time activities.

Recreational Vehicle: A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping

vehicles, motorcycles, mini-bikes, go-carts, boats, and ice-boats.

Recreational Vehicle Park: A licensed park designed specifically to accommodate recreational vehicles and recreational activities.

Restaurant:

1. **Standard Restaurant**

A standard restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

2. **Carry-Out Restaurant**

A carry-out restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- a. Foods, desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
- b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is primarily intended to be consumed off the premises.

3. **Fast-Food Restaurant**

A fast-food restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises (including service through a drive-through window), and whose design or principal method of operation includes both of the following characteristics:

- a. Foods, desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
- b. The consumption of foods, desserts, or beverages within a motor vehicle parked

upon the premises is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

4. **Drive-in Restaurant**

A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:

- a. Foods, desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop, or by other means that eliminate the need for the customer to exit the motor vehicle.
- b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.

Retail Warehouse Outlet: An establishment that offers the wholesale of goods, such as, but not limited to, pharmaceuticals, bakery and dairy products, clothing, dry goods, hardware, household appliances, clothing, office and business materials, and machinery.

Ringelmann Chart: A device used to measure the opacity of smoke emitted from stacks and other sources.

Roads: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, road shall be defined to also include the term "street." Roads are further classified by the functions they perform.

1. **Local (minor) roads:** Roads primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the road width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the road.
2. **Collector (secondary) roads:** Roads primarily designed to provide access to abutting land parcels and enable moderate quantities of traffic to move expeditiously between local roads and the major road network.
3. **Major (primary) roads:** Roads primarily designed for the efficient movement of through traffic at speeds that are as high as can be reasonably allowed in view of safety considerations and the amount of access provided. Capacity is obtained by provision of wide road cross-sections and high capacity controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Sawmill: A building or area where timber is cut, sawed or planed, either to finish lumber or as an intermediary step and may include facilities for kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis.

Scrap Tire Collection Site: Any facility licensed under Part 169 of Public Act 451 of 1994.

Service Area: An outdoor area used in connection with a nonresidential use for the loading and unloading operations; for the receipt and temporary storage of goods, materials and equipment.

Setback: The minimum required distance between a lot line and structure.

1. **Setback, Front:** The minimum required distance, extending the full lot width, between the front lot line and structures located on that parcel. No buildings are permitted in the setback area.
2. **Setback, Rear:** The minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line. No buildings are permitted in the setback area.
3. **Setback, Side:** The minimum required distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line. No buildings are permitted in the setback area.

Shallow Parcel Depth: A parcel containing a depth measurement that is less than or equal to its actual width.

Shopping Center: A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.

Shoreline: A line marking where the land meets the water's edge.

Short Term Rental:

A residential dwelling that is rented wholly or partially for a fee for a period of less than 30 continuous days. Short term rental units shall not include travel trailers, recreational vehicles, or temporary structures and does not include a Bed and Breakfast facility. (*amnd 6-16-21*)

Sidewalk: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign: A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

1. **Billboard Sign:** A manufactured structure advertising an establishment, merchandise, service, entertainment, and other messages which are not sold, produced, manufactured, or furnished at the property on which the billboard is located. A billboard is a large flat surface manufactured to carry outdoor advertising, mounted on a frame that is either freestanding or attached to a building.
2. **Canopy Sign:** A sign that is mounted or painted on, or attached to, an awning or canopy that is otherwise permitted by Ordinance.
3. **Construction Sign:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
4. **Directional Sign:** Signs limited to directional messages, principally for pedestrian or vehicular traffic such as "one-way," "entrance," and "exit."
5. **Directory Sign:** An off-premises ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.
6. **Pole Sign:** A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed. (Amendment 104-05-06-12; Effective February 27, 2007)
7. **Home Occupation Sign:** A sign containing only the name and occupation of a permitted home occupation.
8. **Memorial Sign:** A sign tablet or plaque memorializing a person, event, structure, or site.
9. **Monument Sign:** A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
10. **Political Sign:** A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

11. **Real Estate Sign:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
12. **Temporary Sign:** A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.
13. **Wall Sign:** A sign that is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
14. **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operations of the business (Amendment 104-05-09-03; Effective October 6, 2009)

Sign Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berm, mounding, or excavating solely for the purpose of locating the sign. In cases of severe topography in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road.

Single Ownership: One or more parcels of land which are held entirely in the same ownership name; may include one or more persons and may take any legal form.

Slaughterhouse: A place where cattle, sheep, hogs, poultry, or other animals are killed or butchered for market or for sale.

Small Retail Operation: A retail operation within an enclosed building having a gross-floor area of less than 2,500 square feet.

Solar Farm: An area of land in which 1,000 sq ft or more of ground mounted solar panels are set up in order to generate electricity. **Amnd (6-22-22)**

Solar Panels: A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating. **Amendment #104-05-14-01**

Special Land Use: Any use of land listed as a Principal Use Permitted Subject to Special Conditions, which, due to its potential effect on adjacent lands, in particular, and the overall community in general, requires approval by the Planning Commission according to the standards

as provided in this Ordinance.

State Licensed Residential Facility: A state licensed residential facility as defined by MCLA 125.583.b; MSA 5.2933 (2) that is used for the care and supervision of six (6) or fewer persons under 24 hour supervision but excluding persons related for or assigned to adult correction institutions.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structurally Attached: The joining by means of major architectural elements or features including, but not limited to, roofs, walls, and/or truss.

Subdivision Park: An area in a development designated for recreational activities that are normally associated with living in a neighborhood, such as playground and ball fields.

Surface Display Area: The entire area of any sign within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. **(Amendment 104-05-08-08, Effective February 20, 2009)**

Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Truck Terminal: A building or area in which freight brought by truck is temporarily stored and/or assembled for routing or reshipment. A terminal facility may include storage areas for trucks.

Variance: Permission to depart from the literal requirements of the Zoning Ordinance.

Vested Right: A right that has accrued and become fixed to a point where it is not subject to loss by subsequent events and may not be denied by governmental authority without compensating the owner of the right.

Veterinary Clinic/Hospital: an establishment in which animals are examined and treated for medical needs by one (1) or more veterinarians, including keeping animals overnight for medical purposes and may have indoor, outdoor or indoor/outdoor runs. **(amended 4-9-19)**

Wall: An artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen, or protect areas of land.

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

Warehouse: A building or area used for the storage of goods and materials and which may include facilities for a wholesale or retail outlet.

Waste Materials/Recyclable Materials Transfer Station: A facility where waste materials and recyclable materials, including scrap tires, are off-loaded from one vehicle and re-loaded onto another, or temporarily stored prior to disposal at another site.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and which is commonly referred to as a bog, swamp, fen, marsh, or wet meadow.

Wholesale Trade: Establishments or places of businesses primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wild Animal: Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, and captive-bred species of common cage birds.

Wind Energy System: Commonly known as wind turbines or windmills, and anemometer towers.) A tower, pylon, or other structure, including all accessory facilities and all associated pertinences, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purposes of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.
4. See also wind energy system-small and wind energy system-large.

Wind Energy System – Height: The distance between the ground and the highest point of the tower, excluding blades.

Wind Energy System – Large: Wind energy system used as defined herein, used to generate electricity or produce mechanical energy for use on or off the property and generates more than 25 kilowatts (kW) of electricity.

Wind Energy System – Separation: The distance between the bases of two or more towers that is determined by the height of the tower plus the length of the blade when fully extended

vertically.

Wind Energy System – Small: Wind energy system used as defined herein, used primarily to generate electricity or produce mechanical energy for use on the property and generates 25 kilowatts (kW) or less of electricity. Sale of electric power via Net Metering is allowed.

Wrecked: The outward appearance of the specific item or vehicle is deformed, damaged or defaced.

Yards: The open spaces on the same lot with a main building 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 point of the main building. In the case of corner lots, front yard shall be deemed to exist along each road frontage.
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 point of the main building. In the case of a corner lot, the rear yard shall be opposite the front lot line used as the road address.
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 on the side lot line to the nearest point of the main building.

Zoning Administrator: The administrative official who is appointed by the Township Board; entrusted with the duties and responsibilities of administering and enforcing this Ordinance as provided for in this Ordinance.

Zoning District: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which are contained yards, open spaces, lot area, and other requirements established by this Ordinance.

**ARTICLE 3
ZONING DISTRICTS**

Section 3.01 Zoning Districts in Blair Township

To accomplish the purpose set forth in the Preamble, land in Blair Township is hereby divided into the following zoning districts:

RC, Recreation-Conservation District
AG, Agricultural District
RN, Residential Neighborhood District
MH, Manufactured Home District
CM, Commercial Manufacturing
BV, Boardman Valley District
V, Village of Blackwood District
IS, Industrial Storage Overlay

Section 3.02 District Boundaries

The boundaries of these districts are hereby established as shown on the "Blair Township Zoning Map" which accompanies this Ordinance. The Blair Township Zoning Map along with all notations, references, and other explanatory information shall accompany and be made a part of this Ordinance.

Section 3.03 Official Zoning Map

Regardless of the existence of purported copies of the Zoning Map that may be published, a true and current copy of the Zoning Map shall be maintained by the office of the Township Clerk and made available for public inspection. The Township Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in the Township.

Section 3.04 District Boundaries Interpreted

When uncertainty exists with respect to the boundary lines of the various districts as shown on the Zoning Map, the boundaries shall be determined by the Board of Appeals according to the following rules:

1. Boundaries indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following recorded lot lines or the line bounding a parcel shall be construed as following such lot or parcel lines.
3. Boundaries indicated as approximately following a municipal boundary line shall be construed as following such municipal boundary line.

4. Boundaries indicated as following railroad lines shall be construed to be the midway point between the main tracks.
5. Boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as following a shoreline shall be construed as following the shoreline. When the shoreline's location changes, the boundary will also change to correspond to the shoreline's new location.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 7 above shall be so construed. The scale of the map shall determine distances not specifically indicated on the official Zoning Map.
8. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Board of Appeals shall interpret the district boundaries.
9. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 3.05 Zoning of Vacated Areas

Whenever any road, alley, or other public way within Blair Township is vacated, such road, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

Section 3.06 Compliance with General Provisions Required.

All structures and uses in any district shall be subject to the provisions of Article 16, General Provisions.

ARTICLE 4
RC, RECREATION-CONSERVATION DISTRICT

Section 4.01 Purpose of this Zoning District

To have an area of the Township where the principal use is the conservation, management, and low-impact utilization of natural resources. Land in this district is to be used primarily for open space and/or recreation-oriented purposes. The majority of the land in this district is publicly owned. Any residential development in this district should have open space and/or recreational amenities, such as trails and parks.

Section 4.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the RC Recreation-Conservation District, provided the Zoning Administrator finds that the proposed use satisfies all of the Zoning Requirements.

1. Forest preserves and game refuges, including hunting preserves and the raising of game animals or birds.
2. Essential services and structures of a nonindustrial character not including maintenance depots or warehouses.
3. Standard single-family detached dwelling unit.
4. State licensed residential facility. No facility shall be closer than 1,500 feet to another state licensed residential facility.
5. Family and group daycares.
6. Trails, parks, and greenways.
7. *Farm* market.
8. Farms of ten (10) acres or more.
9. Places of worship.
10. Small Wind Energy System 35 feet in height or less.
11. Co-location of Wireless Communication Antenna(s)
12. Top Soil Extraction
13. Accessory Structures/Buildings

14. Uses customarily incidental to any of the above permitted
15. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd (6-22-22)**

Section 4.03 Reserved

Section 4.04 Uses Allowed with Site Plan Approval by the Planning Commission

The following uses of land and buildings are allowed in the RC Recreation-Conservation District, provided the Planning Commission finds that the proposed use satisfies all of the Zoning Requirements.

1. Golf courses and golf driving ranges.
2. Recreation activities, including campgrounds and recreational vehicle parks.
3. Shooting and archery ranges, including gun clubs, rifle, skeet, trap, and pistol ranges.
4. Cluster development.
5. Communication Towers

Section 4.05 Uses Allowed By Special Use Permit

1. Planned unit development.
2. Small Wind Energy System over 35 feet in height.
3. Large Wind Energy System

Section 4.06 Area and Bulk Requirements

The following regulations shall apply to all uses and/or building within the RC Recreation-Conservation District.

1. Minimum Lot Area and Width. The lot area shall be a minimum of five (5) acres and have a minimum width of 330 feet measured where the front setback line intersects the side lot lines.
2. Height. The maximum building height for a structure shall be 25 feet, except as otherwise specifically provided in this Ordinance.
3. Setback Requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setback areas as listed below:
 - a. The minimum front yard setback shall be fifty (50) feet.

- b. The minimum interior side yard setback shall be twenty (20) feet.
 - c. The minimum rear yard setback shall be fifty (50) feet.
 - d. The minimum street side yard setback shall be fifty (50) feet.
4. **Lot Coverage.** The maximum percentage of the lot that is permitted to be impervious area is 10%.
5. **Minimum Principal Dwelling Size.** The principal dwelling unit shall have a minimum of 800 square feet of livable area. The minimum dwelling dimensions for the principal dwelling unit shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 5
AG, AGRICULTURAL DISTRICT

Section 5.01 Purpose of this Zoning District

This district is composed of those areas of the Township where the principal use is farming and related activities. The regulations of this district are designed to conserve, stabilize, enhance and expand farming and related activities, while minimizing conflicting uses that could be detrimental to or incompatible with agricultural activities.

Section 5.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the AG Agricultural District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Farms.
2. *Farm* markets.
3. Greenhouses, plant nursery, and garden center.
4. Veterinary clinics with or without outdoor runs.
5. Standard single-family dwelling units.
6. Riding stables.
7. Cemeteries.
8. Places of worship.
9. Bed and breakfast establishments.
10. State licensed residential facility. No facility shall be closer than 1,500 feet to another state licensed residential facility.
11. Family and group daycare.
12. Accessory dwellings.
13. Accessory buildings and uses customarily incidental to any of the above permitted uses including the sale of nursery stock or other agricultural products raised on the premises.

14. Small Wind Energy System 35 feet in height or less.
15. Co-location of Wireless Communication Antenna(s).
16. Top Soil Extraction
17. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd (6-22-22)**

Section 5.03 Reserved

Section 5.04 Uses Allowed with Site Plan Approval by the Planning Commission

The following uses of land and buildings are allowed in the AG Agricultural District, provided the Planning Commission finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Cluster development.
2. Communication Towers.

Section 5.05 Uses Allowed by Special Use Permit

The following uses of land and buildings are allowed by Special Use Permit in the AG Agricultural District, provided the Township Board finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Landing fields
2. Shooting and archery ranges, including gun clubs, rifle, skeet, trap, and pistol ranges.
3. Planned unit developments.
4. Parks, trails, and greenways.
5. Recreation activities including but not limited to campgrounds, and recreational vehicle parks.
6. Small Wind Energy System over 35 feet in height.
7. Large Wind Energy System.
8. Kennels.
9. *Class 1 Disposal Wells and Related Facilities*

Section 5.06 Area and Bulk Requirements

(Amendment 104-05-08-02; Effective 07/28/08)

The following regulations shall apply to all uses and/or buildings within the AG Agricultural District.

1. Minimum Lot Width. *The minimum lot width shall be 185 feet.*
2. Lot Area. *There shall be a two (2) acre minimum lot size.*
3. Height. The maximum building height for a structure shall be *thirty five (35) feet*, except as otherwise provided in this Ordinance. Agricultural buildings used for agricultural purposes are exempt from the height requirement.
4. Setback Requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
 - a. The minimum front yard setback shall be fifty (50) feet.
 - b. The minimum interior side yard setback shall be twenty (20) feet.
 - c. The minimum rear yard setback shall be thirty (30) feet.
 - d. The minimum street side yard setback shall be fifty (50) feet.
5. Lot Coverage. The maximum percentage of the lot that is permitted to be covered by impervious area is 20%.
6. Minimum Principal Dwelling Size. The principal dwelling unit shall have a minimum of 600 square feet of livable area. The minimum dwelling dimensions for the principal dwelling unit shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 6
RN, RESIDENTIAL NEIGHBORHOOD DISTRICT

Section 6.01 Purpose of this Zoning District

The focus of this district is to promote healthy family living by creating developments that are walk able, affordable, and desirable. This will be achieved by allowing for a variety of housing types, ranging from standard single-family homes to multifamily units and permitting, when designed at the pedestrian scale, neighborhood components such as a small restaurant or retail operation to be incorporated into developments. There is no standard minimum lot requirement, encouraging flexibility in design. Landscaping, infrastructure capabilities, and the site development standards will be the primary tools used in insuring that uses will not be obtrusive towards each other. Social interaction components such as parks, recreation facilities, and community-oriented buildings are encouraged to integrate into developments. All developments should be linked with pedestrian-oriented connections.

Section 6.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the RN Residential Neighborhood District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Standard single-family detached dwelling units.
2. Home occupations.
3. State licensed residential facility. No facility shall be closer than 1,500 feet to another state licensed residential facility.
4. Family and group daycares.
6. Two-family dwelling unit.
7. Parks, trails, and greenways.
8. Farms of ten (10) acres or more.
9. Accessory dwellings.
10. Daycare centers and nursery schools.
11. Places of worship.
12. Accessory buildings and uses customarily incidental to any of the above permitted

uses.

13. Keeping of horses, as per section 16.06
14. Small Wind Energy System 35 feet in height or less.
15. Co-location of Wireless Communication Antenna(s).
16. Top Soil Extraction
17. *Farm Markets*
18. Kennels and veterinary clinics without outdoor runs. (*amended 4-9-19*)
19. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd (6-22-22)**

Section 6.03 Reserved

Section 6.04 Uses Allowed with Site Plan Approval by the Planning Commission

The following uses of land and buildings are allowed in the RN Neighborhood Residential District, provided the Planning Commission finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, or gas regulator stations (but not including service or storage yards) when operating requirements necessitate location of such facilities within the district. All buildings and structures shall meet the required setbacks.
2. Publicly owned and operated municipal buildings, libraries, and recreation facilities.
3. Public, parochial, and private elementary, intermediate and/or secondary schools offering courses in general education.
4. Cluster developments.
5. Communication Towers.
6. Kennels and Veterinary clinics with outdoor runs. (*amended 4-9-19*)

Section 6.05 Uses Allowed by Special Use Permit

The following uses of land and buildings are allowed by Special Use Permit in the RN Residential Neighborhood District, provided the Township Planning Commission finds

that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

1. Foster care group home.
2. Convalescent and nursing homes, congregate care facilities.
3. Standard restaurants.
4. Small retail operations.
5. Clubs and fraternal organizations not exceeding 11,999 square feet.
7. Planned unit development.
8. Multiple-family residential developments.
9. Elderly housing developments.
10. Small personal service establishments such as hair salons, tailor shops, photographic studios, and barber shops.
11. Health/athletic clubs not exceeding 11,999 square feet.
12. Medical clinics.
13. Community center.
14. Consulting-type business related to executive, administrative, or professional occupations, including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation not exceeding gross floor area of 2,500 square feet.
15. Business service establishment such photocopying services, quick-printing establishments, office supply stores, and similar establishments, not exceeding 2,500 square feet.
16. Bed and breakfast.
17. Riding stables.
18. Golf courses and golf driving ranges.
19. Cemetery.
20. Small Wind Energy System over 35 feet in height.
21. Large Wind Energy System.

Section 6.06 Area and Bulk Requirements

The following regulations shall apply to all uses within the RN Residential Neighborhood District.

1. Minimum Lot Width. The lot width for metes and bound lots shall be sixty (60) feet. There shall be no minimum lot width for lots in a platted subdivision or in a site condominium subdivision.
2. Height. The maximum building height for a structure shall be thirty-five (35) feet, except as otherwise provided in this Ordinance.
3. Setback Requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
 - a. The minimum front yard setback shall be twenty (20) feet.
 - b. The minimum interior side yard setback shall be *ten (10)* feet for residential uses and twenty-five feet (25) feet for commercial uses. (Amendment 104-05-11-01; Effective 12/13/05)
 - c. The minimum rear yard setback shall be twenty-five (25) feet.
 - d. The minimum street side yard setback shall be twenty (20) feet.
4. Lot Coverage. The maximum percentage of the lot that is permitted to be covered by impervious area is 66%.
5. Minimum Principal Standard Dwelling Size for One and Two Unit. The principal dwelling unit shall have a minimum of 600 square feet of livable area. The minimum dwelling dimensions for the principal dwelling unit shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 7

RESERVED

ARTICLE 8

RESERVED

ARTICLE 9
MH, MANUFACTURED HOME DISTRICT

Section 9.01 Purpose of this Zoning District

The purpose of the Manufactured Home (MH) District is to encourage a suitable environment for persons and families living in a mobile or manufactured home rather than a conventional single-family structure.

Section 9.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

1. Manufactured home. *.No home constructed prior to 20 years from the current year to date shall be permitted and shall not meet any of the dangerous building standards as stated in Blair Township Dangerous Building Ordinance # 136-09 section 3. A-I. . (Amnd 7-16-18)*
2. Mobile home. *(see manufactured home) . (Amnd 7-16-18)*
3. Standard single-family dwelling unit.
4. State licensed residential facility. No facility shall be closer than 1,500 feet to another state licensed residential facility.
5. Family daycare.
6. Places of worship.
7. Accessory dwellings, only with standard single-family dwelling units.
8. *Home occupations.*
9. *Family and group daycares.*
10. *Two-family dwelling unit.*
11. *Parks, trails, and greenways.*
12. *Farms of ten (10) acres or more.*
13. *Daycare centers and nursery schools.*
14. *Keeping of horses, as per section 16.06*
15. Small Wind Energy Systems 35 feet in height or less.

16. Co-location of Wireless Communication Antenna(s).
17. Top Soil Extraction
18. Accessory Structures/Buildings
19. Uses customarily incidental to any of the above permitted
20. Farm Markets
21. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd (6-22-22)**

Section 9.03 Uses Allowed with Site Plan Approval by the Planning Commission

The following uses of land and buildings are allowed in the MH District, provided the Planning Commission finds that the proposed use satisfies all of the requirements of this zoning ordinance.

1. Mobile home park.
2. Manufactured home park.
3. Mobile home subdivisions/Manufacture home subdivisions, subject to the Land Division Act, Act 288 of 1967, as amended, the Blair Township Subdivision Control Ordinance, as amended, and all other applicable acts, rules, and regulations.
4. Small retail operation.
5. Cluster development.
6. Publicly owned and operated municipal buildings, libraries, and recreation facilities.
7. Public, parochial, and private elementary, intermediate and/or secondary schools offering courses in general education.
(Amendment 104-05-08-01; Effective 10/11/05)
8. *Public utility buildings, telephone exchange buildings, electric transformer stations and substations, or gas regulator stations (but not including service or storage yards) when operating requirements necessitate location of such facilities within the district. All buildings and structures shall meet the required setbacks.*
9. Communication Towers.

Section 9.04 Uses Allowed By Special Use Permit

1. Standard restaurants.
2. Small retail operations.
3. Clubs and fraternal organizations.
4. Planned unit development.
5. Multiple-family residential developments.
6. Elderly housing developments.
7. Small personal service establishments such as hair salons, tailor shops, photographic studios, and barber shops.
8. Health/athletic clubs not exceeding 11,999 square feet.
9. Medical clinics. Veterinary clinics, except clinics having outdoor runs.
10. Community center.
(Amendment 104-05-08-01; Effective 10/11/05)
11. *Foster care group home.*
12. *Convalescent and nursing homes, congregate care facilities.*
13. *Consulting-type business related to executive, administrative, or professional occupations, including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation not exceeding gross floor area of 2,500 square feet.*
14. *Business service establishment such photocopying services, quick-printing establishments, office supply stores, and similar establishments, not exceeding 2,500 square feet.*
15. *Bed and breakfast.*
16. *Riding stables and kennels.*
17. *Golf courses and golf driving ranges.*
18. *Cemetery*
19. Small Wind Energy System over 35 feet in height.
20. Large Wind Energy System.

Section 9.05 Area and Bulk Requirements

The following regulations shall apply to all uses within the MH, Manufactured Home District.

1. Minimum Lot Area.
 - a. The minimum lot area for a manufactured or mobile home park development shall be 10 acres.
 - b. The minimum lot area for a single manufactured home or single mobile home not located within a manufactured or mobile home park shall be 21,780 square feet with a minimum lot width of sixty (60) feet and a minimum lot depth of 100 feet.
2. Height. The maximum building height for a structure shall be twenty-five (25) feet, except as otherwise provided in this Ordinance.
3. Setback Requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
 - a. The minimum front yard setback shall be thirty-five (35) feet.
 - b. The minimum interior side yard setback shall be ten (10) feet.
 - c. The minimum rear yard setback shall be twenty-five (25) feet.
 - d. The minimum street side yard setback shall be thirty-five (35) feet.

ARTICLE 10 CM, COMMERCIAL MANUFACTURING DISTRICT

Section 10.01 Purpose of this Zoning District

The purpose of this district is to provide a place for people to shop, work, recreate, and provide services. Advancements in technology and building designs now allow for different uses to be adjacent that were once thought to be incompatible, such as a light manufacturing and commercial operations. Often, it is difficult to distinguish between these types of uses. Many retail shops manufacture items they sell and many manufacturing operations sell products they fabricate in the same location.

This zoning district focuses on the impacts from the intensity of these uses, not the types of uses. Landscaping, infrastructure capability, suitable building placement & scale, access management, bulk requirements, shared driveways, parking lot placement and design, and the site development standards are to be used in determining the appropriateness of an use.

Business operations should be grouped together so they can be served by common parking areas and to minimize the number of curb cuts and signs along major thoroughfare. Businesses should have pedestrian components to enable shoppers, employees, and clients to safely walk to adjacent uses.

Section 10.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the CM, Commercial Manufacturing District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Consulting-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation, not exceeding 11,999 square feet.
2. Business service establishments such as typing services, photocopying services, quick-printing establishments, and office supply stores, and similar establishments, not exceeding 11,999 square feet.
3. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty salon or barber shops, photographic studios, and self-service laundries and dry cleaners, not exceeding 11,999 square feet.
4. Health and athletic clubs, not exceeding 11,999 square feet.

5. Places of worship.
6. Day care centers, nursery schools.
7. Medical and veterinary clinics, except veterinary clinics having outdoor runs.
8. Standard restaurants not exceeding 11,999 square feet.
9. Any retail business, not exceeding 11,999 square feet, whose principal activity is the sale of merchandise in an enclosed building, except for sexually oriented merchandise.
10. Any service establishment of an office, showroom, or workshop nature including an electrician, decorator, dressmaker, baker, painter, upholster, or an establishment doing radio or home appliance repair, photographic reproduction, and similar establishment requiring a retail adjunct, except sexually oriented businesses. The service establishment shall not exceed 11,999 square feet.
11. Arcades not exceeding 11,999 square feet.
12. Self service laundromat not exceeding 11,999 square feet.
13. Retail warehouse outlets not exceeding 11,999 square feet.
14. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses not exceeding 11,999 square feet.
15. Banks, credit unions, savings and loan associations, and similar uses not having a drive-thru, not exceeding 11,999 square feet.
16. Clubs and fraternal organizations, except sexually oriented businesses, not exceeding 11,999 square feet.
17. Minor contractor yard.
18. Mortuaries and funeral homes.
19. Living quarters above a commercial operation.
20. Accessory structures and uses customarily incidental to the above permitted uses.
21. Sexually oriented businesses not exceeding 11,999 square feet.
22. Small Wind Energy System 35 feet in height or less.

23. Co-location of Wireless Communication Antenna(s).
24. Top Soil Extraction
25. Farm Markets
26. Kennels without outdoor runs (*amended 4-9-19*)
27. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd (6-22-22)**

Section 10.03 Uses Allowed with Site Plan Approval by the Planning Commission

The following uses of land and buildings are allowed in the CM, Commercial Manufacturing District, provided the Planning Commission finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Standard restaurants exceeding 11,999 square feet.
2. Any retail business exceeding 11,999 square feet whose principal activity is the sale of merchandise in an enclosed building, except for sexually oriented merchandise.
3. Any service establishment exceeding 11,999 square feet, which includes an office, showroom, or workshop nature including an electrician, decorator, dressmaker, baker, painter, upholster, or an establishment doing radio or home appliance repair, photographic reproduction, and similar establishment requiring a retail adjunct, except sexually oriented businesses.
4. Arcades exceeding 11,999 square feet.
5. Publicly owned and operated municipal buildings, libraries, and recreation areas.
6. Self service laundromat exceeding 11,999 square feet.
7. Consulting-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation, exceeding 11,999 square feet.
8. Business service establishments such as typing services, photocopying services, quick-printing establishments, offices supply stores, and similar establishments, exceeding 11,999 square feet.
9. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops,

- beauty salon or barber shops, and photographic studios, exceeding 11,999 square feet.
10. Health and athletic clubs exceeding 11,999 square feet.
 11. Accessory structures and uses customarily incidental to the above permitted uses.
 12. Sexually oriented businesses exceeding 11,999 square feet.
 13. Communication Towers.
 14. Kennels and Veterinary clinics with outdoor runs. (*amended 4-9-19*)

Section 10.04 Uses Permitted by Special Use Permit

The following uses of land and buildings are allowed by Special Use Permit in the CM, Commercial Manufacturing District, provided the Township Board finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

1. Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building.
2. ~~Mini-warehouse (self-storage facility)~~ (*amnd 8-17-21*)
3. Banquet halls.
4. Banks, credit unions, savings and loan associations, and similar uses having a drive-thru.
5. Hospitals.
6. Mega-church
7. Gasoline filling stations.
8. Carry-out restaurants, fast-food establishments, or drive-in restaurants.
9. Automobile wash and automatic car wash establishments.
10. Salesrooms, rental facilities, and/or sales lots for new and/or used automobiles, recreation vehicles, trucks, heavy equipment, mobile homes, trailers, modular homes, and agricultural machinery. Open-air business uses for the sale of manufactured products, such as similar to garden furniture, earthenware, hardware items, building materials, or the rental of manufactured products or equipment, small tools, trailers, and similar products and equipment.

11. Automobile service stations providing tires (but not recapping), batteries, mufflers, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor tune-ups only.
12. Major contractor yard, building materials sales yard, including but not limited to rock, sand, gravel (but excluding asphalt mixing).
13. Asphalt plant, cement mixing operation.
14. Automobile repair garages
15. Planned business development.
16. Planned unit development
(Amendment 104-05-08-02; Effective 10/11/05)
17. *Recreation activities including but not limited to campgrounds, and recreational vehicle parks.*
18. Truck terminals, warehousing, and material distribution centers, provided all products are enclosed within a building.
19. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
20. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
21. Printing, lithographic, blueprinting and similar uses.
22. Lumber yards including incidental millwork.
23. Motels and hotels.
24. Retail warehouse outlets exceeding 11,999 square feet.
25. Public utility service yard or electrical receiving transforming station.
26. Auction sales facility.
27. Clubs and fraternal organizations exceeding 11,999 square feet.
28. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses exceeding 11,999 square feet.

29. Light manufacturing industrial uses which by the nature of the materials; equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
 - a. The manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).
 - b. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shells, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
 - c. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
 - d. The manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
 - e. The manufacturing of and/or maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - f. Blacksmith shop, machine shop or wrought iron shop.
 - g. Commercial laundromat, central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning.
 - h. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacturing of small parts, such as condensers, transformers, crystal holders, and the like.
 - i. Laboratories, experimental or testing for research and development.
30. Small Wind Energy System over 35 feet in height.
31. Large Wind Energy System.
32. Multi-Family Residential Developments

Section 10.05 General Regulations

1. Merchandise shall be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit limited displays immediately adjacent to the building upon finding the display is customarily found in connection with the nature of the operation or use. The display area shall not exceed 10% of the lot area and shall have perimeter landscaping.
2. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

Section 10.06 Area and Bulk Requirements

The following regulations shall apply to all uses within the CM, Commercial Manufacturing District.

1. **Minimum Lot Area and Width.** The use and provisions of the business shall determine the minimum lot area and width (see Article 18).
2. **Height.** The maximum building height for a structure shall be fifty-five (55) feet, except as otherwise provided in this Ordinance.
3. **Setback Requirements.** Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
 - a. The minimum front yard setback for all structures shall be fifty (50) feet.
 - b. The minimum front setback for a parking lot or area shall be twenty-five (25) feet.
 - c. The minimum rear yard setback shall be twenty-five (25) feet.
 - d. The minimum street side yard setback shall be fifty (50) feet.
 - e. The minimum interior side yard setback for a lot abutting a lot that is not zoned Commercial Manufacturing shall be twenty-five (25) feet.
 - f. There shall be no interior side yard setback requirement along the interior side lot line of a Commercial/Manufacturing zoned lot, except as otherwise specified in the Building Code.
4. **Lot Coverage.** The maximum percentage of coverage shall be determined by the use provisions of required off-road parking, loading and unloading, and required yards.

5. Loading Dock. Loading space shall be provided in the rear or side yard in accordance to Article 19. Loading spaces and overhead doors shall not face a residential zoned lot. (*amnd 6-16-21*)

ARTICLE 11
V, VILLAGE OF BLACKWOOD

Section 11.01 Purpose of this Zoning District

This district allows for a complementary blend of governmental, recreational, community, residential, and small commercial uses at a central location to create a gathering place or “town center” for Township residents. This district is also intended to preserve and supplement the existing developments patterns of the Village of Blackwood as well as encourage pedestrian activity.

The site development standards are intended to promote a more functional and attractive community through the use of recognized principles of urban design, preservation of historic structures and building placement, and allowing developers considerable flexibility in land use and site design. A higher level of attention to site and building design is required to establish compatibility between buildings through orientation, massing, scale, bulk and detail.

Section 11.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the V, Village of Blackwood Zoning District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Standard single-family detached dwelling unit.
2. Two-family dwelling unit.
3. Home occupations.
4. Family and group daycare.
5. State licensed residential facility.
6. Places of worship.
7. Parks, trails, recreation areas.
8. Day care centers and nursery school.
9. Bed and breakfast establishments.
10. Athletic fields.
11. Multiple-family residential developments, including townhouse dwelling units,

- not to exceed six (6) units.
12. Small retail operation.
 13. Office-type business to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation, not exceeding 11,999 square feet.
 14. Standard restaurants not exceeding 11,999 square feet.
 15. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe, and etc.), tailor shops, beauty salon or barber shops, photographic studios, and self-service laundries and dry cleaners, not exceeding 11,999 square feet.
 16. Banks, credit unions, savings and loans associations, and similar uses, not exceeding 11,999 square feet and not having a drive-thru.
 17. Any retail business whose principal activity is the sale of merchandise in an enclosed building, except for sexually oriented merchandise that exceeding 11,999 square feet.
 18. Accessory dwelling.
 19. Small Wind Energy System 35 feet in height or less.
 20. Top Soil Extraction
 21. Accessory Structures/Buildings
 22. Uses customarily incidental to any of the above permitted
 23. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd (6-22-22)**

Section 11.03 Reserved

Section 11.04 Uses Allowed with Site Plan Approval by the Planning Commission

The following uses of land and buildings are allowed in the V, Village of Blackwood Zoning District, provided the Planning Commission finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Publicly owned and operated municipal buildings and libraries.

2. Public, parochial, and private elementary, intermediate and/or secondary schools, and institutions of higher learning, offering courses in general education.
3. Health and athletic clubs.
4. Any retail business whose principal activity is the sale of merchandise in an enclosed building, except for sexually oriented merchandise, exceeding 11,999 square feet.
5. Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building.
6. Clinics, except veterinary clinics having outdoor runs.
7. Cluster subdivisions.
8. Convalescent homes and nursing homes, congregate care facilities.
9. Elderly housing development.

Section 11.05 Uses Permitted By Special Use Permit

The following uses of land and buildings are allowed by Special Use Permit in V, Village of Blackwood District, provided the Township Board finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

1. Planned unit development.
2. Small Wind Energy System over 35 feet in height.
3. Large Wind Energy System.

Section 11.06 Site Specific Requirements

The following regulations shall apply to all new structures, uses and lands in the V, Village of Blackwood District. When an existing structure or use is being improved, expanded or increased by 50%, these regulations shall apply where physically applicable.

1. The primary entryway for the primary building shall face the public road right-of-way. When a primary building faces two (2) or more public road right-of-ways, the applicant/developer may choose which public road right-of-way the entryway shall face.
2. All walls facing a public road right-of-way shall contain, at a minimum, one (1) window that is three (3) feet wide and three (3) feet long.

3. All building designs shall encourage pedestrian activity. All buildings shall have a sidewalk or pathway that connects the building's entryway to the public road right-of-way. For structures having more than one (1) unit, such as a townhouse, only one (1) sidewalk or pathway is required to connect the units to the road.
4. Parking for a residential dwelling unit shall be designed so that not more than one (1) two-car garage is visible from any public road right-of-way and not more than one driveway has access to any street.
5. Parking for non-residential buildings or uses shall not occupy more than 25% of the width of the primary street frontage. Parking for non-residential buildings or uses is encouraged to be in the side and rear yards. Parking space requirements shall not be applicable to this district, except for Section 19.03, 19.11, and 19.12 of this Zoning Ordinance.
6. For non-residential buildings and uses, the joint use of parking facilities by two (2) or more uses is recommended. Joint use parking areas shall comply with Section 19.04 of this Zoning Ordinance.
7. All parking lots shall be landscaped to minimize their visual impact. The landscaping shall comply with the requirements listed in Section 16.05 (4) Parking Lot Landscaping of this Zoning Ordinance.
8. All portions of a site not occupied by structures and parking areas shall be landscaped and conform to the following landscape standards.
 - a. All portions of the landscaped area shall be planted with grass, shrubs, or other suitable plant material, except for paved patios, terraces, sidewalks, pathways, and similar site features.
 - 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. All plantings shall meet the requirements listed in Section 16.05, Landscape Material Standards of this Zoning Ordinance.

Section 11.07 Area and Bulk Requirements

The following regulations shall apply to all uses within the V, Village of Blackwood District.

1. Minimum Lot Width. The minimum lot width shall be fifty (50) feet.
2. Height. The maximum building height for a structure shall be twenty-five (25)

feet, except as otherwise provided in this Ordinance.

3. **Setback Requirements.** Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
 - a. The minimum front yard setback shall be five (5) feet.
 - b. The maximum front yard setback shall be twenty (20) feet.
 - c. The minimum interior side yard setback shall be five (5) feet.
 - d. The minimum rear yard setback shall be twenty (20) feet.
 - e. The minimum street side yard setback shall five (5) feet.
4. **Principal Building Size.** The principal dwelling unit shall have a minimum of 600 square feet of livable area. The minimum dwelling dimensions for the principal dwelling unit shall be twenty (20) feet wide by twenty (20) feet long.

ARTICLE 12 IS, INDUSTRIAL STORAGE OVERLAY

Section 12.01 Purpose

There are some uses that are necessary for a community to function, but are not easily sited. They are used by commercial, industrial, agricultural, and residential activities, but their placement can be obtrusive. These uses generally are not very attractive, impact water quality, generate a lot of traffic, and can negatively impact property values.

This zoning ordinance recognizes the need to have a designated location for these practical, but undesirable uses. The Industrial Storage Overlay is the only location in the Township where these types of uses will be permitted. This designated area is a location where these uses exist and the impacts to surrounding land uses will be minimized.

It should be noted that since this is an Overlay District, the permitted uses and requirements described in the CM, Commercial Manufacturing district still apply.

Section 12.02 Uses Allowed by Site Plan Approval by the Zoning Administrator

1. Uses listed in Section 10.02.
2. Small Wind Energy System 35 feet in height or less.
3. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd (6-22-22)**

Section 12.03 Uses Allowed by Site Plan Approval by the Planning Commission

1. Uses listed in Section 10.03.

Section 12.04 Uses Allowed by Special Use Permit

The following uses of land and buildings are allowed by Special Use Permit in the IS Industrial Storage Overlay district provided the Township Board finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

1. Junk yards.
2. Composting and/or recycling waste disposal operations.
3. Scrap tire collection sites.
4. Waste material/recyclable material transfer stations.

5. Sawmills
6. Recycling yards.
7. Uses listed in Section 10.04.
8. Small Wind Energy System over 35 feet in height.
9. Large Wind Energy System.
10. Mini-warehouse (self storage facility). (*amend 8-17-21*)

Section 12.05 Area and Bulk Requirements

The following regulations shall apply to all uses within the IS Industrial Storage Overlay District.

1. Minimum Lot Area and Width. The use and provisions of the business shall determine the minimum lot area and width (see Article 18).
2. Height. The maximum building height for a structure shall be fifty-five (55) feet, except as otherwise provided in this Ordinance.
3. Setback Requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
 - a. The minimum front yard setback shall be fifty (50) feet.
 - b. The minimum street side yard setback shall be fifty (50) feet.
 - c. The minimum interior side yard setback shall be fifty (50) feet.
 - d. The minimum rear yard setback shall be fifty (50) feet.
4. Lot Coverage. The maximum percentage of a lot that is permitted to be covered by impervious and/or storage area is 50%.
5. Fencing. There shall be a minimum of eight (8) foot high opaque fence around the use.
6. Landscaping. There shall be a ten (10) foot wide landscape area within the setback area around the perimeter of the property. At a minimum there shall be one (1) tree for every twenty (20) feet of lot width. The landscaping shall meet the requirements listed in Section 16.05 of this Ordinance.

ARTICLE 13
BV, BOARDMAN VALLEY DISTRICT

Section 13.01 Purpose of this Zoning District

This district is intended to comply with the land use regulations established by the Michigan Department of Natural Resources (MDNR)'s Boardman River Natural River Zoning ordinance. The land areas in this district are in the Boardman watershed and their uses impact the water quality of the Boardman River.

This District includes all land areas within 400 feet of the Boardman River, Beitner Creek, Jaxon Creek, and the designated tributaries as shown on the Zoning Map in land sections 8 and 9. The goal of this district to protect and enhance their water conservation values, free flowing condition, fish, wildlife, aesthetic, flood plain, ecologic, historic and recreational values.

Section 13.02 Uses Allowed with Site Plan Approval by the Zoning Administrator

The following uses of land and buildings are allowed in the BV, Boardman Valley District, provided the Zoning Administrator finds that the proposed use satisfies all of the requirements of this Zoning Ordinance:

1. Standard single-family detached dwelling unit.
2. Forest preserves, game refuges, and parks.
3. Home occupations.
4. State licensed residential facility.
5. Family and group daycare.
6. Places of worship.
7. Accessory dwellings.
8. Accessory buildings and uses, customarily incidental to any of the above permitted uses.
9. Solar Energy Systems – Solar Panels (Excluding solar farms) **amnd 6-22-22)**

13.03 Uses Permitted with Special Conditions

The following uses of land and buildings are allowed in the BV, Boardman Valley District, provided the Zoning Administrator finds that the proposed use complies with the special standards and satisfies all the requirements of the Zoning Ordinance:

1. Boat docks, subject to the following condition:
 - a. Approval from the Department of Environmental Quality and/or Department of Natural Resources.
2. Bridges, subject to the following condition:
 - a. Approval from the Department of Environmental Quality and/or Department of Natural Resources.

Section 13.04 Area and Bulk Requirements

The following regulations shall apply to all uses within the BV Boardman Valley District.

1. Minimum Lot Area and Width. The lot area shall be a minimum of forty thousand (40,000) square feet and have a minimum width of 200 feet and a minimum lot depth of 200 feet.
2. Height. The maximum building height for a structure shall be twenty-five (25) feet, except as otherwise provided in this Ordinance.
3. Setback Requirements. Except as otherwise specifically provided in this Ordinance, no structure shall be erected within the required setbacks areas as listed below:
 - a. The minimum front yard setback shall be twenty-five (25) feet.
 - b. The minimum interior side yard setback shall be fifteen (15) feet.
 - c. The minimum rear yard setback shall be twenty-five (25) feet.
 - d. The minimum street side yard setback shall be twenty-five (25) feet.
 - e. Waterside setbacks:
 - 1) No building shall be closer than one hundred (100) feet from the ordinary high water mark and fifty (50) feet from the crest of a bluff.
 - 2) No septic system or waste water disposal system (including the disposal field) shall be closer than one hundred (100) feet from the ordinary high water mark and fifty (50) feet from the crest of a bluff.
4. Lot Coverage. The maximum percentage of the lot that is permitted to be covered by buildings is 10%.
5. River Frontage. Every new lot or parcel that has river frontage on the Boardman River, Jaxon Creek, Beitner Creek, or the designated tributary as shown on the Zoning Map shall have a minimum of two hundred (200) feet of river frontage and shall have a minimum lot depth of two hundred (200) feet.

Section 13.05 Natural Vegetative Strip

A natural vegetative strip shall be maintained along both sides of the Boardman River, Jaxon Creek, Beitner Creek, and the designated tributary as shown on the zoning map. The purpose of this strip is to stabilize the river banks, prevent erosion, absorb nutrients in storm water run-off from adjacent lands, provide shade for the stream to maintain cool water temperatures and screening of adjacent manmade structures. The vegetative strip incorporates all of the land area from the ordinary high water mark to a distance fifty (50) feet in width from the shoreline and shall consist of native vegetation. The following may occur within the Natural Vegetative Strip:

- a. Trees and shrubs may be pruned for a filtered view of the river upon approval of the zoning administrator or the area forester, but clear cutting of the vegetative strip is prohibited.
- b. Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, may be removed.
- c. Selective removal or trimming of trees for forest management practices or disease and insect control, and clearing of vegetation to the minimum width required for public utility primary electric distribution lines and service lines for allowed uses, is permitted upon approval by the Zoning Administrator in consultation with the Soil Conservation District.

Section 13.06 Stream Alterations

To protect the natural character of the river areas and the natural flow of its waters, no damming, dredging, filling or channelization of the stream channel will be permitted until reviewed by the Planning Commission and as approved by the Department of Natural Resources under the authority of the Inland Lakes and Stream Act, Act 346 of the Public Acts of 1972.

Section 13.07 Mineral Extraction

New surface development, exploration, or production of gas, oil, brine, sand, gravel or other materials, except potable groundwater, is prohibited.

Section 13.08 Nonconforming Structure and Uses

Any uses or structures (including bridges and staircases that provide access to the water body) that were lawful prior to the adoption of this Ordinance, but currently do not conform to the Ordinance regulations are permitted to continue, subject to the following conditions:

1. Routine or normal repair and maintenance work to keep a legal non-conforming

structure or use, such as a roadway, in sound condition is permitted. Remodeling of non-conforming structures within the confines of the existing foundation and elevations is permitted if the nonconformity is not increased.

2. The ground floor area of any legal non-conforming structure may be increased by up to 50% of the existing enclosed ground floor living area cumulative from the date of nonconformance or to the minimum extent necessary to comply with minimum dwelling unit size standards.
3. Any enlargement of a legal non-conforming structure shall comply, to the greatest extent possible with all setback and other building requirements, and is subject to the following conditions:
 - a. The land on which the nonconforming structure is sited is not subject to flooding.
 - b. The enlargement or expansion of the nonconforming building or structure will not lead to accelerated bank erosion or other material degradation of the river resource, and the enlargement or expansion of the building or structure is approved by the local soil erosion and sedimentation control enforcement agency.
4. Approval from the Zoning Board of Appeals is required for the restoration of a nonconforming building or structure that is damaged or destroyed by more than 50% of its value due to flood, fire, or other means. In determining whether 50% of the values has been destroyed, the Zoning Board of Appeals shall use appraised replacement costs, as determined by a qualified individual appointed by the Zoning Board of Appeals, and shall compare the value of the part destroyed to the value of the total unit. A request for a permit to restore a nonconforming building or structure damaged or destroyed by more than 50% of its value shall be approved if all of the following conditions exist:
 - a. The land on which the building or structure is situated is not subject to flooding (100 year floodplain).
 - b. The use of a nonconforming building or structure will not lead to accelerated bank erosion or other material degradation of the river resource, and the use of the building or structure is approved by the local soil erosion and sedimentation control enforcement agency.
 - c. Restoration of a damaged building or structure, if approved by the Zoning Board of Appeals, shall be started within one (1) year from the time of approval.

5. A nonconforming use may be changed to a use of a likeness or similar character if the new use more closely conforms the zoning requirements of the Boardman Valley District.
6. If a nonconforming use is discontinued for twelve (12) consecutive months, any future use shall conform to the zoning requirements of the Boardman Valley District. A property owner may request the Zoning Board of Appeals to certify the existence of a prior nonconforming use on the owner's property. Certification of a prior nonconforming use shall be granted if the use meets the criteria of this Article.
7. A previously established manicured lawn in an area subject to native vegetation buffer standards is considered a nonconforming use, and is subject to the standards in this Section.

ARTICLE 14

RESERVED

**ARTICLE 15
SCHEDULE OF REGULATIONS**

Zoning District	Lot Size	Minimum Lot Width In Feet	Max Building Height In Feet	Max. Building Coverage Percentage	Minimum Yard Setbacks per Lot in Feet				Minimum Residential Floor Area in Square Feet	Max. Gross Density in Units Per acre
					Front	Rear	Side	Street		
RC	5 acres	330	25	10	50	50	20	50	800	0.2
AG****	2 acres	185	35	20	50	30	20	50	600	0.5
RN	NA	0***	35	66	20	25	10	20	600	NA
MH-(park)	10 acres	100	25	NA	35	25	10	35	NA	NA
MH-(single)	½ acre	100	25	NA	35	25	10	35	NA	2
CM	Determined by use	Determined by use	55	Determined by use	50	25	25**	50	NA	NA
V	NA	50	25	NA	5	20	5	5	600	NA
BV	40,000 sq. ft.	200	25	10	25	25	15	25	800	1

- * maximum size for newly created non-farm single family lots
- ** no side setback requirement if both structures are zoned CM
- *** 60 foot width requirement for metes and bounds lots
- **** Amendment 104-05-08-07, Effective January 29, 2009

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. A detached accessory structure shall not exceed the ground floor area of the main building plus any attached garage. This restriction does not apply if the parcel is two and a half (2.5) acres or more. (**amnd 6-22-22**)
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 eighteen (18) feet, measured from grade to the top plate of the wall. *Amnd (8-17-21)*
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.

9. Manufactured home requirements.

Skirting

Skirting to conceal the underbody of the home shall be installed around all manufactured homes, prior to issuance of occupancy, and shall be installed within 60 days of the placement of the home on its site, unless weather prevents compliance with this schedule. In the event that installation is delayed by weather, a temporary certificate of occupancy shall be issued.

Skirting shall be vented and installed in a manner to resist damage under normal weather conditions and shall be properly maintained by resident. Skirting shall be aesthetically compatible with the appearance of the manufactured home. All skirting shall meet the requirements established in the Manufactured Housing Commission Rules. (*Amnd 7-16-18*)

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 or essential services. (*amnd 6-16-21*)
 - 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. 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.
 - g. 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.

- h. In residential areas, fences shall not exceed six (6) feet in height as measured from surface of ground. Fences erected within the front yard setback must not exceed four (4) feet in height and cannot be within the road right of way. (*amended 11-21-20*)
 - i. 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) Fences 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 nine thousand (9,000) square feet of site area. Required trees may be planted at uniform intervals, at random, or in clusters. (*amended 12-20-20*)

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
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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
	<hr/>		
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. Property owners 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 with a primary dwelling 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.
5. Travel trailers may be occupied on vacant properties in all districts excepting the CM Commercial Manufacturing district. Owners are required to complete an Administrative Review application and the property must have an address. Occupancy is limited to fourteen (14) days consecutively, trailer shall not be connected to any utilities other than electric. No other structures shall be permitted on property and travel trailer must meet zoning district setbacks shown on site plan and shall be owner occupied. Travel trailers may be occupied for up to one year if a primary residence is actively under construction on same property. Any violations of Township Ordinances shall revoke permit for one year from date of violation. *(amended 11-21-2020)*

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 reduced 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 number of lots that the area serves:

Areas used for ingress and egress	Number Lots 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 including drainage plans and legal description of the Private Road or Private Drive easement.
 2. Signed Maintenance Agreement acceptable to the Township in accordance with Section 16.17.2.
 3. Proposed road name which has been approved by the Grand Traverse County GIS
 4. Grand Traverse County Soil Erosion Determination
 - 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 shall be issued.
 - e. A Township representative may inspect and review during construction.
 - f. Following construction, a final site inspection of the Private Road or Private Drive shall be made by the applicable agencies and the Registered Professional Engineer that designed the Private Road or Private Drive (the "Engineer") shall certify that the

Private Road or Private Drive was built in compliance with the approved plans, specifications and the Township's standards as set forth in Section 16.17.3. When the Zoning Administrator receives confirmation of completion from the applicable agencies and certification from the Engineer, the Zoning Administrator shall issue a certificate of completion for the road.

Except as provided for herein, no land use permit will be approved for any parcel that are served by a Private Road or Private Drive until a certificate of completion is issued by the Zoning Administrator.

- g. The Township Board may require a performance bond or other surety to insure completion of the Private Road or Private Drive, in accordance with the approved plans.
 - h. If the Township Board requires a performance bond or other surety in a form satisfactory to the Township to insure completion of the private road or private drive, land use permits may be issued prior to the issuance of a certificate of completion. In no event shall an occupancy permit for any structure be issued until the certificate of completion is issued by the Zoning Administrator for the private road or private drive.
2. Maintenance Agreement. Prior to the issuance of any land use permit for Lots abutting a Private Road or Private Drive, said property owner(s) shall enter into a legally binding Private Road or Private Drive Maintenance Agreement. The Private Road or Private Drive maintenance agreement shall provide as a minimum:
- a. A provision for an incorporated association of co-owners along the proposed Private Road or Private Drive, which shall be responsible to collect fees and to build and maintain the Private Road or Private Drive.
 - b. Majority vote rules for the association of co-owners or the board of the association regarding road maintenance and improvement decisions.
 - c. The owner of each Lot will be responsible for payment of the share of costs apportioned to his or her Lot to the association.
 - d. The owners or the board of the association shall have standing and the right to commence legal or equitable action against a delinquent Lot owner or 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 Lots, and the owners, thereof, in perpetuity.

- f. The owner or owners of the land served by the road or the board of the association shall provide for the requirement to grade, drain, and otherwise maintain the Private Road or Private Drive 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 Private Road or Private Drive will not be maintained by the Grand Traverse County Road Commission or the Michigan Department of Transportation. As such, the Private Road or Private Drive will be private, and the Road Commission or Department of Transportation will have no obligation to maintain the Private Road or Private Drive in any manner.
 - h. A statement that the Township may inspect and intervene to repair or maintain the Private Road or Private Drive if the association or the owners fail to do so, and then assess the owners for the cost of doing so through the creation of a special assessment district. It should state further that if the Township exercises discretion to intervene, that there is, nevertheless, no further obligation to maintain or repair the Private Road or Private Drive 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.
 - j. An explicit clause advising all current and future parties to said agreement that Blair Township is not obligated to perform regular inspections of the Private Road or Private Drive or provide repairs or maintenance to the private Road or Private Drive and that Blair Township is not responsible for the legality or enforcement of the maintenance agreement.
 - k. A statement that the owners will hold the Township harmless from liability and defend and indemnify the Township from liability associated with any repair or maintenance or approval of the Private Road or Private Drive by the Township.
 - l. The Agreement shall be recorded as part of the Master Deed of a condominium project under MCL 559.101 *et seq* and as a general deed restriction to be recorded against platted subdivision lots and metes and bounds parcels created by a land division and a copy shall be provided to the Blair Township Zoning Administrator. If recorded as part of the Master Deed of a condominium project, the Agreement shall provide that it is not subject to amendment by the Developer or the co-owners or the association of the co-owners unless approved by the Township.
3. Private Roads and Private Drives shall be designed and constructed to the following standards:
 - a. Easement Width: Minimum of thirty-three (33) feet.

- b. Base/Sub-base: The base or sub-base shall have a suitable sand or gravel of not less than 12 inches of Class II sand/gravel and a minimum of 6 inches M.D.O.T. 22A or a GTCO 22A modified gravel specification.
- c. Minimum Width and Surfacing:
 - 1. Private roads shall have a minimum pavement width of twenty-four (24) feet. Asphalt structure shall be a minimum 165#/sy MDOT 13A or 4EL and 110 #/sy MDOT 36A or 5EL. Asphalt courses shall be compacted to a minimum 92% Theoretical maximum density. A comparable or higher-grade asphalt mix may be substituted by a state certified HMA Designer if approved by the engineer.
 - 2. Private drives shall have a minimum surface width of twenty (20) feet. Private drives may be surfaced with gravel, asphalt or concrete.
 - 3. Storm water drainage. The storm water drainage 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.
 - 4. Application to Existing Private Road and Private Drives. If an existing Private Road or Private Drive is proposed to be extended, then the existing Private Road or Private Drive as well as the new portion shall comply with the standards of this Section 16.17. Where a driveway in existence prior to the effective date of this ordinance is to be extended or altered to serve a total of three (3) or more Lots, the existing Driveway may only be extended or altered if the entire Private Drive or Private Road is improved to and meets the requirements of this ordinance. (*amnd 6-22-22*)

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.

ARTICLE 17 GENERAL EXCEPTIONS

Section 17.01 Essential Services

Essential services shall be permitted as authorized in any zoning district and regulated by law and other Ordinances of the Township; provided, however, that the installation, erection, placement, and construction of transmission systems shall be subject to site plan review by the Planning Commission. There shall be no minimum lot size requirement for installation, erection, placement, and construction of buildings for essential services. The required setbacks shall apply to all buildings and structures.

Section 17.02 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.

Section 17.03 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 Planning Commission may specify a height limit for any use subject to special condition approval.

Section 17.04 Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half ($\frac{1}{2}$) the width of such alley abutting the lot shall be considered as part of such lot.

Section 17.05 Yard Regulations

When yard regulations cannot reasonably be compiled with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified by the Board of Appeals.

Section 17.06 Porches and Terraces

An open, unenclosed, and uncovered porch or paved terrace may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. This section does not apply to parcels within the (V) Village of Blackwood zoning district.

Section 17.07 Projection Into Yards

Architectural features, such as, but not limited to, window sills, cornices, and bay windows not including vertical projections, such as parapet walls and roof-mounted air conditioning units, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details that are normally detachable.

Section 17.08 Access Through Yards

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

Section 17.09 Lots Having Lake or River Frontage

Lots and/or parcels having lake or river frontage and abutting a public thoroughfare shall maintain the front yard setback requirement on the lake or river side. Accessory structures are permitted in the setback area between the abutting road right-of-way and the main building. *Setback distance from Silver Lake shall be 50 feet from the high water mark (elevation of 862.0 US Geological Survey Datum) for all structures.* (Amendment 104-05-06-09; Effective February 27, 2007).

ARTICLE 18 SITE DEVELOPMENT STANDARDS

Section 18.01 Application

The permitted or special land uses allowed in any given zoning district and listed in this Article shall be subject to the site development standards specified below as well as those provided in Article 15, Schedule of Regulations; Article 16, General Provisions; Article 19, Off-Road Parking and Loading; and Article 20, Sign Regulations. Whenever any provision of this Article imposes more stringent requirements or restrictions than are imposed or required by other provisions of this Ordinance, the more stringent requirements or restrictions shall prevail.

Section 18.02 Foster Care Homes

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.
2. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
3. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the home.
4. A greenbelt buffer shall be provided along all property lines that abut a less intense residential district and around the visible perimeters of the off-road parking and loading/unloading areas.
5. All exterior lighting of entryways, parking spaces, or loading/unloading areas should not reflect onto adjacent properties, and preferably, should be motion activated.
6. Notices to the neighbors and/or neighborhood associations is recommended but not required to promote integration of the Foster care home into the community.
7. A foster care large group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.
8. If the proposal does not meet the above criteria, a variance may be sought according to the procedures outlined in Article 24, Board of Appeals.

Section 18.03 Accessory Dwelling

1. The primary structure or the accessory dwelling unit shall be owner occupied.

2. Accessory dwellings are only permitted with standard, detached single-family dwelling units.
3. The accessory dwelling unit shall be incorporated into the primary residence on the property or a garage serving the primary residence.
1. The residence containing an accessory dwelling shall be designed to retain a single-family appearance in term of doorway entry, building materials, and rooflines.
2. The total square footage of the accessory dwelling unit shall not exceed 45% of the square footage contained in the primary residence or nine hundred (900) square feet, whatever one is less.
3. There shall be a minimum of one (1) and a maximum of two (2) designated parking spaces for the accessory dwelling unit.

Section 18.04 Reserved

Section 18.05 Automobile Service Stations

1. Merchandise shall be displayed or stored only within enclosed buildings. The Planning Commission, upon application by the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
3. All used and/or discarded parts shall be stored within a completely enclosed building.
4. Any such activity shall be located not less than twenty-five (25) feet from a property line.
5. The parking of vehicles on site shall be limited to those that may be serviced within a ninety-six (96) hour period.
6. There shall be no outside storage of any partially dismantled or inoperative vehicles.
7. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gases, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth. Further, such operations shall not have an adverse affect on adjacent property or development.

8. The storage, sale or rental of mechanical equipment, utility trailers, trucks, new or used cars, motorcycles, minibikes or similar vehicles, wrecked or otherwise shall not be permitted.

Section 18.06 Automobile Washes Including Automatic Car Washes

1. All washing activities must be carried on within a structure.
2. Vacuum islands may be placed in the front yard but no closer than fifty (50) feet from adjacent property boundaries.
3. Access to the wash facility shall be from within the lot and not directly to or from an adjoining public right-of-way. A public right-of-way shall not be used as maneuvering or parking spaces for vehicles to be serviced at the facility.
4. Overnight parking or storage of vehicles is prohibited.

Section 18.07 Bed and Breakfasts

1. The bed and breakfast establishment shall be the principle dwelling unit on the property and shall be occupied by a permanent resident.
2. No separate cooking facilities shall be provided for guests of the bed and breakfast.
3. Proof of evaluation of the well and septic system by the County Health Department and conformance with that agency's requirements shall be supplied by the owner of the establishment.
4. Rental of snowmobiles, all terrain vehicles, or similar vehicles, boats or other marine equipment in conjunction with the establishment shall be prohibited.
5. Bed and breakfast establishments shall only be permitted in standard single-family dwelling units. The structures for the single-family dwelling units shall be in compliance with all applicable zoning regulations, such as lot size, setbacks, building height, parking, etc. Bed and breakfasts are permitted on legal, nonconforming lots.
6. One non-illuminated sign identifying the establishment not to exceed nine (9) square feet in area and not closer to the front lot line than ten (10) feet shall be allowed.
7. Not more than six (6) rooms with a maximum of twelve (12) people in the residence may be used for rental purposes.

8. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes.
9. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants.

Section 18.08 Campgrounds and Recreational Vehicle Parks

1. Minimum lot size shall be ten (10) acres. The term “lot” shall mean the entire campground or recreational vehicle park.
2. The lot shall have direct access to a public road.
3. Adequate public sanitary facilities (potable water source, toilet and refuse container) shall be provided throughout the lot.
4. No commercial enterprises shall be permitted to operate on the lot unless there is a minimum of twenty-five (25) campsites.
5. A landscape screen with a minimum width of twenty (20) feet shall be required when the facility is adjacent to any residential use.

Section 18.09 Carry-out, Fast-food, and Drive-in Restaurants

1. Access to the site shall be located at least seventy-five (75) feet from any intersection as measured from the nearest right-of-way line to the edge of the nearest driveway opening, and such access shall be from a paved public road. The minimum distance between any drive opening and any property line shall be ten (10) feet, unless access to the site is on a shared driveway.
2. Any unpaved area of the site shall be landscaped with lawn or other plant materials, maintained in a neat orderly manner and separated from the paved areas by a low curb or other equivalent barrier.

Section 18.10 Cemeteries

1. Minimum lot size shall be five (5) acres. The term “lot” shall mean the entire cemetery.
2. All access shall be from a paved public road.

Section 18.11 Places of Worship

1. The lot shall have frontage along and access from a paved public road.

2. Off-road parking shall be prohibited within the front yard setback area and within twenty (20) feet of the rear or side property lines.
3. Buildings of greater than the maximum height allowed by Article 15, Schedule of Regulations, may be permitted provided that front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

Section 18.12 Clubs and Fraternal Organizations

1. The use shall be accessed from a paved public road.
2. Off-road parking shall be prohibited within the front yard setback area and within twenty (20) feet of the rear or side property lines.
3. Any commercial use of the facility shall be secondary to the club or organization's primary function.

Section 18.13 Communication Towers

1. A commercial or public use tower shall be set back from adjacent rights-of-way and property lines a distance not less than the height of the tower except along M 37 and US 31 the setback shall be 800 feet. The Planning Commission may waive the setback requirement if the tower is shown to pose no threat of collapsing into adjacent rights-of-way or properties except the Planning Commission may not waive the setback requirements on M 37 and US 31.
2. Landscape materials shall be provided to screen the tower base, any accessory structures or fencing from the view of adjacent public road rights-of-way and adjacent residential uses or residential zoning districts.
3. Towers shall not be located within parking lots or other areas where they will interfere with the operation of a business on the property.
4. No tower shall be constructed as a speculative tower. Prior to construction, each tower shall have at least one contracted carrier and evidence shall be provided of such contract at the time of application.
5. Each tower shall be designed and built to accommodate at least two antennas. Before any tower is considered, the proposer shall demonstrate in writing that there are no other feasible locations for their antennas.
6. The base of the tower shall be enclosed with a security fence at least six (6) feet in height.

7. Towers shall not have signs, banners or other forms of commercial advertisement attached or otherwise affixed to the tower or the security fence.
8. If a tower ceases to transmit for a period of twenty four (24) months, the tower shall be deemed abandoned and shall be removed upon written notice by the Zoning Administrator within one year of abandonment.
9. All new towers shall meet current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
10. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
11. Towers shall not be artificially lighted, unless required or permitted by the FAA or other applicable authority. Lighting shall be designed to minimize disturbance to neighboring properties.
12. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.

Section 18.14 Composting and Recycling Facilities

1. The minimum size of a composting and/or recycling facility shall be twenty (20) acres.
2. Property used for such a facility shall be graded and maintained so as to have a minimum two (2) to three (3) percent slope to permit surface water run-off to be collected in an on-site retention basin.
3. A composting facility shall not be allowed in any one hundred (100) year or five hundred (500) year floodplain unless the Michigan Department of Natural Resources (MDNR) has approved the area of operations. A sign-off from the MDNR stating where composting operations will be allowed in the floodplain shall be necessary before site plan review.
4. A composting facility shall not be allowed on any protected wetlands. A wetlands determination shall be made by the MDNR prior to site plan review.
5. To ensure that ground or surface waters are not contaminated, monitoring wells must be installed by the owner/operator and/or lessee on site prior to construction of the composting and/or recycling facility. The location of such wells shall be

determined on a site-by-site basis, subject to review and approval by a professional acceptable to the Township. All review costs shall be assumed by owner/operator and/or lessee.

6. If any stream or swale is present on the site, it shall be buffered by a twenty (20) foot unoccupied setback measured from the outer edge of the floodplain or all alluvial soils. Approval from the designated agent responsible for the enforcement of the Soil Erosion Control Act shall be required ensuring the stream is adequately protected from pollution.
4. The surface and groundwaters at a composting and/or recycling facility shall meet the standards of Water Resources Commission Act, Public Act 245 of 1929, as amended, being Section 323.1 et. seq. of the Michigan Compiled Laws and the State Administrative Rules promulgated thereunder, being Section 323.1001 et. seq. of the Michigan Administrative Code.
 - a. Sampling of water from the groundwater monitoring wells must start before operations begin, continue quarterly during the active life of operations, and quarterly for a two (2) year period after operations cease for compliance with Act 245 of Public Acts of 1929, as amended. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by owner/operator and/or lessee.
 - b. Should monitoring well test results reveal violation of the water quality requirements of Act 245 of Public Acts of 1929, as amended, the petitioner shall be required to install a groundwater remediation system. The system shall be subject to review and approval by a professional acceptable to the Township. All costs shall be assumed by owner/operator and/or lessee.
 - c. Surface water monitoring shall also be required in addition to groundwater monitoring to assess the adequacy of leachate containment and runoff control and for compliance with Act 245 of Public Act of 1929, as amended. Such monitoring shall be required quarterly. The monitoring shall be done by a professional acceptable to the Township. All costs for such monitoring shall be assumed by the owner/operator and/or lessee.
 - d. Analysis for all ground and surface water monitoring events shall be submitted to the Township within sixty (60) days after analyses.
 - e. Discharge of water from composting or recycling activities collected in an on-site retention basin shall only be handled in the following ways.
 - 1) Reintroduced into the compost pile.
 - 2) Directed into a sanitary sewer.

- 3) Transported by a liquid industrial waste hauler.
8. Written documentation addressing the following shall be provided:
 - a. Hours of operation.
 - b. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.
 - c. Fencing and other means of limiting access.
 - d. Method of receiving compost materials.
 - e. Method of sorting and handling composting materials on site.
 - f. Measures to be taken should anaerobic conditions arise.
 - g. Expected frequency of removal of composted materials.
 - h. Expected frequency for turning of composting windows.
 - i. Fire protection.
 - j. Description of daily cleanup procedures.
 - k. Measures to be taken should surface or groundwater contamination take place.
 - l. The capacity of the composting facility in terms of cubic yards, and the maximum amount of compost material to be accepted annually.
 - m. Maintenance Plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting which allows on-site ponding/puddling of water in places other than a retention basin.
9. A composition or recycling site shall be closed when anaerobic conditions arise and the only operations taking place must be concerned with correcting conditions. If anaerobic conditions arise more than two (2) times in a one (1) month period, the facility must: a) pay a fine set by Township Board; and, b) close for a one (1) month period of time. After three (3), one (1) month closures in a year, the Township may order the site to be closed permanently subject to provisions of Section 18.14.17. Also, corrective actions must begin immediately upon determination of anaerobic conditions. Determination of anaerobic conditions may be made by an authorized County Official Inspector.
10. Compost materials shall not be accepted on site in an anaerobic condition. If

inspections reveal acceptance of anaerobic materials, the owner/operator and/or lessee shall be subject to the conditions of Section 18.14(9).

11. Landscaping Requirements

To ensure proper buffering of the composting facility from nearby land uses that may be adversely affected by the facility, the following requirements shall apply.

- a. No composting and/or recycling facility shall be constructed within one thousand two hundred (1,200) feet of an existing residential district lot line, nor within one thousand five hundred (1,500) feet of the nearest existing residential dwelling in other zoning districts. The separation distance shall be measured from the beginning of the program area designated to the composting and/or recycling facility to the residential lot line in residential districts. In other zoning districts, the separation distance shall be measured from the beginning of the program area designated to the composting facility to the existing residence.
- b. If a residence is within one thousand two hundred (1,200) feet to two thousand two hundred fifty (2,250) feet of a composting and/or recycling facility, there shall be established along the composting and/or recycling facility's lot line a six (6) foot high seeded earthen berm or dense evergreen landscape buffer. The evergreen landscape buffer shall be provided with a double row of evergreen trees, a minimum of six (6) feet high, landscape grade, planted in staggered rows thirty (30) feet apart on center. The plant materials selected shall be in accordance with the Grand Traverse Bay Region Development Guidebook.
- c. If the property fronts on a public road, a landscape berm or evergreen plantings shall be required along the road right-of-way.

12. At the time of site plan approval, the operator of the composting facility shall submit an Off-Site Road Maintenance Plan that addresses, at a minimum, the following:

- a. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
- b. An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.
- c. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within two thousand five hundred (2,500) feet of the composting area entrance and exits.
- d. Trucks and off-site roads shall be cleaned as described in the plan cited

above as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud and/or compost materials.

13. The operation of a composting and/or recycling facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All composting and/or recycling facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
 - a. The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as restricting the daily work area, refusing to accept certain compost materials, or other appropriate measures. This plan shall be approved by the Planning Commission.
 - b. If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Zoning Administrator, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten (10) working days from the date that the Zoning Administrator notifies the operator. This plan shall demonstrate to the satisfaction of the Zoning Administrator that the problem will be abated within two (2) weeks.
 - c. In the preparation of the operations plans required above, the applicant or operator shall comply with the requirements of the Air Quality Rules promulgated under Act 348 of 1965, as amended.
14. Height of stored material shall not exceed eight (8) feet.
15. No sludge of any kind shall be stored or deposited on composting and/or recycling facility property.
16. At the time of application to the Township, a closure plan shall be submitted which shall detail the final end use of the property should use of the facility discontinue for more than twelve (12) months. The plan should describe:
 - a. How the existing site will be cleaned up.
 - b. How and where the existing surface debris will be disposed.
 - c. What the final disposition of the land will be.
17. Violation of any of the provisions of this Ordinance or inability to meet the requirements of these provisions will result in the Township having the right to

close and/or clean up the composting and/or recycling facility and operation at the expense of the owner and/or operator and/or lessee of the composting and/or recycling facility.

The Township may, at such time, direct the owner, operator, or lessee to close and/or clean up the composting and recycling facility and operation at the expense of the owner, operator, or lessee.

Section 18.15 Contractor's Yards -Major

1. All equipment, supplies, and materials shall be stored in a fully enclosed structure located no closer than fifty (50) feet to any property line and road right-of-way.
2. Driveways serving the yard shall be maintained in a dust-free condition.

Section 18.16 Convalescent Homes and Nursing Homes, Congregate Care Facilities

1. The lot shall have frontage along a paved public road and access to the lot shall be from said road.
2. The principle and accessory structures shall be set back fifty (50) feet from all property lines.

Section 18.17 Day Care Centers, Nursery Schools

1. No portion of a day care center shall be located within three hundred (300) feet of any gasoline pumps, underground storage tanks, or any other explosive material.
2. The outdoor play area shall be enclosed with a fence with a minimum height of four (4) feet.
3. Outdoor play areas adjacent to residential zoning districts or existing residential uses shall provide landscape screening along the perimeter of the outdoor play area.
4. One-way access drives and on-site circulation is encouraged.

Section 18.18 Elderly Housing Developments/Apartments

1. Minimum lot area shall be one (1) acre.
2. Minimum dwelling unit size shall be three hundred fifty (350) square feet of area, not including kitchen and sanitary facilities.
3. Such developments may provide:
 - a. Cottage-type one-story and/or apartment type dwelling units.

- b. Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational areas, lounges, and workshops.

Section 18.19 Gasoline Filling Stations

1. No more than one (1) drive opening shall be permitted along any road frontage.
2. No drive opening shall be located closer than thirty (30) feet to any intersection or adjacent residential zoning district or existing residential use.
3. All gasoline pumps shall be located no closer than twenty-four (24) feet to the public right-of-way line and sixteen (16) feet to any lot line and shall be so arranged that motor vehicles shall not be supplied with gasoline while parked on or overhanging any public right-of-way or adjacent property.
4. The entire lot, excluding the area occupied by any structures and/or landscaped areas shall be hard surfaced. Landscaped areas shall be separated from hard surfacing areas by a low barrier or curb.
5. All repair and maintenance activities permitted shall be conducted entirely within an enclosed building.

Section 18.20 Reserved

Section 18.21 Golf Driving Ranges - Outdoor

1. The facility shall be designed and constructed to contain all golf balls on site. A fifty (50) foot open space area must be maintained along all property lines. On those sides abutting a residential zoning district or use, there shall be provided a landscape screen consisting of plant materials eight (8) feet in height or greater, sufficient to contain golf balls on-site.
2. Range hours shall be restricted to daylight hours.

Section 18.22 Reserved

Section 18.23 Home Occupations

1. A home occupation shall utilize no more than twenty-five (25) percent of the total floor area of the dwelling unit and garage.
2. A home occupation shall involve not more than one (1) employee on site other than members of the household.
3. All home occupation activities shall be conducted indoors, except gardening.

4. No structural alterations or additions which would alter the residential character of the structure shall be permitted to accommodate the home occupation.
5. Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding area shall be permitted.
6. There shall be no external evidence of the home occupation other than a sign as permitted by Article 20, Sign Regulations.
7. No article or service shall be sold or offered for sale on the premises, except as such produced on the premise by the home occupation.
8. No home occupation shall be permitted which is detrimental to the general character of the residential district and creates a congested or otherwise hazardous traffic or parking condition.

Section 18.24 Hospitals

1. Access to the facility shall be from a paved road.
2. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses or residential zoning districts by a structure or fence a minimum of six (6) feet or more in height.

Section 18.25 Junkyards, Salvage Yards, and Used Materials Yards

1. Minimum lot area shall be five (5) acres.
2. The setback from the front property line to the area upon which materials shall be stored shall be not less than one hundred (100) feet.
3. Materials shall be placed behind an opaque fence that is a minimum of eight (8) feet high. An evergreen screen meeting the requirements listed in Section 16.05 shall be planted between the opaque and the property line. Materials shall not be stored in a manner that exceeds the height of any required screening.
4. The area upon which materials are stored, including any principle or accessory structures, shall not be located any closer than three hundred (300) feet to any public building, institutional use, residential zoning district or use.
5. All roads, driveways and parking lots used by the general public shall be paved. All other areas of the site shall be maintained in such a manner as to limit the nuisance caused by wind borne dust.
6. All fluids contained in junk vehicles and equipment shall be drained prior to storage on the site. Drained fluids shall be contained and disposed of in

accordance with the regulations of the Michigan Department of Public Health, Michigan Department of Natural Resources, the County Health Department, and the U.S. Environmental Protection Agency.

Section 18.26 Kennels, Veterinary Clinics

1. Minimum lot area shall be five (5) acres.
2. All structures that are used for animal occupancy shall be completely enclosed and twenty-five (25) feet from all property lines. (*amended 4-9-19*)
3. All animal runs and outdoor areas designated for use by animals shall be fifty (50) feet from all property lines.
4. All outdoor areas designated for use by animals shall be enclosed with a 6' (six foot) solid opaque fence. (*amended 4-9-19*)

Section 18.27 Landing Fields

1. Minimum parcel size and configuration shall be adequate to accommodate the whole of any proposed landing area required by the Michigan Aeronautics Commission rules and regulations. Proof of the applicant's ability to comply with these rules and regulations shall be provided to the Planning Commission prior to any public hearing.
2. There shall be no buildings or cell towers associated with the landing field.
3. Paving the landing field is not permitted.

Section 18.28 Lumber Yards, Building Material Yards, Sawmills, Asphalt Plants, Concrete Cement Mixing Plants

1. Open storage of materials shall not be permitted in the front yard as established by the front building line of the principal structure, and within one hundred (100) feet of the public right-of-way line. Open storage of materials shall not be permitted within fifty (50) feet of any property line.
2. Open storage shall be screened on all sides by a minimum of an eight (8) foot high opaque fence. Stored materials shall not be piled or stored so as to exceed the height of the fence, except when said materials are stored within a storage shed structure. A greenbelt, meeting the requirements listed in Section 16.05(2) shall be planted along the fence line to minimize the visual impact.
3. All equipment, supplies shall be stored in a fully enclosed structured located no closer than fifty (50) feet to any property line. All loading operations shall occur

within a fully enclosed structure located no closer than fifty (50) feet to any property line.

4. The minimum lot size shall be five (5) acres.

Section 18.29 Mini-Storage Warehouses

1. Minimum lot area shall be three (3) acres.
2. The lot shall be accessed from a paved roadway.
3. The minimum distance between self-storage buildings within the same lot shall be fifteen (15) feet, as measured from side to side, or front to rear, or equal to the building height, whichever is greater.
4. A landscape buffer with a minimum width of ten (10) feet shall be provided between the property line and road right-of-ways, adjacent residential uses, or residential zoning districts. The landscaping shall comply with the requirements in Section 16.05.
5. No structure that houses individual storage units shall exceed five thousand (5,000) square feet in area.

Section 18.30 Mortuary Establishments

1. An adequate vehicle assembly area shall be provided to be used in the funeral procession. This area shall be in addition to required off-road parking areas or its related maneuvering space.
2. A caretaker's residence may be provided within the main building.

Section 18.31 Motels and Hotels

1. Ingress and egress shall be from a paved road.
2. The minimum floor area of each guest unit shall be two hundred fifty (250) square feet.

Section 18.32 Multiple-Family Residential Developments

1. Maximum structure coverage shall not exceed seventy-five (75) percent of the site area.
2. The distance between any two structures within a multiple-family residential development shall be not less than thirty (30) feet.

3. Maximum height of any structure shall be fifty-five (55) feet.
4. Any multiple-family residential development adjoining any single-family residential district or any developed nonresidential district shall be provided with a twenty (20) foot landscape screen planted in accordance with Section 16.05.2.
5. Provisions shall be made for safe and efficient ingress and egress to public roads and highways serving any multiple-family residential development, which shall be designed to minimize congestion and interference with normal traffic flow.
6. All multiple-family residential developments shall have direct access only to paved public roads.
7. The site shall be developed and facilities shall be provided in such a manner so as to ensure adequate drainage.
8. The minimum lot area required shall be five (5) acres.
9. Public sewer and water facilities shall be provided.
10. There shall be set aside for common space not less than ten percent (10%) of land for every one (1) acre of land. Open space shall be laid out and maintained for the maximum benefit of the area.

Section 18.33 Open Air Business Uses

1. Minimum lot area shall be fifteen thousand (15,000) square feet.
2. Minimum lot width shall be one hundred fifty (150) feet.
3. In the case of retail car sales, house trailers, or boat lots:
 - a. All vehicular use areas shall be paved with a durable, dust-free surface and appropriate bumper guards installed where needed.
 - b. Access to the outdoor sales area shall be at least seventy-five (75) feet from the intersection of any two (2) roads as measured from the right-of-way line.
4. These provisions do not apply to seasonal produce stands, Christmas tree sales, firewood sales, or other uses that require a temporary use permit.

Section 18.34 Open Storage Areas

1. All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, or other supplies shall be located no closer than fifty

- (50) feet to any public right-of-way line.
2. The storage of combustible materials such as lumber, fuels, or fertilizer shall be no closer than twenty (20) feet to any property line.
 3. All open storage areas shall be screened from all public road right-of-ways, all sides which abut any residential or commercial district by a solid eight (8) foot fence, and all stored material shall not be stacked to a height greater than eight (8) feet.
 4. The storage of any soil, fertilizer, or other loose material shall be contained to prevent any adverse affects on neighboring properties.

Section 18.35 Mega-church, Private Noncommercial Recreation Areas; Institutional or Community Recreation Centers

1. If the site will attract or is intended to attract persons from beyond the immediate neighborhood, the lot shall have frontage along a paved major road and the site shall provide access from said road.
2. Front, side, and rear yard setbacks shall be fifty (50) feet and shall be provided with a greenbelt buffer.
3. There shall be no parking or structures permitted in any required yard except for access drives.

Section 18.36 Riding Stables

1. The minimum lot area for a riding stable is five (5) acres. There shall be no more than (1) horse for the first acre. Afterwards, one (1) additional horse is permitted for every half acre.
2. The facility shall be constructed and maintained so that odor, dust, noise, or drainage shall not be a nuisance or hazard to adjoining premises.

Section 18.37 Reserved

Section 18.38 Salesrooms, Rental Facilities, and/or Sales Lots for New and/or Used Automobiles, Recreation Vehicles, Trucks, Mobile Homes, Trailers, Modular Homes, and Agricultural Machinery

1. All service and repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside provided such storage area is screened by a fence (8) feet in height. The materials being stored shall not be stacked higher than the wall.

2. There shall be a ten (10) foot wide landscape area between the opaque fence and adjacent property. The landscaping shall meet the requirements listed in 16.05(6). At a minimum, there shall be one (1) tree for every twenty (20) feet of lot width.

Section 18.39 Scrap Tire Collection Sites

1. The facility shall have direct access to a paved road.
2. Scrap tire storage shall be prohibited in front yard or in any required side or rear yard setback.
3. The scrap tire storage areas shall not be permitted within one hundred (100) feet of a protected wetland or within a one hundred (100) year floodplain, unless specifically approved by the Michigan Department of Environmental Quality.
4. A fire suppression plan shall be submitted and approved by the local fire authority.
5. Minimum lot size shall be five (5) acres.
6. At a minimum, an eight (8) foot high opaque fence shall surround the scrap tire collection area.
7. There shall be a ten (10) foot wide landscape area between the opaque fence and adjacent property. The landscaping shall meet the requirements listed in 16.05(6). At a minimum, there shall be one (1) tree for every twenty (20) feet of lot width.

Section 18.40 Shooting and Archery Ranges - Outdoor

1. Minimum front, side, and rear yard setbacks for the outdoor shooting/archery ranges shall be two hundred fifty (250) feet. There shall be no activity within the setback area.
2. All federal, state, and county codes and ordinances in regard to firearms shall be strictly adhered to.
3. A site plan for the range shall be submitted to the Planning Commission. The site plan shall clearly demonstrate that all current applicable National Rifle Association range design standards and guidelines have been met.
4. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.
5. At a minimum, a six (6) foot high fence shall be provided around the entire shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.

6. Hours of operation shall be the legal shooting range hours determined by the Department of Natural Resources.

Section 18.41 Shooting and Archery Ranges- Indoor

1. All federal, state, and county codes and ordinances in regard to firearms shall be strictly adhered to.
2. A site plan for the range shall be submitted to the Planning Commission. The site plan shall clearly demonstrate that all applicable National Rifle Association range design standards and guidelines have been met.
3. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.
4. The entire shooting/archery ranges shall be inside a building.

Section 18.42 Waste Material/Recyclable Material Transfer Stations

1. The facility shall have direct access to a paved primary road.
2. Truck parking shall not be allowed in the front yard setback.
3. No loading shall be permitted in front of the front building line.
4. Waste material/recyclable materials shall be stored within an enclosed structure.
5. There shall be a minimum of five (5) acres.

Section 18.43 Cluster Development

A cluster development allows residential dwelling units to be grouped closer together than would normally be allowed under other sections of this Zoning Ordinance. These groupings of dwelling are to be on the most buildable portions of a site so that the remainder of the site can be preserved as open space.

1. The purpose of cluster housing developments are to:
 - a. Preserve the natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmental sensitive areas.
 - b. Promote development that is consistent with the Master Plan.

2. Development Standards.
 - a. The allowable number of units shall be clustered on the site, so at least fifty (50%) percent of the site remains as protected open space by means of a conservation easement, plat dedication, restrictive covenant or other legal means, acceptable to the Planning Commission, that will protect the open space in perpetuity.
 - b. The minimum yard setback requirements may be reduced if approved by the Planning Commission. The perimeter setback shall comply with the district's setback regulations and may not be reduced.
 - c. The minimum lot size for a unit not served by *central* sewer and water shall be determined by the standards established by Grand Traverse County for well and septic capacity. There shall be no minimum lot size for units served by *central* water and sewer.
(Amendment 104-05-07-02; Effective November 27, 2007)
3. The conservation easement, plat dedication, restrictive covenant, or other legal means maintaining the open space shall include the following:
 - a. Indicate the proposed use(s) of the required open space.
 - b. Provide maintenance standards and a maintenance schedule.
 - c. Be recorded with Grand Traverse County Register of Deeds to provide a record of the restrictions to all persons having an interest in the property contained in the Cluster Development.

Section 18.44 Planned Unit Development (PUD)

(Amendment 104-05-07-04; Effective April 4, 2008)

A planned unit development allows for innovative and mixed-use development uses in a coordinated matter. These developments shall be designed to encourage the conservation of farmlands and/or natural features such as, but not limited to woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting.

A planned unit development shall be planned, developed, operated, and maintained as a single entity and contain (1) one or more residential, recreational, commercial, industrial, public, or quasi-public land uses which are integrated into the design and carried out in conformance with an approved plan.

1. The application for a planned unit development shall demonstrate the following:
 - a. The planned unit development will achieve at least one of the following:
 - 1) A recognizable and material benefit to the residents of the project as well as to the community, where such benefit would otherwise

be unfeasible or unlikely without application of the planned unit development provisions;

2) The long-term conservation of farmlands, natural features and/or sensitive environmental lands that would not be protected with conventional developments.

b. The proposed type and density of the planned unit development shall not result in an unreasonably increased burden upon public services, facilities, and/or utilities compared to uses permitted by the zoning district.

c. The proposed planned unit development shall not result in unreasonable negative economic impacts on the surrounding properties.

2. Planned Unit Development Design Standards

a. The plan may provide for a variety of permanent housing types, including detached and attached single-family dwellings, manufactured homes, and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing developments may be used as a means of conserving natural features and providing additional common open space.

b. There are no minimum lot size or width requirements.

c. There shall be a thirty five (35) foot perimeter setback requirement for the PUD development from all adjacent property lines. There shall be a fifty (50) foot setback from external public road right-of-ways.

d. There are no internal setback requirements, unless required by the County Building Department.

e. The permitted density requirement shall equal the specified limitation in the designated zoning district, unless the provisions of 18.44 (2.f) apply.

f. To allow greater flexibility in design of the development there shall be no density requirement if:

1) A minimum of one (1) acre is dedicated as a Subdivision Park and meets the requirements listed in section 16.15.

2) There are designated pedestrian trails in the development.

3. All planned unit developments shall maintain a minimum of ten (10) percent of the parcel as common open space that is readily accessible and available to the residents of the planned unit development. This area shall exclude wetlands, floodplains, and open water. The Subdivision Park may be included within this common open space area.

4. Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and Township Board, to satisfy a percentage of the total common open space requirement.
5. Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.
6. The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. The Planning Commission and/or Township Board may require landscaping and/or berming for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development.

However, in cases where non-residential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative fence. The screening shall comply with Section 16.05(2), Screening Between Land Uses, of this Ordinance.

7. Each residential development phase shall be designed to stand-alone and provide a residential environment which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected.
8. Planned Unit Development Application

The procedure for application, review and approval of a PUD shall be a two-part process. The first part shall be application and approval of a Concept Plan, which shall require a public hearing and Special Land Use Review.

The second part of the review and approval process shall be the application for approval of a Final Development Plan for the entire project or for any one or more phases of the project. A Final Development Plan for the entire project or for any one or more phases of the project shall require site plan approval by the Planning Commission.

In addition to the requirements listed in Section 18.44(2), the following requirements shall apply.

- a. The procedures for a planned unit development submittal shall follow the special land use procedures as outlined in Article 22, Special Land Use Review Procedures as described in this Zoning Ordinance.
 - b. Twelve (12) copies of a Concept Plan shall be submitted to the Zoning Administrator who shall forward it to the Planning Commission for consideration. The Concept Plan shall be a dimensionally correct plan and include the information from Section 21.02, A through I and O.
9. After the Township Board has approved the Special Use Permit for the Planned Unit Development, a Final Development Plan shall be submitted to the Planning Commission for approval. The final site plan shall meet the requirements listed in Section 18.44(8) of the Zoning Ordinance and the following:
- a. Twelve (12) copies of a Final Development Plan containing all of the applicable data as outlined below shall be submitted. The submission shall be made to the Zoning Administrator who shall forward it to the Planning Commission for consideration at a regular or special meeting. The plan shall be prepared by a Licensed Professional Engineer, Community Planner or Architect and shall be accompanied by an application form and fee as determined by the Township Board. The Final Development Plan shall contain all information in Section 21.02 of this Ordinance and all of the following information unless specifically waived by the Zoning Administrator:
 - 1). A site analysis indicating all known natural resources and natural features and the most appropriate areas for development.
 - 2). Location and size of all existing structures on the site.
 - 3). Location and size of all proposed structures on the site.
 - 4). Size and location of all areas devoted to open space.
 - 5). Location and description of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - 6). All areas within the 100-year floodplain, wetland areas or bodies of water.

- 7). A comparison calculation indicating the maximum number of dwelling units that may be developed on the site under the terms of the existing Zoning Ordinance.
- 8). An illustration of adjacent project phases or stages.
- 9). The size and location of water, sanitary sewer and stormwater utilities. In the event the proposed project is to be served by properly permitted community water and sanitary sewer systems in accord with Township policies, the Concept Plan shall indicate the size, location and capacity of the proposed well and the location, capacity and type of treatment and discharge for the wastewater system.
- 10). Elevation renderings of key elements (as determined by the Zoning Administrator and or Planning Commission) of the proposed project consistent with the design principals and standards of the project.
- 11). A narrative describing the nature and concept of the project including a detailed description of the design principals and standards to be achieved within the project; the proposed density, number, and types of dwelling units if a residential PUD; a statement describing how the proposed project meets the objectives of the PUD including the benefits that are expected to result from the adoption of the PUD provisions pertaining to the subject site; a detailed description of the legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed; a statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage or properly permitted community systems; a narrative description of the phasing or staging plan; a specific listing of all departures from the regulations of the Ordinance which are requested; and, a copy of the project market study, if required, shall be submitted with the narrative.
- 12). Proof of ownership or legal interest in property.

10. Effect

After approval of a planned unit development, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the planned unit development or only as authorized by the provisions of this Ordinance which would apply if the planned unit development order had not been issued.

11. Phased PUDS

Each phase of a PUD shall be planned, developed and approved to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.

12. Amendments

An order approving a planned unit development may be amended as follows:

a. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

b. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission according to the procedures authorized by this section for approval of a planned unit development.

13. Termination

The PUD order shall expire two years from date of final approval if the applicant has not commenced substantial construction and is diligently proceeding to completion. Upon written request stating the reasons therefore, and with a positive recommendation from the Planning Commission, the Township Board of Trustees may extend an order. An order may be canceled by written agreement executed by the owner of the land to which it pertains and the Zoning Administrator at any time when the development and use of the land is in conformance with all provisions of this ordinance which would apply if such order had not been issued. The order may be rescinded at any time by the Township Board of Trustees for violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the PUD area and after a hearing on the violation. Upon termination of an order the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.

14. Performance Guarantee

The Planning Commission or Township Board may require an irrevocable letter of credit to assure the completion of the proposed planned unit development.

15. Ordinance Amendment

A planned unit development approval shall not be considered an ordinance amendment.

Section 18.45 Planned Business Development

The Planned Business Development is established to provide an aesthetically attractive working environment exclusively for, and conducive to, the development and protection of offices, research and development institutions, manufacturing establishments of a non-nuisance type, and retail uses.

The provisions of this Section have been developed to coordinate these developments with the intent to:

- Establish and maintain high aesthetic standards;
 - Preserve the development's visual character by assuring improvements that are properly related to their sites and to surrounding developments;
 - Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design; and
 - Encourage development that is compatible with and complementary to nearby residential and commercial areas.
1. The application for a planned business development is for those areas particularly suited for mixed-use development of the types listed above. Property may be designated Planned Business Development when one or more of the following criteria are satisfied:
 - a. The site has been designated for non-residential development in the Township's Master Plan;
 - b. The property and the affected area are presently provided with adequate public facilities, services and transportation networks to support this use; or such facilities, services and transportation networks are planned to be provided concurrently with the development;
 - c. The development will not involve uses, activities, processes, materials, equipment and conditions of the operation that will be detrimental to any persons, property or the general welfare by reason of smoke, fumes, glare, noise, vibration or odors.
 2. Planned Business Development Design Standards
 - a. Lot coverage, including all buildings and paved areas, shall not exceed seventy (70%) percent of the lot area
 - b. All structures shall be a minimum of thirty (30) feet from any public road right-of-way.

- c. All structures shall meet applicable side and rear setback requirements.
- d. Principal or accessory buildings shall not be less than fifty (50) feet from any property line abutting residentially zoned lands.

The following improvements are excluded from this setback restriction:

- 1) Structures below and covered by the ground.
 - 2) Steps, walks, driveways and curbing.
 - 3) Planters, walls, fences or hedges not exceeding four (4) feet in height.
 - 4) Landscaping
 - 5) Pedestrian plazas/walkways.
- e. Access to each parcel or lot must be from an internal street and not from an abutting major thoroughfares or arterial.
 - f. There shall be set aside for common open space not less than one (1) acre of land for every five (5) acres of land devoted to office, research, industrial and/or business, and commercial uses. Such computation shall exclude the area devoted to the internal street system and the anticipated required off-street parking.

The location of common open space shall be consistent with the declared function of the common usable open space and where possible, the common open space shall be planned as a contiguous area centrally located to the site for the maximum benefit of the area. Protected environmentally sensitive areas, such as woodlands, wetlands and natural drainage areas may be included in the calculation of required open space. Stormwater drainage areas may be included, provided that the stormwater structure is designed and landscaped to have a naturalized appearance.

- g. The internal circulation system shall include pedestrian paths that provide continuous circulation from the boundary streets to each lot or parcel within the development, common open space area and all other important interior site destinations.
- h. A minimum of ten (10) percent of the gross area of the Planned Business Development shall be open land with vegetative ground cover and other plant materials not covered by buildings, paving or other impervious surfaces. Pedestrian paths/walkways may be included in the calculation of this requirement.

- i. All utility lines serving the internal development shall be underground. Entry fixtures must be located away from high use areas and main entrances or screened in an approved manner.
3. Building Design Requirements
 - a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design, relationship to surroundings, sensitive integration of form, textures and colors with the particular landscape.
 - b. Buildings shall have a good scale and be in harmonious conformance with permanent development in the general vicinity.
 - c. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Accessory buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public rights-of-way.
 - d. All exterior building walls that are visible from a public right-of-way shall include attractive, durable materials.
 - e. Building components, such as windows, doors, eaves and parapets shall have good proportions and relationships to one another.
 - f. Colors shall be harmonious and shall use only compatible accents.
 - g. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
 - h. Antennas should be located where they are not visible on the front façade. Mechanical equipment such as window air conditioning units or condenser elements attached to the side or roof of a building, including heating vents, should be kept as low as possible and covered or screened to blend with the building to which it is affixed.
4. Uses permitted. All of the permitted uses in the CM Commercial Manufacturing are permitted in the Planned Business Development, with the following exceptions:
 - a. Truck terminals.
 - b. Outdoor material storage.

- c. Contractors yard.
 - d. Asphalt plants.
 - e. Concrete manufacturing plant.
 - f. All uses essentially similar to the above uses.
5. Planned Business Development Application
- In additions to the requirements listed in Section 18.46(2), the following requirements shall apply:
- a. The procedures for a planned business development submittal shall follow the special land use procedures as outlined in Article 22, Special Land Use Review Procedures as described in this Zoning Ordinance.
 - a. If the application is for concurrent special use and site plan approval, then a site plan containing all of the applicable data as outlined in Article 21, Site Plan Review Procedures, shall be required for that portion of the site where site plan approval is requested.
6. After the Township Board has approved the Special Use Permit for the Planned Business Development, a site plan for the development may be submitted to the Planning Commission for approval. The site plan shall meet the requirements listed in Article 21 of this Zoning Ordinance.

18.46 Small Retail Operations

This use allows small retail operations that are designed to serve the convenience shopping needs of persons residing in adjacent residential areas to be placed near those residential areas. Small commercial operations shall meet the following requirements:

- 1. No drive-thrus are permitted.
 - a. No more than eight (8) parking spaces may be provided.
 - b. The gross floor area for one (1) business shall not exceed 2,500 square feet. If the structure contains two (2) or more independent businesses with different owners, then the structure may be a maximum of 3,500 square feet.
 - c. There shall be a sidewalk/pathway from adjacent public road right-of-ways to the operation.
 - d. The operation is not located on an interior subdivision road.
 - e. The sale of sexually oriented merchandise is prohibited.
 - f. The design of the building is compatible with the adjacent properties with respect to building materials, mass and scale, color, and roof-pitch.

- g. Only one (1) sign is permitted on the parcel. The surface display area for the sign shall not exceed twenty-five (25) square feet. The sign height shall not exceed eight (8) feet above grade.
- h. There shall be an additional twenty (20) foot setback from residentially zoned properties.

Section 18.47 Wind Energy Systems

The purpose of sections 18.47, 18.48, and 18.49 is to establish requirements for the location of Wind Energy Systems. The Township recognizes that it is in the public interest to permit the location of wind turbine generators within the Township. The Township also recognizes the need to protect the scenic beauty of Blair Township from unnecessary or unreasonable visual interference. As such, this section seeks to:

- Regulate the development of renewable energy resources in a prudent manner;
- Protect all areas of the Township from any potential adverse impacts of wind energy systems and anemometer towers;
- Regulate the location of wind energy systems and anemometer towers in the Township;
- Protect the public health, safety and welfare of Blair Township residents;
- Avoid potential damage to adjacent property from the failure of wind energy systems and anemometer towers or the result of natural occurrences (ice throw)

All wind energy systems shall meet the following standards: (See also Section 18.48 Small Wind Energy Systems 35 feet in height or less and Section 18.49 Large Wind Energy Systems, Small Wind Energy Systems over 35 feet and Anemometer Towers)

1. Setback, for wind energy systems, from all adjoining property lines and rights-of-way shall be the greater of the setback requirements of the zoning district or one and a half times the combined height of the tower and the diameter of the rotor ($1.5 \times (h+d)$). Anemometer towers shall be setback the height of the tower as measured from the highest point. No part of the wind energy systems, including guy wire anchors, shall extend into any required setback.
2. The site area shall be of a size that meets the required setback and any other standards of this section.
3. Wind energy systems shall not be artificially lighted unless required by the FAA or other applicable authority. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations. All fixtures shall be shielded and directed, to the greatest extent possible, to minimize glare and visibility from the ground. Strobe lighting shall be strictly prohibited unless specifically required by the FAA.

4. Wind energy systems shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific wind energy system.
5. On-site electrical transmission lines shall be located underground.
6. Wind energy systems shall be designed and sited to minimize shadow flicker on roadways and existing structures located off site.
7. Wind energy systems, subject to any applicable standards of the FAA, shall be painted a neutral color so as to reduce visual obtrusiveness. No part of the wind energy system may include advertising.
8. Wind energy systems shall comply with all applicable state construction and electrical codes and local building permit requirements.
9. Wind energy systems and anemometer towers that are not operated or maintained for a period of twenty four (24) consecutive months shall be deemed abandoned. The system and all associated pertinences shall be entirely removed at the owner's expense within one year upon receiving written notice from the Zoning Administrator. If removal of the wind energy system is not completed within designated time, the Township may remove the wind energy system and the costs remain the burden of the property owner.
10. Wind energy systems shall be designed to the current state of technology. Used, outdated or obsolete equipment shall not be permitted to be constructed or installed.
11. A performance guarantee shall meet requirements of Section 21.07.
12. Shall have posted no more than one sign, not to exceed four (4) square feet, at an accessible location, at the service drive entrance of the tower that shall contain emergency phone number and contact information. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends and holidays.
13. These regulations pertaining to large or small wind energy systems are intended to respond to equipment available at the time of adoption. Blair Township recognizes that this is an emerging technology and that new means of collecting wind energy, including but not limited to vertical axis wind energy systems, are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.

Section 18.48 Small Wind Energy Systems 35 feet in height or less

Small wind energy systems 35 feet in height or less shall meet the following requirements:

1. Requirements of Section 18.47 for this Ordinance.
2. Small wind energy systems shall be an accessory structure.
3. Blade clearance shall be fifteen (15) feet from the ground.
4. Rotor blade shall be twenty (20) feet or less in diameter.
5. Shall not be attached to dwelling or accessory structure.
6. Noise from a small wind energy system shall not exceed 50 dB(A), at any given time, as measured at the property line.
7. The applicant shall submit a site plan with the following information:
 - a. Property lines, physical dimensions of the property and required yard setbacks
 - b. Location, dimensions, and types of existing major structures on the property
 - c. Location of proposed wind energy system
 - d. All right-of-ways, utilities, and easements
 - e. Wind energy system specifications, including manufacturer and model, rotor diameters, tower height, tower type and color
 - f. Tower and tower foundation blueprints or drawings
 - g. Any additional information, requested by the township to demonstrate compliance with Sections 18.47 and this section of the Ordinance (noise, shadow flicker, etc.)

Section 18.49 Large Wind Energy Systems, Small Wind Energy Systems over 35 feet in Height and Anemometer Towers

Large wind energy systems, small wind energy systems over 35 feet in height and anemometer towers shall meet the following requirements:

1. Requirements of Section 18.47 of this Ordinance.
2. Blade clearance shall be twenty five (25) feet from the ground for small wind energy systems over 35 feet in height and fifty (50) feet from the ground for large wind energy systems.
3. Maximum height of 300 feet. The Planning Commission may approve an increased height of a wind energy system if the following conditions are met:

- a. The height increase is necessary for the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
 - b. To improve noise level at the property lines.
 - c. It is the minimum necessary variance to meet a and b above.
4. Shall be designed and sited to minimize adverse visual and noise impacts on neighboring areas. Noise shall be limited to no more than 10 dB(A) above the original ambient baseline sound level at the property lines as reported in the noise study as required under 18.49.8.d below.
5. Shall be designed and constructed to limit access, to the extent possible, to authorized personnel only.
6. Shall be constructed and operated so that it does not interfere with television, radio, cellular telephone or microwave reception in neighboring areas.
7. Shall be a monopole or monotube style construction, not lattice style tower, and shall not utilize guy wires.
8. In addition to the application requirements of Article 22 and Section 18.47, an application for a special use permit shall include all of the following information, unless expressly indicated otherwise:
 - a. A detailed analysis by a professional engineer, experienced in wind energy systems, licensed in the State of Michigan, describing the specific wind energy system structure(s) or anemometer tower proposed and all phases for implementing the development.
 - b. A study prepared by a professional engineer, experienced in wind energy systems licensed in the State of Michigan, documenting that the site of the wind energy system has sufficient wind resources for the proposed wind energy system equipment. This regulation shall not apply to anemometer towers.
 - c. A resume or other written summary of the education, experience, and other qualifications of all experts providing information concerning the wind energy system or anemometer tower project.
 - d. Analysis, measurements and projections of the wind energy system noise propagation conforming to the International Electromechanical Commission Standard 61400-11 Part 11, to include:
 - i. Existing ambient background noise levels;
 - ii. Prediction of the wind energy system noise levels at the property borders;
 - iii. Identification and support for a model for sound propagation;

- iv. A comparison of calculated wind sound pressure levels with and without the wind energy system.

This regulation shall not apply to anemometer towers.

- e. A detailed written statement, with supporting evidence, demonstrating how the proposed wind energy system or anemometer tower will comply with all the standards for approval.
- f. Elevation drawings, computer generated sound models or simulations and other aids or documentation projecting the sound reaching off the property on which the wind energy system will be constructed, and the extent and duration of the sound. This regulation shall not apply to an anemometer tower.
- g. Elevation drawings, computer generated photographic simulations or other images and visual aids that depict how the wind energy system tower and all accessory structures will appear as constructed on the proposed site from vantage points north, south, east, and west of the wind energy system tower. This regulation shall not apply to an anemometer tower.
- h. Any additional information as determined by the Planning Commission and/or Township Board to demonstrate compliance with Sections 18.47 and this section of the Ordinance

Section 18.50 Top Soil Extraction

- 1. The activity shall be deemed a violation of this ordinance if it becomes a nuisance by any of the following factors:
 - a. Excessive noise that disturbs adjacent properties.
 - b. Excessive soil blowing onto adjacent properties.
 - c. Excessive vibrations that disturb adjacent properties.
 - d. Any other factor that falls under the “Nuisance Factor” definition in Section 2.02 of this ordinance.

Section 18.51 Class 1 Disposal Wells and Related Facilities

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

- 1. *There shall be a two (2) acre minimum lot size*
- 2. *A six (6) foot high security fence with a locked gate at the site that completely encloses all activities shall be required*

Section 18.52 – Solar Energy Systems – Solar Panels amnd (6-22-22)

1. New solar energy systems or any upgrade, modification or structural change that alters the size or placement of an existing solar energy system shall comply with the provisions in this Section.
2. Solar panels will be permitted by right as an accessory use in all districts where structures are permitted.
3. A solar panel system may be structurally mounted or freestanding.
4. Solar panels shall meet the accessory structure setbacks for the zoning district.
5. Building and roof structures shall not exceed the maximum of 15 feet in height within the zoning district.
6. Solar panels mounted to the roof of a building will not require a Land Use Permit.
7. All ground mounted solar energy mechanical and electrical equipment shall be screened from any adjacent property that is used for residential purposes.
8. Solar panels shall be placed such that solar radiation or glare shall not be directed onto nearby properties or roadways. Glare from any solar panels directed onto nearby properties will be in violation and shall constitute a public nuisance.
9. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Solar panels must comply with FAA requirements,
10. No solar energy systems shall be used to display advertising, including signage, streamers, pennants, spinners, reflectors, tinsel, balloons, flags, banners or similar materials.
11. If a ground solar energy system is defective or is deemed to be unsafe by the County Electrical Inspector, the solar energy system shall be repaired by the owner to meet the current federal, state and local safety standards. Alternatively, the solar energy system shall be removed by the property owner within the time period of six (6) months.
12. No guy wires will be allowed in any district.

ARTICLE 19
OFF-ROAD PARKING AND LOADING REQUIREMENTS

Section 19.01 Purpose of Off-Road Parking Requirements

It is the purpose of these requirements that off-road parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-road storage of motor vehicles for the use of occupants, employees, and patrons of each building and premise constructed, altered or enlarged after the effective date of this Ordinance.

Section 19.02 Location of Parking Area

Off-road parking areas shall be located in relation to the use they are intended to serve. Parking shall be on the same property as the use in all districts, except the following uses that may have parking off the premises provided that no parking is farther than three hundred (300) feet from an entrance to the building: public and quasi-public buildings, assembly halls, private clubs, associations or institutions, industrial uses, and commercial uses except hotels, motels or motor lodges.

Section 19.03 Use of Parking Areas

No commercial repair work, servicing, or selling of any kind shall be conducted on any parking areas except that which is specifically permitted by this Ordinance by right, by license, or by special land use permit. Only those traffic directional signs necessary for the proper functioning of the parking area may be permitted. Traffic signs shall conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices. No other appurtenances such as plastic animals, streamers, cloth signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a structure.

Section 19.04 Joint Use of Parking Areas

The joint use of parking facilities by two (2) or more uses is recommended whenever such use is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design and construction can be satisfied.

In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If peak space requirements for individual uses occur at distinctly different times from the peak requirements for other joint uses, the maximum capacity required for joint use will be less than the sum of total individual space requirements.

A copy of an agreement between joint users shall be filed with the application for a land use permit and recorded with the Register of Deeds of Grand Traverse County. The

agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

Section 19.05 Parking Restrictions

1. Parking in driveways is prohibited, except in single-family residential districts. In single-family residential districts, no motor vehicle parking space shall be provided in the front yard, except on a paved or gravel driveway that occupies no more than thirty-five (35) percent of the total area of the front yard.
2. Off-street parking shall not be permitted within twenty (20) feet of the front property line.
3. Off-road parking spaces may be located within a side yard or rear yard and within the required rear yard setback unless otherwise provided in this Ordinance. Off-road parking shall not be permitted within a required front yard or a side yard setback unless otherwise provided in this Ordinance.
4. Any area designated as required off-road parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-road parking spaces 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.

Section 19.06 Requirements for a Use Not Mentioned

The requirements for an off-road parking facility for a use not specifically mentioned are those requirements for a use which is mentioned and which is most similar to the use not mentioned.

Section 19.07 Building Additions or Other Increases in Floor Area

Any increase in effective capacity of any premise use for which off-road parking is required in accordance with this Ordinance, shall be accompanied by the provision and maintenance of parking space in proper ratio to the increased capacity.

Section 19.08 Fractional Spaces

For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern. The number of parking spaces required for any particular building or land use shall be calculated on the basis of specific need. A calculation of the number of spaces needed resulting in a fraction of a space shall be corrected by deleting any space less than one-half ($\frac{1}{2}$) of a full space or by adding one space for any space more than one-half ($\frac{1}{2}$) of a full space.

Section 19.09 Schedule of Requirements for Parking Space

The proper number of parking spaces for any given use is based on consideration of the maximum number of motor vehicles that can be expected to be at the premises at the same time or an average day of full use of the premises. The minimum number of off-road parking spaces by type of use shall be determined in accordance with the following schedule.

If an applicant can demonstrate to the approving authority body (i.e. Zoning Administrator, Planning Commission, or Township Board) with a parking study and/or case studies that sufficient parking for a non-residential use can be provided that is less than the listed minimum parking requirement, then the amount of parking may be reduced.

The number of parking spaces provided on a site shall not exceed 125% of the minimum parking requirement.

USE	MINIMUM NUMBER OF PARKING SPACES
1. RESIDENTIAL	
a. Residential, single-family.	Two (2) for each dwelling unit.
b. Residential, multiple-family.	Two (2) for each dwelling unit, plus one (1) for each four (4) dwelling units for visitor parking.
c. Housing for the elderly.	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, the multiple-family residential standard shall apply.
d. Mobile home parks.	Two (2) for each mobile home site, plus one (1) for each employee of the Mobile Home Park, plus (1) for each three (3) dwelling units for visitor parking.
2. INSTITUTIONAL	
a. Places of worship.	One (1) for each four (4) seats or eight (8) feet of pews in the main unit of worship.
b. Hospitals.	One (1) for each two (2) beds, plus one (1) space for each doctor assigned to staff, and one (1) space for each two (2) employees in the largest working shift other than doctors.
c. Convalescent and nursing homes, congregate care facilities.	One (1) for each six (6) beds, plus one (1) space for each employee in the largest working shift, plus one (1) space for each visiting doctor.

USE	MINIMUM NUMBER OF PARKING SPACES
a. Elementary and junior high schools.	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements for the auditorium.
e. Senior high schools.	One (1) for each one (1) teacher, employee, or administrator and one (1) for each three (3) students, in addition to the requirements for the auditorium.
f. Private clubs or lodge halls.	One (1) for each fifty (50) square feet of assembly area.
g. Private golf clubs, swimming clubs, tennis clubs, or other similar uses.	One (1) for each two (2) member families or individuals, plus spaces required for each accessory use, such as a restaurant or bar.
h. Golf courses open to the general public, except miniature or "Par-3" courses.	Four (4) for each one (1) golf hole and one (1) for each one (1) employee, plus fifty (50) percent of the requirements for any other accessory use, such as a restaurant or bar.
i. Fraternities or sororities.	One (1) for each five (5) permitted active members, plus two (2) for each bedroom.
j. Stadiums, sports arenas, or similar places of outdoor assembly.	One (1) for each three (3) seats or six (6) feet of benches.
k. Theaters and auditoriums.	One (1) for each three (3) seats, plus one (1) for each two (2) employees.
l. Day care centers, Nursery schools.	Two (2) spaces, plus one (1) space for each employee in the largest working shift, plus one (1) space for each six (6) students, and a paved, unobstructed pick-up space with an adequate stacking area.
m. Libraries.	One (1) space for each one hundred fifty (150) square feet of floor area devoted to public use, plus one (1) space for each employee in the largest working shift.
3. BUSINESS AND COMMERCIAL	
a. Planned commercial or shopping centers.	Four (4) spaces per one thousand (1,000) square feet of gross floor area for centers having fifty thousand (50,000) square feet or less. Five (5) spaces per one thousand (1,000) square feet of gross floor area for centers having more than fifty thousand (50,000) square feet. When a restaurant or similar use is proposed as part of a planned center, the parking for such use will be computed separately.
b. Automatic car washes	One (1) for each one (1) employee. In addition, reserve parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the

USE	MINIMUM NUMBER OF PARKING SPACES
	greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
c. Automobile washes (self-service or coin operated).	Five (5) stacking spaces for each washing stall in addition to the stall itself, plus one (1) drying space for each washing stall.
d. Beauty parlors or barbershops.	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
e. Bowling alleys.	Four and one-half (4-1/2) spaces for each one (1) bowling lane, plus fifty (50) percent of the required spaces for each accessory use, such as a restaurant or bar.
f. Dance halls and assembly halls without fixed seats.	Thirty (30) spaces for each one thousand (1,000) square feet of usable floor area.
g. Skating rinks.	One (1) space for each two (2) seats or six (6) feet of benches, or one (1) space for each one hundred fifty (150) square feet of skating area, whichever is greater.
h. Pool or billiard parlors.	Two (2) spaces per table, plus one (1) space for each three (3) seats and one (1) space for each employee.
i. Establishments for sale and consumption on the premises of beverages, food, or refreshments.	One (1) space for each three (3) seats for the first one hundred fifty (150) seats, plus one (1) space for each two (2) seats over one hundred fifty (150) seats, plus one (1) space for each two (2) employees on the largest working shift.
j. Furniture, appliance, and household equipment salesrooms, repair shops, showrooms of a plumber, decorator, electrician or similar trade, shoe repair, and other similar uses.	One (1) space for each one thousand (1,000) square feet of usable floor area (for that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein), plus one (1) space for each company vehicle.
k. Gasoline service stations, and filling stations.	Two (2) for each lubrication stall, rack, or pit; two (2) adjacent for each one (1) gasoline pump structure; and one (1) space for each two hundred (200) square feet of usable floor area in the retail area. In no instance shall any required parking or its maneuvering area conflict with the vehicles being fueled or awaiting fuel.

USE	MINIMUM NUMBER OF PARKING SPACES
l. Quick oil change facilities.	Three (3) stacking spaces for each oil change bay or rack, plus one (1) space for each employee in the largest working shift.
m. Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
n. Miniature or "Par-3" golf courses.	Three (3) for each one (1) hole, plus one (1) for each one (1) employee.
o. Mortuary establishments.	One (1) for each fifty (50) square feet of slumber or viewing rooms, plus (1) space for each employee and each mortuary vehicle.
p. Motel, hotel, or other commercial lodging establishments.	One (1) space for each room to be rented, plus one (1) space for each employee, plus parking figured separately for 75 percent of the requirement for banquet rooms, meeting rooms, restaurants and lounge/bars.
q. Motor vehicle sales and service establishments.	One (1) space for each two hundred fifty (250) square feet of enclosed floor space for a sales room, plus one (1) space for each two thousand five hundred square feet of open sales/display area, plus two (2) spaces for each auto service stall in the service room, plus one (1) space for each employee in the largest working shift.
r. Retail stores except as otherwise specified herein.	One (1) space for each one hundred fifty (150) square feet of usable floor area for buildings with 25,000 square feet or less; one (1) space for each two hundred (200) square feet of usable floor area for buildings between 25,001 and 50,000 square feet; one (1) space for each three hundred (300) square feet of usable floor area for buildings with 50,001 square feet or more.
s. Establishments offering carry-out service (primarily serving customers over a counter or through a window, i.e., food carry-out, dry cleaner pick-up, meat markets, bakers, shoe repairs, etc.)	One (1) space for each thirty (30) square feet of usable floor area devoted to customer assembly and/or waiting area. Parking needs devoted to areas for the consumption of food on the premises shall be computed separately for such seating areas.
4. OFFICE	
a. Banks.	One (1) for each two hundred (200) square feet of

USE	MINIMUM NUMBER OF PARKING SPACES
	usable floor space, plus eight (8) stacking spaces for the first drive-in window and six (6) stacking spaces for each additional window.
b. Business offices or professional offices except as indicated in the following item (c).	One (1) space for each two hundred fifty (250) square feet of usable floor space.
c. Professional offices of doctors, dentists, or similar professions.	Two (2) spaces for each examination or treatment room or dental chair, plus one (1) space for each doctor, dentist, and other employees.
5. INDUSTRIAL	
a. Industrial or research establishments and related accessory uses.	Three (3) spaces, plus one (1) space for each employee in the largest work shift, or three (3) spaces plus one (1) space for each 550 square feet of usable floor area, whichever is greater.
b. Warehouse and wholesale establishments and related accessory offices.	Three (3) spaces, plus one (1) space for each employee in the largest work shift, or three (3) spaces for each 1,700 square feet of usable floor area, whichever is greater.

Section 19.10 Handicap Parking Requirements

Each parking lot that services a building, except single or two-family residential or temporary structures, shall provide parking spaces for the physically handicapped as set forth in the following table.

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	One (1) per fifty (50) parking spaces or fraction thereof.
Over 1,000	Twenty (20), plus one (1) per one hundred (100) exceeding one thousand (1,000).

Handicap parking spaces shall be identified by above grade signs. A handicap parking space shall not have more than a three (3) percent grade, shall not be less than twelve (12) feet wide, or shall not be less than eight (8) feet wide and adjacent to an access aisle not less than five (5) feet wide. The surface shall be stable and firm. There shall be a barrier-free route of travel from handicapped parking spaces to the nearest barrier-free building approach.

Handicap parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking

facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

Section 19.11 Off-Road Parking Area Layout, Standards, Construction and Maintenance

Whenever the off-road parking requirements in Section 19.09 require the building of an off-road parking area, such off-road parking area shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No off-road parking area shall be constructed until a permit is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with two (2) sets of site plans for the development and construction of the off-road parking area showing compliance with the provisions of this Ordinance.
2. Plans for the layout of an off-road parking area shall be in accord with the following minimum requirements (see also the Parking Lot Layout diagram on the following page):

Parking Pattern (* degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0* (parallel parking)	12 ft.	8 ft.	28 ft.	20 ft.	28 ft.
30* to 53*	12 ft.	9 ft.	20 ft.	32 ft.	52 ft.
54* to 75*	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
76* to 90*	24 ft.	10 ft.	20 ft.	44 ft.	64 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a road shall be prohibited.
4. Adequate ingress and egress to an off-road parking area by means of limited and clearly defined twenty-four (24) foot wide access drives shall be provided for all vehicles. Ingress and egress to an off-road parking area located in an area zoned for other than single-family residential use shall not be across land zoned for single-

- family residential use. There shall be a maximum of one (1) access drive per six hundred (600) feet of lot frontage.
5. Each space shall be clearly marked and reserved for parking purposes.
 6. The entire parking area including parking spaces and maneuvering lanes, required under this Section, shall have asphalt or concrete surfacing in accordance with specifications approved by the Zoning Administrator. The parking area shall be surfaced within one (1) year of the date the permit is issued. The Planning Commission may waive this requirement in lieu of a crushed stone or dustless surface for parking areas and access drives not generally used by patrons or customers of a commercial or industrial use.
 7. Off-road parking areas shall be drained so as to dispose of surface water in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
 8. Adequate lighting shall be provided for use when a parking area is in operation. All lighting shall be arranged so that no source of light (lamp or light source) shall be visible beyond the parcel upon which the parking area is located.
 9. Within all off-road parking areas, locations for snow storage shall be designated to provide adequate area for storage of typical snow accumulation and to not risk damage to required parking lot landscaping, fences, walls, or other required improvements.

Section 19.12 Off-Road Loading and Unloading Requirements

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

1. The loading space area is in addition to the off-road parking space requirements, and shall not be considered as off-road parking spaces.
2. Within the commercial and industrial districts, all loading spaces shall be at least ten (10) feet by fifty (50) feet with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with an asphalt or concrete pavement to provide a permanent durable and dustless surface. All spaces shall be provided in the following ratio of space to usable floor area.

Gross Floor Area in Square Feet	Loading/Unloading Space Required
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space, plus one (1) space for each additional twenty thousand (20,000) square feet
100,001 and over	Five (5) spaces

ARTICLE 20 SIGN REGULATIONS

Section 20.01 Purpose

The purpose of this Article is to regulate the size, placement, and general appearance of all privately owned signs and billboards in order to promote the public health, safety, and general welfare, to enhance the aesthetic desirability of the environment, and reduce hazards to life and property in Blair Township.

Section 20.02 General Provisions

Signs and billboards may be permitted for identification of premises, for providing information relative to the functions of the premises, or for advertising, subject to the provisions of this Article.

1. Maximum surface display area per side of any sign or billboard shall be computed as follows:
 - a. If a sign has only one (1) exterior face, the surface display area of that face shall not exceed the specified maximum.
 - b. If a sign has two (2) exterior faces, the surface display area of each face shall not exceed the specified maximum.
 - c. If a sign has more than two (2) exterior faces, the sum of the surface area of all the faces shall not exceed twice the specified maximum.
 - d. In the case of a canopy sign, the copy area of the canopy shall be measured to determine total surface display area.
2. Signs may be illuminated, but no flashing or moving illumination shall be permitted, except as otherwise expressly provided for under this Ordinance. Signs shall not revolve or move in any manner. The source of illumination (lamp or light source) for any sign shall not be visible beyond the property lines of the parcel on which the sign is located.
3. Any sign not expressly permitted is prohibited.
4. *Any sign containing lewd, indecent or obscene words or symbols is prohibited.* (Amendment 104-05-06-15; Effective 07/10/07)
5. *All signs shall be permanently secured in accordance with applicable building codes, unless otherwise noted.* (Amendment 104-05-06-16; Effective 04/27/07)

Section 20.03 Signs Permitted in All Districts

The following signs are permitted in all zoning districts subject to the following conditions:

1. Real Estate Signs
 - a. One (1) non-illuminated sign advertising the sale or lease of the lot or structure.
 - b. Surface display area of such sign shall not exceed six (6) square feet per side in residential districts. Surface display area of such sign shall not exceed sixteen (16) square feet per side and shall not exceed a height of eight (8) feet above grade in commercial and industrial districts.
 - c. Such sign shall be located at least ten (10) feet from the road right-of-way line.
2. Construction Signs
 - a. One (1) non-illuminated wall or *pole* sign announcing the names of individuals or firms responsible for a development under construction, alteration or repair, and announcing the character or the purpose of the development.
 - b. Surface display area shall not exceed forty (40) square feet per side. The height of a *pole* sign shall not exceed fourteen (14) feet above grade.
 - c. Such sign shall be located at least ten (10) feet from the road right-of-way line.
 - d. Such sign shall require a sign permit that shall authorize use of the sign for a period not to exceed one (1) year.
3. Development Entry Signs
 - a. A maximum of (2) signs, which may be illuminated, shall be permitted at each entrance to a development.
 - b. Surface display area shall not exceed fifty (50) square feet and the sign height shall not exceed ten (10) feet above grade.
 - c. Such signs shall be located at least ten (10) feet from the road right-of-way line.
 - d. Such signs shall include only the names of the development, development logo and the developer and the sign and structure shall be harmonious and

appropriate in appearance with the existing and intended character of the general vicinity.

4. Temporary Real Estate Development Sign

- a. One temporary development entry sign, advertising the lots/units for sale in a new residential development, shall be permitted at each entrance in addition to permanent development entry signs allowed in this section.
- b. Surface display area shall not exceed fifty (50) square feet and the sign height shall not exceed ten (10) feet above grade.
- c. Such signs shall not be illuminated.
- d. Such signs shall be located at least ten (10) feet from the road right-of-way line
- e. Such sign shall be permitted for two years or when 75% of the lots or units have sold, whichever comes first.
- f. The permit may be extended, in one year intervals, at the discretion of the Zoning Administrator if he/she finds all of the following:
 - 1) 75% of lots or units have not been sold;
 - 2) the sign is found to be in good condition; and
 - 3) the applicable renewal fee is paid.

5. Temporary Political Signs

- a. Temporary political signs are not permitted in the road right-of-way.
- b. Political signs shall be removed within *five (5) days* of the election to which they pertain. (Amendment 104-05-06-17; Effective 04/27/07)

6. Temporary Signs Advertising Charitable Events

- a. Surface display area shall not exceed thirty-five (35) square feet per side.
- b. Such sign shall be located at least ten (10) feet from the road right-of-way line.
- c. Such signs may be illuminated, but no flashing or moving illumination shall be permitted.
- d. Temporary signs may be permitted for a period not to exceed fifteen (15) days for purposes of advertising charitable events and shall be removed within five (5) days after the event.

7. Directional signs conforming to the Michigan Manual of Uniform Traffic Control

Devices.

8. Highway signs erected by the Michigan Department of Transportation and/or the Grand Traverse County Road Commission.
9. Signs erected by governmental agencies to designate hours and uses for parks, parking lots, governmental buildings, and other public spaces.
10. Historic signs designating sites recognized by the State Historical Commission.
11. Signs prohibiting hunting or trespassing.
12. Signs denoting utility lines, railroad lines, hazards, and precautions.
13. Memorial signs which are either cut in masonry or stone or constructed of bronze or other metal when attached flush to a building.
14. Menu boards and drive-through signs in conjunction with a drive-through establishment.

Section 20.04 Signs in Recreation-Conservation and Agricultural Districts

1. Signs related to agricultural or recreation-conservation uses in the Recreation-Conservation and Agricultural Districts shall be subject to the following limitations:
 - a. Farm Products Signs
 - 1) One (1) non-illuminated sign advertising the products grown on the farm.
 - 2) Surface display area shall not exceed twenty-four (24) square feet in area.
 - 3) Sign shall be placed behind the road right-of-way line.
 - b. Identification Signs
 - 1) One (1) non-illuminated sign identifying the recreation or conservation use.
 - 2) Surface display shall not exceed twenty-four (24) square feet in area.
 - 3) Sign shall be placed behind the road right-of-way line.
 - c. Home Occupation Signs

- 1) One (1) non-illuminated sign announcing a home occupation.
 - 2) Surface display area shall not exceed two (2) square feet.
 - 3) Sign shall be attached flat against a building wall.
- d. Yard or Garage Sale Signs
- 1) One (1) non-illuminated sign announcing the sale.
 - 2) Surface display area shall not exceed four (4) square feet.
 - 3) Sign shall be placed behind the road right-of-way line.
 - 4) Sign shall be removed within five (5) days of the date that the sale ended.

Section 20.05 Signs in Residential Districts

1. Signs related to residential uses in residential districts shall be permitted subject to the following limitations:
 - a. Home Occupation Signs
 - 1) One (1) non-illuminated sign announcing a home occupation.
 - 2) Surface display area shall not exceed two (2) square feet.
 - 3) Sign shall be attached flat against a building wall.
 - b. Yard or Garage Sale Signs
 - 1) One (1) non-illuminated sign announcing the sale.
 - 2) Surface display area shall not exceed four (4) square feet.
 - 3) Sign shall be placed behind the road right-of-way line.
 - 4) Sign shall be removed within five (5) days of the date that the sale ended.
2. Signs for nonresidential uses, such as institutions for human care, churches, educational or social institutions, and public utility buildings, permitted by special land use approval in residential districts, shall be permitted subject to the following limitations:

- a. All limitations governing signs for professional and office uses in the Commercial zoning districts shall apply.
- b. Surface display area for freestanding signs shall not exceed twenty-five (25) square feet per side.

Section 20.06 Signs in Commercial Manufacturing Districts

(Text added. Amendment 104-05-06-11; Effective 04/27/07)

1. *Signs shall be limited to one (1) pole sign and wall signs not to exceed total allowable area on the premises of a business establishment or composite of businesses under single ownership subject to the following conditions:*
 - *A canopy sign may be substituted for a wall sign.*
 - *A monument sign may be substituted for the permitted pole sign.*
 - *Signs permitted in the Commercial Manufacturing Districts shall require a sign permit.*
 - *Signs shall be limited to the following:*
 - a. **Wall Signs**
 - 1) Signs shall not project above the roofline or cornice.
 - 2) Surface display area shall not exceed ten (10) percent of the building facade; however, no sign shall exceed one hundred (100) square feet.
 - 3) In the case of several tenants utilizing a common customer access, such as a shopping mall or office building, one (1) common wall sign shall be permitted provided that such sign does not provide more than twenty (20) square feet of surface display area for each tenant listed, up to a maximum of ten (10) percent of the building facade.
 - b. **Canopy Signs**
 - 1) Surface display area shall not exceed ten (10) percent of the building facade; however, no such sign shall exceed one hundred (100) square feet.
 - 2) Such canopy shall have a minimum clearance height of eight (8) feet above grade; except that canopies shall be erected, whenever practicable, to match the underclearance and projection of canopies which exist on adjacent businesses, buildings, or lots.
 - c. **Pole Signs**

- 1) In no case may *pole* signs exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of lot frontage on the road toward which that sign is primarily oriented, seventy-five (75) square feet on lots with two hundred (200) or more, but less than four hundred (400) feet of lot frontage, and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.
 - 2) Such sign shall be located behind the road right-of-way line. Further, a *pole* sign shall not be located within twenty (20) feet of the intersection of the access drive and the road right-of-way line.
 - 3) A *pole* sign shall not exceed a height of twenty (20) feet above ground level.
 - 4) *If more than one support pole is present, the area between the poles shall not be enclosed.* (Amendment 104-05-06-13, Effective 04/24/07)
 - 5) *Pole cover shall not exceed 25 % of sign width.* (Amendment 104-05-06-19, Effective 07/10/07)
- d. Monument Signs
- 1) Surface display area of such sign may be twenty-five (25) percent greater than the permitted *pole* sign.
 - 2) A monument sign shall not exceed a height of eight (8) feet above grade.
 - 3) Such signs shall be landscaped at the base.
- e. Automobile Service and Gasoline Station Signs
- 1) Automobile service and gasoline stations shall be permitted additional areas for signs on each pump island for displays, and on the pump island canopy. The aggregate area of such signs shall not exceed a total of one hundred (100) square feet.
 - 2) Two (2), two-sided signs indicating price and grade of gasoline, each side not to exceed twelve (12) square feet in surface display area, may be erected.
- f. Temporary Grand Opening Signs
- 1) One (1) such sign may be permitted for a period not to exceed fifteen (15) days for those businesses which are new to a particular location.

- 2) Surface display area shall not exceed thirty-five (35) square feet per side.
- 3) Such signs may be illuminated providing there shall be no flashing lights or moving lights or parts of the sign.
- 4) Such sign shall be located at least ten (10) feet from the road right-of-way line.
- 5) Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fifteen (15) day time period designated for the grand opening sign.

g. Time and Temperature Signs

- 1) Such signs may take the form of wall, *pole* or monument sign, and must conform to the standards that apply to each of these sign types.
- 2) Surface display area shall not be larger than twenty-five (25) square feet per side. The surface display area of a time and temperature sign shall be deducted against the total surface display area allowed for other signs on the site.

h. Directory Signs

- 1) Directory signs shall front on parcels having direct access to M-37 and US-31, exclusively.
- 2) Directory signs shall not exceed a height of five (5) feet and a width of four (4) feet.
- 3) The directory sign shall consist of individual sign panels, each of which is no greater than eight (8) inches in height and forty (40) inches in width.
- 4) Directory signs shall not count toward the total number of signs permitted per business or maximum sign surface area permitted per business as specified in this Ordinance.
- 5) Only one (1) directory sign shall be allowed per business. That sign shall be located at the intersection of M-37 or US-31 and the road the business is located on.
- 6) Directory signs may require M-DOT approval prior to their placement.

- i. *Changeable Letter Sign (Amendment 104-05-06-14; effective 11/27/07)*
 - 1) *Changeable letter signs, which are either mechanical or electronic shall be permitted, provided that they are either a wall, pole or monument type of sign.*
 - 2) *Electronic changeable letter sign display shall change a maximum of 1 time per 5 seconds.*

- j. *Temporary Signs (Amendment 104-05-09-03; Effective October 6, 2009)*
 - 1) *Temporary signs including flags, pennants and banners may be in continuous use for a period not to exceed fourteen (14) days in any one hundred twenty (120) day period and must be removed for sixty (60) days before another shall be permitted.*
 - 2) *All temporary signs shall be securely affixed to permanent structures on the site.*
 - 3) *Maximum of three (3) temporary signs, including flags, pennants, and banners, not to exceed a total of thirty (30) square feet shall be displayed at one time.*
 - 4) *Temporary signs shall be kept in good repair.*
 - 5) *Temporary signs shall not be illuminated.*
 - 6) *Temporary signs shall be located on the site for which they are advertising; no temporary off-premise signs shall be permitted.*
 - 7) *A portable sign shall not be used as a temporary sign*
 - 8) *Temporary sign permits will not be issued to businesses with more than one (1) sign violation within the past year.*

Section 20.07 Billboards

Billboards shall be permitted in commercial and industrial districts in accordance with the following limitations:

- 1. Surface display area of a billboard shall not exceed three hundred (300) square feet per side. Maximum height of such structure shall not exceed thirty (30) feet.
- 2. Such structures shall be at least fifty (50) feet from any road right-of-way line. No billboard shall be closer than two hundred (200) feet to any other zoning district than CM Commercial Manufacturing.
- 3. Such structure shall not be located closer than two thousand six hundred forty (2,640) feet of any other billboard on either side of the road.
- 4. Such structure may be illuminated, provided the source of said illumination (lamp or light source) is shielded downward so that no light is visible beyond the property lines of the parcel upon which the structure is located.

Section 20.08 Existing Nonconforming Signs

1. It is the intent of this Section to permit the continuance of a lawful use of any sign or billboard existing at the effective date of this Ordinance, although such sign or billboard may not conform to the provisions of this Ordinance. It is the intent of this Section that nonconforming signs and billboards shall not be enlarged upon, expanded, or extended. Further, it is the intent of this Section that nonconforming signs and billboards shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and billboards within Blair Township shall be subject to the conditions and requirements set forth in this Section.
2. The faces, supports, or other parts of any nonconforming sign or billboard shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or billboard conforms to the provision of this Article for the district in which it is located, except as otherwise provided for in this Section. (Amendment 104-05-12-01; Effective May 22, 2012)
3. Nothing in this Section shall prohibit the repair, reinforcement, alteration, improvement, or modernization of a lawful nonconforming sign or billboard, provided that such repair, reinforcement, alteration, improvement, and modernizing do not exceed an aggregate cost of thirty (30) percent of the appraised replacement cost of the sign or billboard, as determined by the Zoning Administrator, unless the subject sign or billboard is changed by such repair, reinforcement, alteration, improvement, or modernization to a conforming structure. Nothing in this shall prohibit the periodic change of message on any billboard.
4. Any lawful nonconforming sign or billboard damaged by fire, explosion, or an act of God, or by other accidental causes, may be restored, rebuilt or repaired, provided that the estimated expense of reconstruction does not exceed thirty (30) percent of the appraised replacement cost thereof, as determined by the Zoning Administrator.
5. Whenever the activity, business, or usage of a primary premises to which a sign is attached or related has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming sign attached to the premises. At the end of this period of abandonment, the Zoning Administrator shall give notice to the person responsible for the nonconforming sign that said sign shall either be removed or altered to conform to the provisions of this Article within thirty (30) days.
6. The Township Board may acquire any nonconforming sign or billboard, with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign or structure.

Section 20.09 Required Information and Fees for Sign Permits

All signs shall require a sign permit. Application for a sign permit shall be made to the Zoning Administrator by submission of the required forms and fees, exhibits and information by the owner of the property on which the sign is to be located, his agent, or lessee.

1. The application shall contain the following information:
 - a. The property owner's, sign owner's, and applicant's name and address.
 - b. Address of the property on which the sign is to be situated.
 - c. Description of business to which the sign relates and purpose of the sign.
 - d. Drawing of the sign that includes a description of sign type, sign height, total surface display area in square feet, proposed graphics, and/or sign copy.
 - e. Site drawing that depicts lot and building dimensions, right-of-way line location, and proposed setback from road right-of-way line.
2. The Zoning Administrator shall not approve plans or issue a sign permit for any sign that does not conform to the provisions of this Ordinance.
3. Fees for the review of site plans shall be established by resolution of the Township Board.
4. The following signs shall not require permits:
 - a) 20.03(1) Real Estate Signs
 - b) 23.03(4) Temporary Political Signs
 - c) 20.03(5) Temporary Signs Advertising Charitable Events
 - d) 20.03(6) Directional signs conforming to Michigan Manual of Uniform Traffic Control Devices
 - e) 20.03(7) Highway signs erected by MDOT or Grand Traverse County
 - f) 20.03(8) Governmental signs
 - g) 20.03(9) Historical Commission signs
 - h) 20.03(10) Hunting or Trespassing signs
 - i) 20.03(11) Signs denoting utility lines, railroad, hazards and precautions
 - j) 20.03(12) Memorial signs
 - k) 20.03(13) Menu boards and drive through signs
 - l) 20.04(1) Agriculture signs
 - m) 20.05(1) Home occupation and yard sale signs

(Amendment 104-05-06-18; Effective 04/27/07)

Section 20.10 Sign Variance Standards

Any person filing an application for a sign permit who feels that he has been aggrieved by the decisions of the Zoning Administrator may have the application reviewed by the Board of Appeals. A variance may be allowed by the Board of Appeals only in cases involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:

1. That the alleged practical difficulties are peculiar to the property of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which do not exist generally throughout the Township;
2. That the granting of the requested variance would not be materially detrimental to the property owners in the immediate vicinity;
3. That the granting of the variance would not be contrary to the general objectives of this Article and is in keeping with the spirit and intent of this ordinance; and,
4. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Article, the individual hardships that will be suffered by a failure of the Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
5. Fees for sign variances shall be as established by resolution of the Township Board.

ARTICLE 21
SITE PLAN REVIEW PROCEDURES

Section 21.01 Application

1. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any structure in any zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission or Zoning Administrator in accordance with the requirements of this Article.

a. The Planning Commission shall review all site plans for all permitted principal uses and structures over 11,999 (eleven thousand nine hundred and ninety-nine) square feet and where this Ordinance does not specifically list the Zoning Administrator having site plan review authority.

Site plan reviews may be performed concurrently with special land use permit approval.

b. The Zoning Administration shall review site plans for uses and structures that meet the following criteria:

- 1) No variances to the Ordinance are required.
- 2) The proposed construction does not cause the total building gross floor area (including multiple stories) to exceed 11,999 (eleven thousand nine hundred and ninety-nine square feet).
- 3) This zoning ordinance specifically states that the Zoning Administrator has site plan review authority.

The Zoning Administrator may refer a project to the Planning Commission for site plan approval when desired.

Nothing in this section shall be deemed to diminish the applicant from meeting all the applicable standards in this ordinance.

c. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation, or development standard. The Zoning Administrator shall notify the Planning Commission of all site plans in the process or scheduled for administrative review.

d. The decision of an administrative review or site plan review may be

- appealed to the Planning Commission.
2. The Planning Commission by majority vote of its total membership may recommend revoking the Zoning Administrator's ability to review and issue land use permits (excepting single family detached and two-family dwellings and their accessory structures) to the Township Board for transgressions. The Township Board upon holding a hearing shall approve or deny the Planning Commission's recommendation. The Planning Commission will assume the responsibility for Administrative reviews upon revocation of the Zoning Administrators duties.
 - a. For those cases requiring site plan review solely as a result of building re-occupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the Planning Commission. The Zoning Administrator may conduct an administrative review, provided all of the following conditions are met:
 - 1) No variances to the ordinance are required.
 - 2) Such use is conducted within a completely enclosed building.
 - 3) Re-occupancy does not create additional parking demands beyond ten (10) percent of that which exists.
 - 4) Re-occupancy will not substantially alter the intended character of the site and/or the use is permitted in the zoning district.

Section 21.02 Required Data

1. A site plan shall consist of an overall plan for the entire development. Sheet size shall be at least twenty-four (24) by thirty-six (36) inches with the plan drawn to a scale of not less than one (1) inch equals fifty (50) feet for property under three (3) acres, and at least one (1) inch equals one hundred (100) feet for properties (3) acres or more. Twelve (12) complete sets shall be submitted for Planning Commission review. Two (2) complete sets and one (1) 11 X 17 sized set is required for Administrative review.
2. All site plans with the exception of single-family residential, two-family residential and agricultural uses shall be prepared and sealed by a professional engineer or surveyor and shall be clear and legible. This requirement may be waived by the Zoning Administrator for site plans receiving administrative review solely as a result of building re-occupancy or minor improvement.
3. Site plans shall contain the following information:
 - a. The name and firm address of the professional land surveying civil engineering or architectural firm(s) or person(s) in the case of building re-

occupancy, responsible for the preparation of the site plan.

- b. The name and address of the petitioner and property owner, if different.
- c. Date of preparation, revision dates, north arrow, and scale.
- d. Location of the development drawn at a scale of one (1) inch equal two thousand (2,000) feet with north point indicated. This location map shall depict the proposed development site, as well as all section lines and number, major roadways, and other significant area features.
- e. All lot and/or property lines, lot and easement dimensions, and a legal description of the lot. Required yard setbacks shall also be depicted and dimensioned on the plan.
- f. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property and the names of all abutting properties within one hundred (100) feet of the subject property.
- g. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, trash receptacles, parking areas (including dimensions of a typical parking space), unloading areas, and natural features.
- h. The location, pavement type, and right-of-way width of all abutting roads, roads, or alleys.
- i. The location and dimensions of all greenbelts, berms, fences, and and/or walls.
- j. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems, and location of all fire hydrants.
- k. Size and location of all surface drainage facilities.
- l. Proposed building elevations and floor plan *for all structures except for single family*. (Amendment 104-05-08-01; Effective April 26, 2008)
- m. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.
- n. Site data chart comparing the existing and proposed improvements with the schedule of regulations for the appropriate zoning district, as well as parking and landscape requirement calculations.

- o. A summary schedule should be affixed, if applicable, which gives the following data:
 - 1) The number of dwelling units proposed, including the number, size, and location of one-bedroom units, two-bedroom units, mobile home sites, etc.
 - 2) The residential area of the site in acres and in square feet, including the breakdowns for any subareas or staging areas (excluding all existing rights-of-way).
 - p. Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
 - q. Depiction of major wooded areas and description of how they will be preserved.
 - r. Site grading plans.
 - s. Landscaping plans.
 - t. Description of the areas to be preserved in a natural state.
 - u. Existing and proposed contour shall be shown on all site plans as may be required by the Township Engineer or Zoning Administrator.
 - v. Additional Required Information: The following information shall be submitted if requested by the Zoning Administrator:
 - 1) A landscape plan identifying trees twelve (12) inches or larger in caliper.
 - 2) A description of all exterior building materials.
 - 3) Population profile for the development.
 - 4) Proposed financing.
 - 5) Traffic Impact Study.
3. In lieu of the site plan data requirements enumerated above, the following

information is required for those site plans receiving administrative review solely as a result of building re-occupancy or minor improvement.

- a. An accurate description of the subject property.
 - b. A description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.
 - c. A description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.), existing and contemplated.
 - d. A description of existing and proposed landscaping, sidewalks, and other site amenities.
 - e. A description of buffering (i.e., berms, walls, greenbelts) between the use and adjacent residential properties both existing and proposed.
 - f. A description of site ingress and egress both existing and proposed.
 - g. Any other information as required by the Zoning Administrator that will assist in evaluating the new use.
4. The requirements of this section are basic to all uses that require site plan approval. In addition, all site plans must demonstrate conformance with the applicable development requirements contained elsewhere in this Ordinance, such as off-road parking, loading, landscaping, unless specific requirement of this Zoning Ordinance is waived or modified by the decision making body as provided in this Ordinance.

Section 21.03 Standards for Approval

(Amendment 104-05-08-05, Effective January 29, 2009)

A site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met:

1. That the proposed use will not be detrimental to the adjacent property or the surrounding neighborhood, including properties located in adjacent municipalities.
2. *For all roads governed under this Ordinance, there shall be a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic. Public roads are not governed by this Ordinance.*
3. That buildings, structures, parking areas, utility areas, walls, and fences are so

designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.

4. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.
5. That as many natural landscape features as possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes, and where they assist in preserving the general appearance of the neighborhood.
6. The proposed development provides for the proper development of public utilities and infrastructure.
7. All buildings or groups of buildings are arranged to permit emergency vehicle access.
8. Site plan approval may be conditioned upon *the applicant* providing evidence that the necessary permits have been applied for. A land use permit shall not be issued until the Zoning Administrator receives a copy of the required permit(s).
9. The Planning Commission may require *additional* landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the use to which they are appurtenant.
10. The Planning Commission may recommend that escrow money be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Zoning compliance permits shall not be issued until the improvement is physically provided or monies having been deposited with the Township Clerk.
11. Where the Township has adopted a specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan shall be approved unless there is general compliance with such Township plan.

Section 21.04 Revocation of Site Plan Approval

1. Any site plan approval shall be revoked when construction of the development is not in conformance with the approved plans. The Planning Commission shall notify the applicant of site plan approval revocation process at least ten (10) days prior to review of the violation by the Planning Commission and the Zoning Administrator shall issue a stop work order. After conclusion of the Planning

Commission's review, the Planning Commission shall revoke its approval of the development if the Planning Commission feels that a violation exists.

2. The approval of any site plan under the provisions of this Ordinance shall expire and be considered automatically expired one (1) year after the date of the approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of the land shall be subject to review and approval of a new site plan for the property in conformance with the regulations specified by this Ordinance.

Except that the Zoning Administrator may, at his/her discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twenty-four (24) month extensions. The Zoning Administrator may refer an extension request to the Planning Commission when desired. If there have been changes to the application and/or Zoning Ordinance, the Zoning Administrator shall refer the application to the Planning Commission. (Amendment 104-05-09-04; Effective October 6, 2009)

Section 21.05 Site Plan Approval for Special Uses

All approvals for site plans reviewed in conjunction with a special land use application shall be conditioned upon the approval of the special land use by the Township Board.

Section 21.06 Review and Approval of Condominium Projects

(Text Added. Amendment 104-05-07-03; Effective January 28, 2008)

1. Initial Information

Concurrently with notice required to be given, Blair Township, pursuant to Section 71 of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, a person, firm, or corporation intending to develop a condominium project shall include the information required by Section 166 of the Condominium Act and the following:

- a. *The name, address, and telephone number of:*
 - 1) *All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).*
 - 2) *All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the project.*
 - 3) *The developer or proprietor of the condominium project.*

- b. *The legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.*
- c. *The acreage of the land on which the condominium development will be developed.*
- d. *Proposed project land use(s) (for example, residential, commercial, industrial, etc.) and the number of acres of each type of land use proposed.*
- e. *Number of condominium units to be developed on the subject parcel.*
- f. *Description of water system to be provided.*
- g. *Description of sanitary waste disposal system to be provided.*
- h. *Information required in Section 21.02*
- i. *Name of proposed site condominium*
- j. *Names of abutting subdivisions/site condominiums*

2. *Information To Be Kept Current*

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a zoning compliance permit has been issued.

3. *Site Plans for New Projects*

Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium project shall undergo site plan review and approval pursuant to Article 21, Site Plan Review Procedures. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any zoning compliance permit.

4. *Site Plans for Expandable or Convertible Projects*

Prior to the expansion or conversion of a condominium project to include additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article 21, Site Plan Review Procedures. The conversion of any development to the condominium form of ownership shall require all standards and requirements of the Ordinance regarding condominiums to be met.

5. *Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished*

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Zoning Administrator for compliance with Ordinances. Fees for this review shall be established by resolution of the Township Board.

6. *Monuments Required*

All condominium projects, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.

- a. *All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.*
- b. *Monuments shall be located in the ground at all angles in the exterior boundaries of the condominium development; at the intersection of the lines of roads with the exterior boundaries of the condominium development.*
- c. *If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.*
- d. *If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.*
- e. *All required monuments shall be placed flush with the ground where practicable.*
- f. *All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.*
- g. *The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township cash or a certified check, or irrevocable bank letter of credit to Blair Township, whichever the proprietor selects, in an amount to be established by resolution of the Township Board. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon*

receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

7. *Compliance with Federal, State, and Local Law*

All condominium projects shall comply with federal and state statutes and local ordinances.

8. *Occupancy of Condominium Project*

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

9. *Site Condominiums*

a. *A single-family detached condominium project shall be subject to all requirements and standards of the applicable zoning district.*

b. *The design of a site condominium project shall be subject to the following requirements. Should there be unusual topographic or other natural feature constraints, these standards may be modified to achieve either greater or lesser conformance in accordance with the judgment of the Planning Commission.*

1. *Streets shall be arranged in proper relation to topography so as to result in usable units, safe streets, and reasonable gradients.*
2. *Where a subdivision abuts or contains a primary street, the Township may require marginal access streets approximately parallel to and on each side of the right of way.*
3. *An outlot shall be provided to connect streets and utilities to adjacent properties for future development. The outlot streets shall be constructed of the same material and width as other streets within the site condominium. These connections shall allow for unobstructed emergency access and shall be completed before any land use permit for a structure issued. This outlot shall be recorded in the Master Deed to remain unobstructed indefinitely.*
4. *Easements shall provide for utilities when necessary.*
5. *Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be developed or used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a site condominium may be set aside for other uses, such as parks or other open space.*

6. *All units shall front upon a street.*
7. *Existing natural features which add value to a residential development and enhance the attractiveness of the community (such as trees, water courses, historic spots, and similar irreplaceable assets) should be preserved, insofar as possible, in the design of the subdivision.*
8. *Common open space provided shall remain permanently open for recreational and conservational purposes.*
9. *Open space in any one residential site condominium shall be laid out, to the maximum feasible extent, so as to connect with open space, existing or proposed, in the vicinity whether such are or will be public or private.*
10. *All site condominium projects shall obtain approval from all applicable governing agencies.*

- c. *All proposed site condominium units within the water and/or sewer district shall be required to connect to the Blair Township system.*

10. *Final Documents to be Provided*

After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a Mylar sheet of at least thirteen (13) by sixteen (16) inches and an image not to exceed ten and one-half (10-1/2) by fourteen (14) inches.

11. *Amendments*

An order approving a site condominium may be amended as follows:

a. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the project boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the site condominium, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

b. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission according to the procedures authorized by this section for approval of a site condominium.

Section 21.07 Performance Guarantees

(Amendment #104-05-14-01), Effective 2/14/2014

1. *To ensure compliance with the Zoning Ordinance and any conditions imposed thereunder, the Planning Commission or Zoning Administrator may require that*

*a cash deposit, certified check, unconditional irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought **or demolition for project(s)** be deposited with the Township to ensure faithful completion of the improvements, and also be subject to the following:*

- a. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the County is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.*
- b. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.*
- c. As used in this section, "improvements" mean those features and actions associated with a project which 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 the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.*

Section 21.08 Required Fees

Fees for the review of site plans shall be established by resolution of the Township Board.

ARTICLE 22
SPECIAL USE REVIEW PROCEDURES

Section 22.01 Application

1. Uses identified as special uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.
2. Upon recommendation by the Planning Commission, the Township Board shall have the authority to approve special use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special use included in the various provisions of this Ordinance.

Section 22.02 Data Required

1. Application for a special use permit shall be made to the Zoning Administrator by filing an official special use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board.
2. An application for a special use permit shall contain the following:
 - a. Applicant's name, address, and telephone number.
 - b. Address and tax identification number of the subject parcel.
 - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - d. Supporting statements, evidence, data, information and exhibits that address those standards and requirements for assessing special use permit applications outlined in Section 22.04.
 - e. A complete site plan containing all of the applicable data outlined in Article 21, Site Plan Review Procedures, if the applicant wishes for concurrent approval of a special use permit and site plan review.
 - f. If the applicant does not want concurrent approval of the special use permit and site plan and is only requesting approval of a special use permit, the following additional information is required:

- 1) A statement of purpose, objectives, and development program including:
 - a) Discussion of the rationale for employing the special use provisions rather than developing the project as a permitted use.
 - b) A description of the total project area.
 - c) Description of existing site characteristics.
 - d) Description of proposed character of the development.
 - e) Densities, areas and setbacks for various structures and uses.
 - f) Area and percent of developed and undeveloped open spaces.
 - g) Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
 - h) Proposed project phasing and estimated timing schedule by phase to completion.
 - i) Statement of anticipated impact on natural features, public facilities and services such as, but not limited to, police and fire protection, roads, and schools.
- 2) A generalized development plan showing the layout of the proposed uses. The layout does not have to be a surveyed or engineered site plan.

Section 22.03 Public Hearing Requirements

(Amendment 104-05-06-07; Effective 01-29-07)

1. Upon receipt of a complete special use application, the Planning Commission shall hold a public hearing on the application. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township. *The Notice shall be published not less than 15 (fifteen) days before the date on which the application will be considered for approval.*
2. Notice of the Public Hearing also shall be sent by first class mail to the owners of the property for which special use approval is being considered. *Notice shall also be sent to all persons to whom real property is assessed within 300' (three-*

hundred-feet) of the property and to the occupants of all structures within 300' (three-hundred-feet) of the property regardless of whether the property is located or the occupant resides in the zoning jurisdiction, as that term is defined at MCL 125. 3102(w). If the name of an occupant is not known, the term "occupant" may be used in providing notice under this section. If a structure contains more than one occupancy unit then one occupant of each occupancy unit shall receive notice. The notice required under this Section must be given not less than 15 (fifteen) days before the date on which the application will be considered.

3. The public hearing notice shall:
 - a. Describe the nature of the special use request.
 - b. Adequately describe the property in question.
 - c. State the date, time, and place of the public hearing.
 - d. Indicate when and where written comments concerning the request will be received.
 - e. *The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.*

Section 22.04 Standards for Approval

1. The Planning Commission shall review the particular circumstances and facts related to each proposed special use application in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - a. Will be harmonious with and in accordance with the general objectives of the Master Plan.
 - b. Will be designed, constructed, operated, and maintained in harmony with the existing and intended character of the general vicinity and the natural environment so that the use will not change the essential character of that area.
 - c. Will not be hazardous or disturbing to existing or future neighboring uses.
 - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.

- e. Will be served adequately by essential public services and facilities, such as highways, roads, drainage structures, police and fire protection, and refuse disposal; or, the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately for such services.
 - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
2. The Planning Commission may recommend approval, approve with conditions, or deny the special use application. The recommendation on a special use shall be incorporated in a statement containing conclusions reached relative to the proposed special use that specifies the basis for the decision and any conditions recommended.

In recommending approval of a special use application to the Township Board, the Planning Commission may recommend additional conditions and safeguards deemed necessary for the general welfare of the Township, for the protection of individual property rights, and to ensure that the purposes of this Ordinance are met.

Upon holding a public hearing and reviewing the special use request, the Planning Commission shall forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions that are recommended to be imposed.

Section 22.05 Township Board Action

(Amendment 104-05-10-02; Effective June 23, 2010)

The Township Board, upon receipt of the Planning Commission's finding and recommendation, may deny, approve, or approve with conditions the request for a special use approval at a public hearing. *The Township Board's decision shall state the findings and conclusions relative to the special land use and shall specify the basis for the decision and any conditions imposed upon the special use.* The Township Board shall base their decision on the Standards of Approval listed in Section 22.04 of this Ordinance.

If approved with conditions by the Township Board, the conditions imposed upon approval of the special use shall be recorded in the record of the approval action

and shall remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township Board shall maintain a record of all conditions that are changed. All records of proceedings regarding the special use application shall be kept and made available to the public.

After the applicant has received approval for the special use permit, the applicant may submit a site plan meeting the requirements listed in Article 21 to the Planning Commission, unless the application was concurrently reviewed with a site plan. After the Planning Commission has approved the site plan, the special use permit shall be issued by the Zoning Administrator. The Zoning Administrator shall forward a copy of the permit to the owner/applicant and Township Clerk.

Section 22.06 Expiration of Special Use Permit

A special use permit shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of the special use permit, except that the Township Board may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Ordinance and constitute grounds for termination of a previously granted special use permit.

Section 22.07 Reapplication

No application for a special use permit which has been denied, wholly or in part, by the Township Board shall be resubmitted until the expiration of one (1) year from the date of such denial, except on the grounds of newly discovered evidence or changed conditions.

Section 22.08 Required Fees

Fees for the review of special use applications shall be established by resolution of the Township Board.

ARTICLE 23
NONCONFORMING LOTS, NONCONFORMING USES OF LAND,
NONCONFORMING STRUCTURES, AND
NONCONFORMING USES OF LAND AND STRUCTURES

Section 23.01 Purpose

The purpose of this section is to provide for the regulation of uses, structures, and lots that do not, at the time of this Ordinance, conform to the requirements of this Ordinance. The provisions of this section shall govern such uses, structures, and lots.

Section 23.02 Nonconforming Lots

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

Nonconforming lots that exist within the development area known as Brackel Point may encroach upon the required side yard setbacks provided a minimum five (5) foot setback is maintained from the lot line, and a ten (10) foot setback is maintained between structures.

2. In any district that does not permit single family dwellings, if two or more lots, combinations of lots, or portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of the parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.
3. Upon application to the Township Board, the Board may, at its sole discretion, permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements provided in this Ordinance. The application shall be filed with the Township Clerk on forms provided by the Township. Approval of the application shall be subject to the following provisions:

- a. Any newly created lot must be capable of accommodating a structure that is in conformance with the building area, setback, and lot coverage requirements set forth in this Ordinance.
- b. Any lot created under these provisions shall be at least fifty (50) feet in width.
- c. In the event that a lot created under these provisions is less than twelve thousand five hundred (12,500) square feet in area, any structure constructed on the lot shall have direct hookup to the public sanitary sewer system.

Section 23.03 Nonconforming Uses of Land

1. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - b. No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance; and
 - c. If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 23.04 Nonconforming Structures

1. 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 lot area, lot coverage, building height, setbacks, 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 that increases its nonconformity.
 - 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, it shall be reconstructed only in conformity with the provisions of this Ordinance. The sixty percent (60%) provision shall not

apply to non-conforming single-family residential structures; however, application for rebuilding shall be made within one (1) year from the date of damage or destruction.

- c. Should such structure be moved any distance for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 23.05 Nonconforming Uses of Land and Structures

1. If a lawful use of a structure, or of land and structure in combination, exists at the effective date of adoption or amendment of this Ordinance, which would not be permitted 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, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, any nonconforming use of a structure, or land and structure in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or land and structure in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 - d. Any structure, or land and structure in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - e. When a nonconforming use of a structure, or land and structure in combination, is discontinued or ceases to exist for twelve (12) consecutive months, or for a total of eighteen (18) months during any three (3) year period, the structure, or land and structure 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 *exempt* from this provision.

The owner's intent to no longer continue use of the nonconforming uses shall be established by a preponderance of the following points of evidence:

- a. *Utilities have been disconnected*
- b. *If there were signs, the signs have been removed or have fallen into disrepair*
- c. *Fixtures within and outside have been removed*
- d. *The property has fallen into disrepair or is considered "blighted"*
- e. *U.S. Mail delivery has been terminated or mail is forwarded to another address*
- f. *The classification of the property for tax purposes has been changed to reflect another use*
- g. *Other similar changes to the nonconforming building or use*

Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

- a. *Property held in Probate*
- b. *Insurance settlement in dispute*
- c. *Criminal investigation*

(Amendment 104-05-06-10; Effective 04/27/07)

- f. Where nonconforming use status applies to land and structure in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 23.06 Repairs and Maintenance

1. On or within any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, or for exterior aesthetic improvements to an extent not exceeding sixty (60) percent of the replacement value of the building, provided that the volume of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
2. 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.

Section 23.07 Special Uses Are Not Nonconforming Uses

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

Section 23.08 Change of Tenancy or Ownership

The tenancy, ownership, or management of any existing nonconforming uses of land, structures, or land and structures in combination may be transferred or changed.

Section 23.09 Preferred Class of Nonconforming Use

1. Notwithstanding the above-enumerated provisions of Sections 22.02 and 22.04, certain nonconforming uses may be entitled to the status of "Preferred Class of Nonconforming Use" subject to the following conditions:
 - a. The use does not adversely affect the public health, safety, and welfare.
 - b. The use does not adversely affect the intent of the district in which it is located.
 - c. No useful purpose would be served by the strict application of the provision or requirements of this Ordinance with which the use does not conform.
 - d. A nonresidential use in a residential district shall not be eligible for preferred status.
2. A property owner shall seek approval of "preferred" status of the use of the structure from the Zoning Administrator. A structure housing a "Preferred Nonconforming Use" may be enlarged or altered provided such alteration is approved by the Board of Appeals. The property owner, upon approval of preferred status, shall submit a site plan pursuant to requirements in Article 21, Site Plan Review Procedures.

ARTICLE 24 BOARD OF APPEALS

Section 24.01 Creation and Membership

There is hereby created a Board of Appeals which shall perform its duties and exercise its powers as provided in Section 18 of the Township Zoning Act, Act 184 of the Public Acts of 1943, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board of Appeals shall consist of the following seven (7) members:

1. The first member of the Board of Appeals shall be a member of the Township Planning Commission and shall be appointed by the Township Board.
2. The second member shall be a member of the Township Board and shall be appointed by a majority vote thereof.
3. The remaining members shall be selected and appointed by the Township Board from the electors of Blair Township.
4. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
5. The term of each member shall be for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The terms of members serving because of their membership on the Planning Commission or Township Board shall be limited to the time they are members of the Planning Commission or Township Board, respectively.
6. The Board of Appeals shall not conduct business unless a majority of the members are present.
7. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office, upon written charges, and after a public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.
8. The Township Board may also appoint two (2) alternate members of the Board of Appeals. Appointments shall be as follows: One (1) alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each alternate member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the Board shall be filled by appointment by the Township Board for the remainder of

the unexpired term.

The alternate members shall:

- a. Sit as regular members of the Board of Appeals in the absence of a regular member if a regular member is absent from, or unable to attend, two (2) or more consecutive meetings of the Board of Appeals, or for a period of more than thirty (30) consecutive days.
- b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest, or due to an immediate, unnotified absence of a regular member. The alternate member having been appointed shall serve in the case until a final decision has been made.

Alternate members shall have the same voting rights as a regular member of the Board of Appeals. Alternate members shall receive equal compensation for the meetings attended, as does a regular member. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the Board of Appeals.

9. The total amount allowed the Board of Appeals in any one (1) year as per diem, or as expenses actually incurred in the discharge of their duties, shall not exceed a reasonable sum, of which sum shall be appropriated annually in advance by the Township Board.

Section 24.02 Meetings

All meetings of the Township Board of Appeals shall be held at the call of the Chairman and at other times as the Board, in its rules of procedure, may specify. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating said fact and shall file a record of its proceedings in the office of the Township Clerk and shall be public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance, or to effect any variation in this Ordinance. The Board shall have the power to subpoena and require the attendance or witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

1. An appeal may be taken to the 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. 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 and with the Board of Appeals, a Notice of Appeal, specifying the

grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this case, the proceedings shall not be stayed, other than by a restraining order granted by a court of record.
3. The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
4. No variance shall be granted in connection with a special use approved by the Planning Commission and Township Board.
5. No variance shall be granted in connection with a site plan approved by the Planning Commission unless the appeal has been reviewed by the Planning Commission and a recommendation on the variance is provided by the Planning Commission.

Section 24.03 Powers and Duties

The Board of Appeals shall have the following specified powers and duties:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance. Provided, however, that the Board of Appeals shall not be empowered to hear and decide appeals of any decision related to a special use or planned unit development request or any conditions attached to the approval of a special use or planned unit development.

2. Interpretation

To hear and decide:

- a. Appeals for the interpretation of the provisions of the Ordinance.
- b. To hear and decide requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the decision of the Zoning

Administrator or Planning Commission on such subject.

- c. Classify a use that is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted use, in accordance with the purpose and intent of each district. Where there is no comparable permitted use, the Board of Appeals shall so declare, the effect being that the use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
3. Variances

The Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-road parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must show practical difficulty by demonstrating:

- a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
- b. That a variance would do substantial justice to the applicant, as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
- c. That the plight of the owner is due to the unique circumstances of the property;
- d. That the problem is not self-created;
- e. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship; and
- f. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district, or any use for which a special use or temporary use permit is required.

The Board of Appeals may impose conditions upon a variance approval. The conditions may include conditions necessary to ensure that public services and facilities affected by the variance will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent land uses, and to promote the use of land in an economically and socially desirable manner.

Section 24.04 Rehearing

The decision of the Board of Appeals shall be final. Appeals from decisions of the Board of Appeals shall be to the Circuit Court of Grand Traverse County, as provided by law.

Section 24.05 Jurisdiction

The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination as in its opinion ought to be made in regards to the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

1. The Board of Appeals shall not alter or change the zone district classification of any property, make any change in the terms of this Ordinance, or take any action which results, in effect, to making such legislative changes.
2. The Board of Appeals shall not have the authority to grant a variance on the use of land, buildings, or structures.

Section 24.06 Approval Period

No order of the Board of Appeals permitting the erection of a structure shall be valid for a period longer than twelve (12) months, 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.

Section 24.07 Notice

(Amendment 104-05-06-08; Effective 01-29-07)

Upon receiving a written request for a variance from the provisions of the Zoning Ordinance the Zoning Department of Blair Township shall schedule a hearing before the Blair Township Zoning Board of Appeals for the hearing of this request, and shall provide notice as required under Section 22.03 for Public Hearings for Special Use Permit Reviews.

Upon receiving a written request seeking an interpretation of the Zoning Ordinance or appealing an administrative decision, the Zoning Department of Blair Township shall schedule a hearing before the Blair Township Zoning Board of Appeals and publish a notice stating the date, time, and place of the scheduled public hearing date in a newspaper of general circulation within Blair Township not less than 15 (fifteen) days before the public hearing. Additionally, a written notice providing the same information shall be sent to the person requesting in the interpretation or appealing the administrative decision not less than 15 (fifteen) days before the scheduled public hearing. If the request for an

interpretation of the Zoning Ordinance or an appeal of an administrative decision involves a specific land parcel, written notice stating the nature of the interpretation request, or the nature of the appeal of an administrative decision, as well as the date, time, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300' (three-hundred-feet) of the boundary of the property in question, and to the occupants of all structures within 300 (three-hundred) feet of the property in question. If the name of an addressee is not known, the notice shall be sent using the term "occupant" in place of an individual's name. If a structure contains more than one occupancy unit then one occupant of each occupancy unit shall receive notice.

Public hearings shall also be conducted prior to the authorization of any temporary land use, and at any time that the Board of Appeals deems such hearing to be advisable.

Section 24.08 Required Fees

Fees for appeals to the Board of Appeals shall be established by resolution of the Township Board.

ARTICLE 25
ADMINISTRATION AND ENFORCEMENT

Section 25.01 Appointment of Zoning Administrator

The Township Board shall designate and employ a Zoning Administrator to administer and enforce the provisions of this Ordinance. This Administrator may, with the approval of the Board, designate authorized agents to assist in the administration and enforcement of the provisions of this Ordinance.

Section 25.02 Duties of Zoning Administrator

(Amendment 104-05-09-05; Effective November 25, 2009)

The Zoning Administrator shall:

1. Receive and review all applications for land use permits and zoning compliance certificates, and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and such other laws, codes, and ordinances which are applicable to land use and occupancy, and issue certificates when there is compliance with this Ordinance.
2. Receive all applications for site plan review and special use permits which the Planning Commission is required to decide under this Ordinance and implement the decisions of the Planning Commission.
3. Receive all applications for appeals, variances, or other matters, which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
4. Receive all applications for amendments to this Ordinance and refer all such applications to the Planning Commission.
5. Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy maintained by the Township Clerk.
6. Maintain written records of all actions taken by the Zoning Administrator *shall attend all Planning Commission meetings*.
7. Be responsible for forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance, and be responsible for information necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

8. Make periodic site inspections of the Township to determine Ordinance compliance, answer complaints of Ordinance violations, and provide monthly reports to the Township Board and Planning Commission.
9. The Zoning Administrator has the power to grant land use permits and zoning compliance certificates and to inspect buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance.
10. It shall be unlawful for the Administrator to approve any plans, issue any permits or *zoning compliance certificates* until he/she has inspected such plans or *premises* in detail and found them to conform to the requirements of this Ordinance.
11. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties as the Administrator.

Section 25.03 Land Use Permits

1. Requirement

Excavation for, erection of, addition to, alteration, or moving of any building or structure, or the grading, leveling, recontouring of land, or the removing of trees in connection with these activities shall not be undertaken, nor shall any activity or change of use be commenced until the proper permit has been issued by the Administrator. Except upon a written order of the Zoning Board of Appeals, no such land use permit or zoning compliance certificate shall be issued for any building or structure where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this Ordinance.

Permits shall not be required for temporary structures, or for alterations or repairs costing five hundred dollars (\$500.00), or less, which are made to existing structures, or the wrecking of buildings and structures of less than one thousand (1,000) cubic feet capacity.

2. Application Requirements

Application for a land use permit shall be made to the Zoning Administrator, signed by the person, firm, partnership, or corporation requesting the same, or by the duly authorized agent of such person, firm, partnership, or corporation. For those uses requiring a site plan, the Zoning Administrator shall not issue a land use permit until the provisions of Article 21, Site Plan Review Procedures, have been satisfied. For those uses not requiring a site plan, there shall be submitted with all applications for building and land use permits, two (2) copies of a drawing, drawn to scale showing:

- a. The location, shape, area, and dimensions for the lot, lots, or acreage.
 - b. The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing structures, wells, and disposal systems.
 - c. The dimensions, height, bulk of structures, and setback lines.
 - d. The nature of the proposed construction, alteration, or repair, and the intended uses.
 - e. The present use being made of any existing structure affected and any proposed change in the use thereof.
 - f. Any other information deemed necessary by the Administrator to determine compliance with this Ordinance and to provide for its enforcement.
3. Evidence of Ownership

All applicants for building and land use permits shall have available, for the Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Administrator.

4. Issuance of Permit

- a. All land use permits for manufactured homes shall be valid for 180 days from date of issuance, homes shall be set, secured, and connected to utilities, ready for Certificate of Occupancy within the permit period. After 180 days the permit shall be considered null and void and applicant will need to re-submit if Occupancy has not been obtained. Additionally home will be required to be re-inspected to ensure conformity. (amend 104-05-18-01)

If the Administrator finds the application conforms to the requirements of this Ordinance and other laws, codes and ordinances pertaining to use, he/she shall mark all copies of the application approved over his/her signature, one copy of which shall be retained by him/her, and another copy shall be returned to the applicant, stating the extent of the work authorized. The approval of the application and the issuance of the permit shall not be binding upon the Township Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

5. Revocation of Permit

Any land use permit granted under this section shall be null and void unless the

development proposed shall have its first zoning inspection within six (6) months of the date of granting the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit application. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his/her agent, or is in violation of any of the provisions of this Ordinance or of any other laws, codes, or ordinances pertaining to use or occupancy.

6. Inspection

The construction or use covered by any land use permit shall be subject to the following inspections:

- a. At the time of staking out of lot corners and building foundations at all building corners.
- b. Upon completion of the work authorized by the permit, it shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.
- c. All normal inspections required by the current building code in effect in the County.
- d. At the time a land use activity is commenced.

Section 25.04 Zoning Compliance Certificates

It shall be unlawful to use or permit the use or occupancy of any land, building, or structure for which a land use permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator shall have issued a zoning compliance certificate stating that the provisions of this Ordinance have been complied with.

1. Zoning compliance certifications shall be issued for existing buildings, structures, or parts thereof, if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
2. Temporary zoning compliance certificates may be issued for part of a building or

structure, prior to the entire development being completed. To be issued a temporary zoning compliance permit, the portion of the building or structure to be occupied shall be in conformance with the provisions of this Ordinance and such other laws, codes, and ordinances pertaining to occupancy. Temporary zoning compliance certificates are to be in force not more than one hundred twenty (120) days, shall be renewable in thirty (30) day increments, and shall not be in effect more than five (5) days after the building or structure is fully completed and ready for occupancy.

3. Buildings or uses accessory to dwellings shall not require a separate zoning compliance certificate, but may be included in the certificate for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.

Section 25.05 Temporary Dwelling Permits

The Zoning Administrator may issue temporary dwelling permits for buildings, including mobile homes, subject to the following limitations and procedures:

1. During construction of a new single-family dwelling, or when a dwelling is destroyed by fire, collapse, explosion, act of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary dwelling permit may be issued by the Zoning Administrator to allow a mobile home to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than one (1) year. Any extension must be approved by the Zoning Administrator who may grant the same for a period of not more than one (1) year, during which time a permanent dwelling shall be erected on the property.
2. A temporary dwelling permit shall not be granted, for any reason except as provided under Subsection 1, unless the Zoning Administrator finds that the following requirements are satisfied:
 - a. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three hundred (300) feet.
 - b. Proposed water supply and sanitary facilities have been approved by the Grand Traverse County Health Department.
 - c. All applicable dimensional requirements within said district are met by the temporary dwelling.
 - d. A performance guarantee in an amount sufficient to remove the dwelling shall be required from the property owner prior to establishing the temporary dwelling, to ensure removal of the dwelling at the termination of the permit.

Section 25.06 Temporary Use Permits

(Amendment 107-05-12-03; Effective 12-04-12)

The Zoning Administrator shall have the power to grant permits authorizing temporary land uses for:

- a. Seasonal sales of firewood, fireworks, or Christmas trees, and similar uses.*
- b. The location of temporary uses and structures in undeveloped portions of the Township, except farm markets, for a period not to exceed sixty (60) days, with granting of not more than three (3), sixty (60) day extensions per calendar year.*
- c. Uses which do not require the erection of any capital improvement of a structure of any nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), for a period not-to-exceed sixty (60) days.*

If a use is determined to not require capital improvement, the Zoning Administrator shall determine that the structures are either demountable and related to the permitted use of land; or structures which do not require foundations, heating systems, or sanitary connections.

- d. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.*
- e. Prior to taking any action on the temporary use permit, the Zoning Administrator may seek the review and recommendation of the Planning Commission.*
- f. A temporary use permit shall be granted only if the Zoning Administrator determines that the proposed use, including the erection of any temporary building or structure, will:
 - 1) Provide adequate light and ventilation between buildings and structures.*
 - 2) Provide adequate automobile and pedestrian traffic flow and adequate off-road parking.*
 - 3) Provide adequate lot access for fire protection purposes.*
 - 4) Not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the**

protection of public health, safety, and general welfare.

- 5) *Not be incompatible with, or otherwise adversely affect, the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.*

- g. *When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-road parking.*

Section 25.07 Records

Complete applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Treasurer of a fee determined by the Board.

Section 25.08 Required Fees

The Board shall, by resolution, determine and set the fees to be charged for all permits, certificates, and copies thereof, fees for appeals to the Zoning Board of Appeals, fees for application to the Planning Commission for special approval uses or site plan review, fees for rezoning applications, and fees for all other applications and services provided for in this Ordinance.

ARTICLE 26
PENALTIES AND OTHER REMEDIES

Section 26.01 Violations

Any person, corporation or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Ordinance Enforcement Officer, Zoning Administrator, Board of Appeals, Planning Commission, or the Township Board issued in pursuance of this Ordinance shall be *punishable as Municipal Civil Infractions pursuant to the Municipal Civil Infraction Ordinance adopted by the Township*. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

(Amendment 104-06-04-01; Effective 05-09-06)

Section 26.02 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 this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 26.03 Fines, Imprisonment

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

Section 26.04 Each Day a Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues after notice has been given by the Ordinance Enforcement Officer.

Section 26.05 Rights and Remedies are Cumulative

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

ARTICLE 27
AMENDMENTS

Section 27.01 Procedure

The Township Board may, upon recommendation from the Planning Commission, amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedures set forth in the Township Zoning Act 184, of the Public Acts of 1943, as amended. Whenever a petitioner requests a zoning district boundary amendment, said petitioner shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to the petition, and shall submit a petition for rezoning to the Clerk; however, there shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.

Any applicant desiring to have any change made to this Ordinance shall, with a petition for such change, deposit the sum established by resolution of the Township Board with the Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change

Blair Twp Land Division Ordinance with amendments through January 9, 2018
BLAIR TOWNSHIP LAND DIVISION ORDINANCE
TOWNSHIP OF BLAIR
COUNTY OF GRAND TRAVERSE, STATE OF MICHIGAN
ORDINANCE NO. 127-07

Adopted: August 14, 2007

Effective: September 20, 2007

Amended: October 8, 2013, May 12, 2015, July 14, 2015 & January 9 2018

An ordinance to regulate partitioning or division of parcels or tracts of land and to regulate property transfers, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*) and the Township Ordinances Act, Public Act 246 of 1945, as amended, (MCL 41.181, *et seq.*), being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

TOWNSHIP OF BLAIR
GRAND TRAVERSE COUNTY, MICHIGAN
ORDAINS:

Section I: Title

This ordinance shall be known and cited as the Blair Township Land Division Ordinance.

Section II: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, *et seq.*), formerly known as the Subdivision Control Act, to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of Blair Township by establishing reasonable standards for prior review and approval of land divisions and property transfers within Blair Township.

Section III: Definitions

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

- A. "Accessible" in reference to a lot or parcel means that the lot or parcel meets one (1) or both of the following requirements:

1. Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Act 200 of the Public Acts of 1969, as amended, or has an area where a driveway can provide vehicular access to an existing road or street and can meet all such applicable location standards and standards of the Blair Township Zoning Ordinance regulating private roads and drives.

2. Is served by an existing easement that provides vehicular access to an existing road or street and meets all applicable location standards of the State Transportation Department or County Road Commission under Act 200 of the Public Acts of 1969, as amended, or *2Blair Twp Land Division Ordinance with amendments through July 14, 2015* can be served by a proposed private road or private drive that will provide vehicular access to an existing road or street and that will meet all applicable standards of the Blair Township Zoning Ordinance regulating private roads and drives.

B. "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

C. "Convey or Conveyance" means a transfer of ownership interest in real property.

D. "Development Site" means a lot, parcel, or tracts of land on which exists or which is intended for building development other than the following:

Agricultural use involving the production of plants and animals useful to humans, feed crops, and field crops; dairy and dairy products, poultry and poultry products; livestock; including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas Trees; and other similar uses and activities. Forestry use involving the planting, management, or harvesting of timber.

E. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act (MCL 560.108 and 560.109). "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances.

F. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

G. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

H. "Land" means all land areas occupied by real property, except the submerged bottom lands of inland lakes, rivers, and streams.

I. "Land Division Committee" those persons appointed by the Township to administer this Ordinance.

J. "Lot" means a measured portion of a parcel, which is described and fixed in a recorded plat. A lot's legal description is referred to as Lot (#) of the Plat of (Name of Plat).

K. "Metes and Bounds" means a description of land by boundary lines with their terminal points and angles.

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L. "Owner" means a person holding any legal, equitable, option or contract interest in a lot or parcel of land.

M. "Parcel" means a continuous area or acreage of land of any size, shape or nature, which is described by metes and bounds.

N. "Parent parcel" means first a tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, or, if one does not exist, a parcel lawfully in existence on March 31, 1997.

O. "Plat or Recorded Plat" means a map or a chart of a subdivision of land created pursuant to the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended, or predecessor statutes to this act.

P. "Property Transfer" means a transfer of property between two (2) or more adjacent lots or parcels, if the property taken from one (1) lot or parcel is added to an adjacent lot or parcel, and if all resulting lots or parcels conform to the requirements of the Land Division Act, being Act 288 of the Public Act of 1967, as amended, the Blair Township Zoning Ordinance, as amended, and this Ordinance. If the property transferred does not independently conform to the requirements of the Land Division Act, as amended, the Blair Township Zoning Ordinance and this Ordinance, then it shall not be considered a Development Site and may only be used in conjunction with the lot or parcel to which it was transferred.

Q. "Tracts of Land" means two (2) or more parcels that share a common property line and are under the same ownership.

Section IV: Prior Approval Requirement for Land Divisions

Land in Blair Township shall not be divided without the prior review and approval of the Blair Township Land Division Committee, in accordance with this Ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.

B. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.

C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

Section V: Creation of Land Division Committee

A Land Division Committee is hereby created, which shall be the locally designated body to approve proposed divisions or property transfers under the Land Division Act, as amended. The Land Division Committee shall be composed of the Zoning Administrator, the Emergency Services Director, Water/Sewer Coordinator, the Township Supervisor, and Fire Chief if required, for as long as they hold their respective offices. Any action of the Land Division Committee shall be by a majority vote of the entire membership of the committee.

Section VI: Application for Land Approval

Due to the many requirements that must be met to obtain approval to divide a lot, parcel, or tract of land, or to affect a property transfer, an applicant may have a meeting with the Land Division Committee to discuss the application procedures prior to submitting a formal application.

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When formal approval of a division or property transfer is desired, that Applicant shall submit an application for that approval to the Land Division Committee on a form supplied by the township for that purpose. Except as provided herein, the application shall include, but not be limited to the following:

- A. Proof of fee ownership of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in the property transfer.
- B. A survey map of the land proposed to be divided or involved in a property transfer, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created or altered by the division(s) or property transfer, the location of existing structures and other land improvements, the location of existing power lines, the location and type of all easements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads or private roads meeting the requirements of the Blair Township Zoning Ordinance regulating private roads and drives.
- C. Proof that all standards of the Land Division Act and this Ordinance have been met.
- D. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- E. The history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.

F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided or involved in a property transfer are paid in full.

G. A list and description of any and all easements, encroachments, roads (public or private), right-of-ways, and public utilities located on the subject property proposed to be divided or involved in a property transfer.

H. Each new lot, parcel or tract of land greater than one acre but less than forty acres or the equivalent that will result from a division shall have a depth of not more than four times its width as measured under the requirements of the Blair Township Zoning Ordinance. Each new lot, parcel, or tract of land one acre or less in size that will result from the division shall have a depth of not more than three times its width as measured under the requirements of the Blair Township Zoning Ordinance. This standard shall not apply to a property transfer.

I. Unless a division or property transfer creates a parcel which is acknowledged and declared to be “not buildable” under Section IX of this Ordinance, all divisions shall result in “buildable” parcels containing sufficient “buildable” area outside of unbuildable wetlands, flood plains and other areas where buildings are prohibited therefrom, and with sufficient area to comply with: a) all required setback provisions of the Blair Township Zoning Ordinance; b) minimum floor area provisions of the Blair Township Zoning Ordinance; c) off-street parking space provisions of the Blair Township Zoning Ordinance ; d) maximum allowed area coverage of buildings and structures on the site as provided in the Blair Township Zoning Ordinance; and e) area for sewage disposal and water supply pursuant to the rules of the Department of Environmental Quality or County Health Department relating to suitability of groundwater for on-site water supply for subdivisions or development sites not served by public water or to suitability of soils for subdivisions or development sites not served by public sewers.

J. Such other documentation that Blair Township shall require relating to the application, including but not limited to:

1. Health Department approval for proposed parcels under 1 acre
2. Documentation of Soil Erosion Department review
3. Road Commission or MDOT approval

K. The fee may, from time to time, be established by resolution of the Blair Township Board of Trustees for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

Section VII: Procedure for Review of Applications for Land Division and Property Transfer Approval

A. Upon receipt of an application package, the Land Division Committee shall forthwith submit the same to each affected department within Blair Township for their review and decision. The Blair Township Land Division Committee shall approve, approve with conditions or deny the application within 30 days after receipt of a complete application conforming to this Ordinance’s requirements, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial. If the application package does not

conform to this Ordinance's requirements the Land Division Committee shall return the same to the applicant for completion and re-filing in accordance with the terms of this Ordinance.

B. Any person or entity aggrieved by the decision of the Blair Township Land Division Committee may within 30 days of said decision appeal the decision to the Blair Township Board of Trustees which shall consider and resolve such appeal by a majority vote of the Board at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant and/or appellant of the time and date of said meeting and appellate hearing.

C. A decision approving a land division or property transfer is effective for 90 days, after which it shall be considered revoked unless within such period deeds for each newly created or altered parcel(s), the required survey(s), and the Blair Township Land Division approval letter are recorded with the Grand Traverse County Register of Deeds office.

D. The Land Division Committee shall maintain an official record of all approved and accomplished land divisions or transfers.

E. Approval of a division or property transfer is not a determination that the resulting parcels comply with other ordinances or regulations

Section VIII: Standards for Approval of Land Divisions and Property Transfer

A proposed land division or property transfer shall be approved if the following criteria are met:

A. All the parcels to be created, remaining, or altered by the proposed land division(s) or property transfer fully comply with the applicable lot (parcel), yard and area requirements of the Blair Township Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and maximum lot (parcel) coverage and minimum setbacks for existing buildings/structures.

B. The proposed land division(s) and property transfers comply with all requirements of the Land Division Act, all Blair Township Ordinances, and any other applicable Federal, State, and County ordinances.

C. All parcels created, remaining, or altered after the proposed land division or property transfer have existing adequate accessibility to a public road, or Blair Township approved private road or private drive, for public utilities and emergency and other vehicles and not less than the requirements of the Blair Township Zoning Ordinance or this Ordinance.

D. If accessibility is by a private road or private drive, a document providing a road maintenance agreement and approved by Blair Township shall be recorded with the County Register of Deeds.

E. The ratio of depth to width of any parcel created by the division does not exceed a three to one ratio or four to one ratio, where applicable, exclusive of access roads, easements, or non-buildable parcels created under Section IX of this Ordinance. The permissible depth of a parcel

created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The permissible minimum width shall be as defined in the Blair Township Zoning Ordinance.

Section IX: Allowance for Approval of Other Land Divisions

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements of the applicable zoning ordinance or this Ordinance, may be approved in any of the following circumstances:

A. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to Blair Township, designating the parcel as “not buildable”. Any such parcel shall also be designated as “not buildable” in Blair Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be developed with any building or above ground structure.

B. Where, in circumstances not covered by paragraph A. above, the Zoning Board of Appeals has, previous to this Ordinance granted a variance from the lot, yard, ratio, frontage and/or area requirements with which the parcel failed to comply.

C. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this Ordinance, the Blair Township Zoning Ordinance, or Land Division Act.

Section X: Consequences of Noncompliance with Land Division or Property Transfer Approval Requirement

Any parcel created in noncompliance with this Ordinance shall not be eligible for any land use permits, building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Section XI of this Ordinance, and as may otherwise be provided by law.

Section XI: Penalties and Enforcement

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, MCL 600.101 *et. seq.*, which shall be punishable by a civil fine of not more than \$500.00. Each day this Ordinance is violated shall be considered a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity. Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the

forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section XII: Administrative Liability

No officer, agent or employee of Blair Township shall render himself or herself personally liable for any damages that may accrue to any person as a result of any act required or permitted in the discharge of his or her duties under or in the enforcement of this Land Division Ordinance.

Section XIII: Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

Section XIV: Repeal

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, the Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinance, Building Codes or other ordinances of Blair Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section XV: Effective Date

This Ordinance shall take effect 30 days following its publication after adoption. Adopted by the Blair Township Board: (Published:)
January 16, 2018

BLAIR TOWNSHIP ORDINANCE #131-08
PLANNING COMMISSION ORDINANCE

Adopted August 27, 2008

Effective November 6, 2008 as amended

WHEREAS, The People of Blair Township did establish the Blair Township Planning Commission Ordinance of August 27, 2008, and it is now desired to repeal the existing resolution and adopt this ordinance to insure proper record of the action is created, NOW THEREFOR, THE PEOPLE OF BLAIR TOWNSHIP DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS;

BLAIR TOWNSHIP PLANNING COMMISSION ORDINANCE

AN ORDINANCE to create a Planning Commission for Blair Township as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq* for the purpose of having planning and zoning in Blair Township, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of Blair Township; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Blair Township exists.

THE PEOPLE OF BLAIR TOWNSHIP DO ORDAIN:

101. Creation

- A. There shall be a Blair Township Planning Commission pursuant to P.A. 33 of 2008 as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq* hereinafter referred to as the Commission, with the powers and duties as therein set forth and as hereinafter provided and staffed Planning/Zoning Department. This ordinance shall be officially known and described as the "Blair Township Planning Commission Ordinance.

102. Membership

- A. The Commission shall consist of 7 members appointed by the Supervisor, subject to a majority vote of the Blair Township Board of Trustees. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:

1. Shall be a qualified elector of Blair Township, except that one member can be a non-qualified elector;
 2. Shall not be a declared candidate for any political office, except this condition shall not apply to the Township Board Representative to the Commission (section 102.C of this ordinance);
 3. After an individual's first appointment and before reappointment, shall have attended training for Commission members, pursuant to section 104 of this ordinance;
 4. Shall meet the conditions provided for each individual member in sections 102.B, 102.D and 102.E of this Ordinance, except the geographical location of the individual's residency may be considered optional.
- B. Members shall be appointed for three-year terms. However, when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 1/3 of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same terms of 1/3 of all commission members continue to expire each year.
- C. One member shall also be a member of the township board of trustees, who's term of office shall coincide with his or her elected term of office on the township board of trustees.
- D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Blair Township, in accordance with the major interests as they exist in Blair Township, as follows:
1. Agriculture
 2. Natural Resources
 3. Recreation
 4. Education
 5. Public Health
 6. Government
 7. Transportation
 8. Industry
 9. Commerce

- E. The membership shall also be representative of the entire geography of Blair Township to the extent practicable, and as a secondary consideration to the representation of the major interests.

103. Liaisons:

- A. The Commission, in its bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Blair Township and quasi-Blair Township officials ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons should include:

1. Planning Department staff, and their agents and consultants.
2. Blair Township Zoning Administrator
3. Blair Township Attorney

104. Training

- A. Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Blair Township budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for training. Nothing in this paragraph shall deem a member who has not had training from finishing his term in office unless the member resigns or is removed by action of the Township Board. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend the training. The Commission shall include in its bylaws what training programs qualify to meet this requirement.

105. Members, Appointment and Terms:

- A. In Novembers of each year the Blair Township Board of Trustees shall appoint members to the Commission by a majority vote for a three-year term of office which shall end November 30, at 9:00 am of the respective year.

106. Removal from Office:

- A. The Township Board may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Township Board.

107. Membership; Vacancies:

- A. The Township Board shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

108. Membership; Compensation

- A. All members of the Planning Commission shall serve as such with compensation as determined by the Blair Township Board of Trustees.

109. Meetings:

- A. The Commission shall meet at least once every month and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.
- B. The affirmative vote of 2/3 of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption , or recommendation for adoption, of any plan or amendment to a plan.

110. Powers and Duties:

- A. The Commission shall have their powers and duties as set forth in PA 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq*; and PA 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 *et seq*.
- B. The Commission shall have authority to apply for and receive grants from any government agency or the federal governments and receive gifts.

111. Staff:

- A. The zoning administrator shall be a department head, and shall hire or dismiss other such staff with the budget provided for this purpose.

- B. The appointment of the zoning administrator and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of Blair Township.
- C. Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, employee or union contracts, if any.

112. Meetings; Records:

- A. The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, finding and determinations, which records shall be a public record.

113. Approval, Ratification, and Reconfirmation:

A. All official actions taken by the Blair Township Planning Commission preceding the Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this Ordinance, subject to the requirements of the Ordinance, and shall be deemed a continuation of any previous Blair Township Planning Commission. This Ordinance shall be in full force and effective sixty three days from publication.

Adopted: August 27, 2008

Published: September 4, 2008

Effective: November 6, 2008