

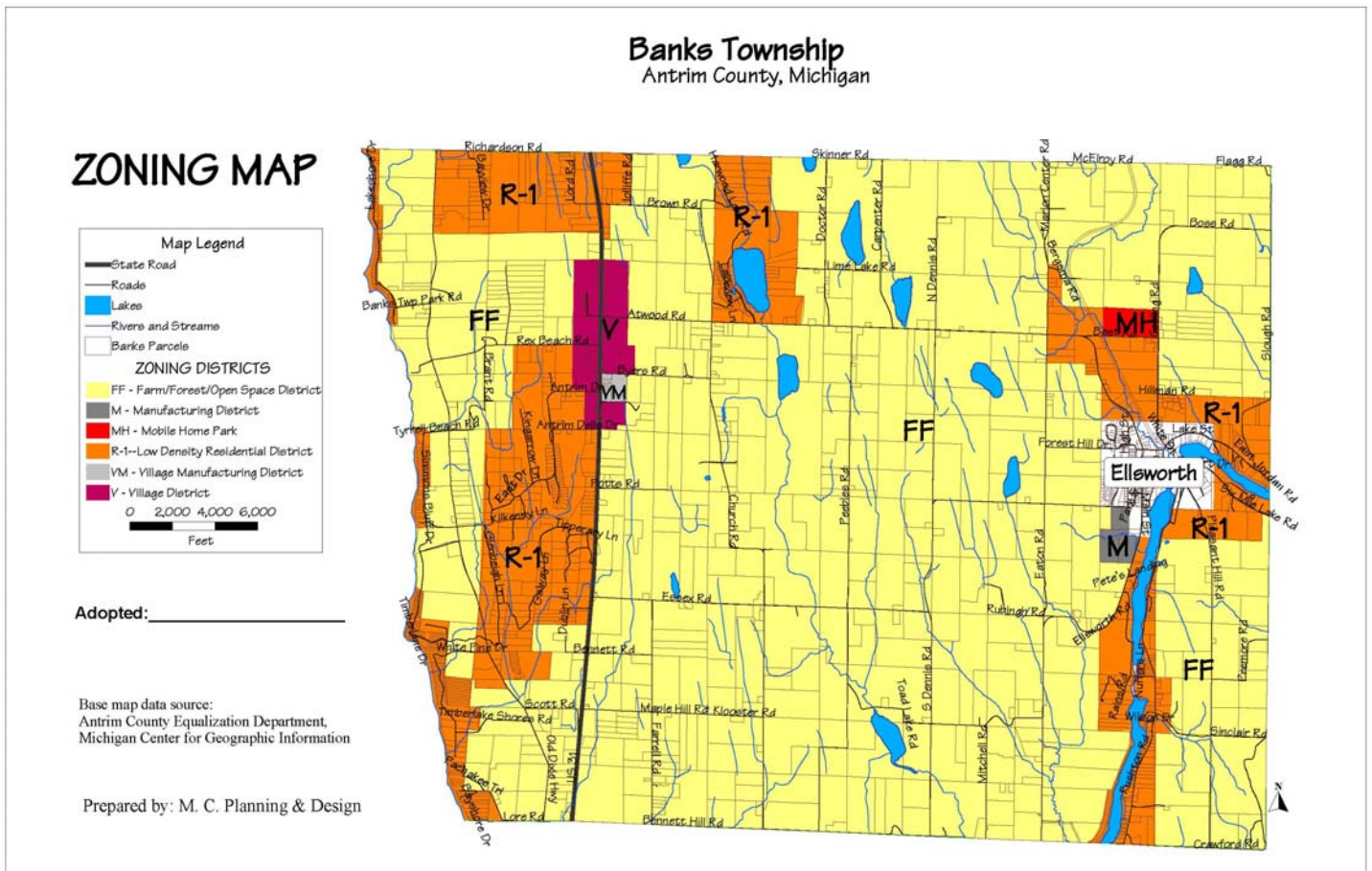
Banks Township Ordinance Number ____ of 2010

An Ordinance to amend the following sections of the Banks Township Zoning Ordinance: Article V, Section 5.02: Zoning Map; Article VI, Section 6.01 delete the Agricultural District regulations and replace with the Farm-Forest District regulations; Article VI, Section 6.02 delete the Conservation/Recreation District and reserve the section number for future use; and Article VI, Section 6.09: Schedule of Regulations and the associated footnotes.

The Township of Banks Ordains:

Section 1. Amendment of Article V, Section 5.02 Zoning Map

Article V, Section 5.02 Zoning Map of the Banks Township Zoning Ordinance is hereby amended to delete both the Agricultural District and the Conservation/Recreation District, add the Farm-Forest District and rezone land previously zoned as Agricultural or Conservation/Recreation to Farm-Forest District and some parcels to Low Density Residential District, per the map below.



Section 2. Amendment of Article VI, Section 6.01, including subsections 6.01.1 through 6.01.4

Article VI, Section 6.01, including Subsection 6.01.1 through 6.01.4 of the Banks Township Zoning Ordinance is hereby amended in its entirety to delete the Agricultural District regulations and replace with the Farm-Forest District regulations as follows:

Section 6.01 Farm-Forest District

The following provisions shall apply to the Farm-Forest District (FF).

Section 6.01.1 Intent

The predominant land uses in this District are primarily agricultural or forested and rural in character, including agricultural uses mixed with water bodies, forestlands and open lands. It is the intent of this Ordinance to conserve and promote the general continuance of these uses, where suitable conditions exist. The other land use prominent in the farm-forest district is rural residential, which is compatible with the agricultural uses and will be allowed to continue.

The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments, if properly integrated, the inclusion of such uses is provided by special approval.

Section 6.01.2 Permitted Uses

Except as otherwise provided by **Section 1.05** *Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single-family dwellings.
2. Child or adult daycare facilities serving six (6) or fewer clients.
3. Bed and breakfast facilities
4. Agriculture, including both general and specialized farming, tree farms and forestry.
5. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.
6. Agricultural warehouses and non-animal agricultural processing plants.
7. Plant nurseries and greenhouses.
8. Public or non-commercial private parks, playgrounds and recreation areas
9. Co-location of antenna or similar sending/receiving device on an existing tower or alternative tower structure, subject to the provisions of **Section 4.24** *Antenna Co-location on an Existing Tower or Structure*
10. Home occupations conducted completely inside the residence, subject to the provisions of **Section 4.12.1** *Home Business*.
11. Accessory buildings and uses customarily incidental to the above permitted uses.

Section 6.01.3 Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 8.02** *Uses Subject to Special Approval*.

1. Clustered residential development, subject to the provisions of **Section 8.03** *Supplemental Site Development Standards*.
2. Public buildings and facilities.
3. Churches and related religious buildings.
4. Cemeteries.
5. Golf courses, country clubs or private resorts.

6. Public and private campgrounds, not less than 10 acres.
7. Private airports and landing strips.
8. Fire control structures.
9. Kennels- on not less than 5 acres.
10. Veterinary clinics and animal hospitals
11. Non-domestic furbearing animals when confined in cages not less than two hundred (200) feet from any property line.
12. Animal processing facilities, subject to United States Department of Agriculture and local District Health Department regulations.
13. Planned Unit Developments
14. Additional farm employee dwellings, provided the property is at least 20 acres in size. The additional dwellings must be sited such that the property could be split in the future with all setbacks met for all parcels created.
15. Migratory labor dwellings, provided the property is at least 20 acres in size and subject to the provisions of **Section 8.03 Supplemental Site Development Standards**.
16. Forest product processing and sales.
17. Marina and boat launch facilities.
18. Sand and gravel excavation, subject to the provisions of **Section 8.03 Supplemental Site Development Standards**.
19. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of **Section 8.03 Supplemental Site Development Standards**.
20. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of **Section 4.12.2 Home Business**.
21. Accessory buildings and uses customarily incidental to the above special approval uses.

Section 6.01.4 Dimensional Regulations

Structures and uses in the Farm-Forest District are subject to the area, height, bulk and placement requirements in Section 6.09 Schedule of Regulations.

Section 3. Amendment of Article VI, Section 6.02, including subsections 6.02.1 through 6.02.4

Article VI, Section 6.02, including Subsection 6.02.1 through 6.02.4 of the Banks Township Zoning Ordinance is hereby amended in its entirety to delete the Conservation/Recreation District regulations and Section 6.02 to be reserved for future use.

Section 4. Amendment of Article VI, Section 6.09: Schedule of Regulation

Article VI, Section 6.09: Schedule of Regulation and associated footnotes of the Banks Township Zoning Ordinance is hereby amended in its entirety as follows:

Section 6.09 Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure		Minimum Yard Setbacks			Min. D. U. Width	Max % of Lot Coverage
		Area s.f.	Width	Stories	Feet	Front	Side	Rear		
FF	Farm-Forest	20 ac (a)(b)(c)(h)	200'	2.5	35' (k)	35' (d) (i)	20'	25'	14'	20%
R-1	Low Density Residential	20,000 (e) (h)	100'	2.5	35' (k)	50' (d) (i)	10'	35'	20'	35%
MH	Mobile Home District	12,000	100'	2.5	35'	20'	10'	15'	14'	35%
V	Village	10,000 (e)	-----	2.5	35'	20' (d)	5' (f)	10' (g)	20'	35%
M	Manufacturing	S.I. 2 ac I.P. 40 ac	150'	2.5	35'	50'	25'	25'	-----	-----
VM	Village Manufacturing	-----	150''	2.5	35''	20''	15''	25''	-----	-----

S.I. Single Industry
I.P. Industrial Park

Footnotes to Schedule of Regulations:

- a. A parcel smaller in size than the required twenty (20) acre minimum may be allowed as a split, on the following schedule:

Parent Parcel # Acres	Number of new lots	Requirements for newly created parcels
< 5 acres	none	
5.01-10 acres	one (1)	One acre or less for new parcel.
10.01-20 acres	two (2)	One acre or less for new parcels.
20.01-30 acres	three (3)	One acre or less OR 20 acres or greater.
30.01-40 acres	four (4)	One acre or less OR 20 acres or greater.
40.01-50 acres	five (5)	One acre or less OR 20 acres or greater.
50.01-60 acres	six (6)	One acre or less OR 20 acres or greater.
60.01-70 acres	seven (7)	One acre or less OR 20 acres or greater.
> 70 acres	eight (8)	One acre or less OR 20 acres or greater
- b. The resulting lot or lots of one acre or less shall have a maximum of one hundred (100) feet of road frontage.
- c. Additionally, a parcel smaller in size than the required twenty (20) acre minimum may be created as a re-configuration of existing lots, provided the remaining original parcel shall be at least twenty (20) acres and there is no net increase in the number of parcels.
- d. For lots which border a lake or a stream, the minimum structure setback on the waterfront side shall be fifty (50) feet from the ordinary high water mark.
- e. The following Minimum Lot Area shall be required for residential uses in the "R-1" and "V" Districts:
 - One Family As provided for in the Schedule of Regulations Table (Section 6.09)
 - Two Family 7,000 square feet for each dwelling unit.
 - Multiple Family 8,000 square feet for first dwelling unit, plus 5,000 square feet additional for each additional 3 or more bedroom units and 4,000 square feet additional for each additional two-bedroom unit and 3,000 square feet for each additional one bedroom or efficiency unit. Lot sizes subject to **Section 4.14 Water Supply and Sewage Disposal Facilities**.

Tourist or Lodging

Houses 10,000 square feet, plus an additional 500 square feet for each non-resident person accommodated.

- f. Side yards shall be increased in the Village District (V), where adjacent to any Residential District. In such cases the adjacent District regulations will apply.
- g. Rear yards shall be increased in the Village District (V), where a rear lot abuts any Residential District. In such cases the adjacent District regulations will apply.
- h. The minimum lot size shall be used as the basis for determining the density for clustered residential developments. The allowable density for clustered residential development shall be calculated by dividing the parcel size by the minimum lot area allowed in the specific zoning district, the resulting number shall be rounded down to the whole number for the maximum number of dwelling units allowed.
- i. Clustered Residential developments located on a major thoroughfare or collector road shall be setback at least seventy (70) feet from the road right-of-way.
- j. For lots of record, less than one hundred fifty (150) feet wide, the side yard setback shall be reduced to ten (10) feet.
- k. Exceptions to height standards for agricultural Uses. The maximum height of permitted agricultural accessory structures that are essential and customarily used in agricultural operations associated with a farm shall be forty-five (45) feet, except that the maximum height of silos shall be one hundred (100) feet, provided that all such accessory farm structures shall be located at least one hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm structures are located.
- l. Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 8.03.13.m of this ordinance.
- m. Commercial Wind Turbine Generators or Anemometer Towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 8.03.14 of this ordinance.

Section 5. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

Section 6. Conflicts.

If any provision of the Banks Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

Section 7. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Township of Banks

By:

By:

Thomas Mann, Supervisor

Donna L. Heeres, Clerk

Adoption date: _____

Effective date: _____