

BANKS TOWNSHIP – ZONING ORDINANCE
ORDINANCE XX OF 2021

An Ordinance to amend the Banks Township Zoning Ordinance Articles III, IV VI, and VIII pertaining to the Accessory Dwelling Units.

THE TOWNSHIP OF BANKS HEREBY ORDAINS:

Section 1. Amendment of Article III. Article III: Definitions is hereby amended as follows:

Accessory Building or Structure: A supplemental building or structure on the same property as the main building, or a structure which is intended to be supplemental to an allowed use to be added in the future, provided such a structure is devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes except as accessory dwelling units as provided in this ordinance. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

Accessory Dwelling Unit: A residential dwelling unit located on the same property as a single-family dwelling and constructed as an accessory use to the single-family dwelling.

Accessory Use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act (1976 HUD Manufactured Home Construction and Safety Standards), as amended; and
2. The structure is designed to be transported to the site in nearly complete form, where it is secured on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent building or as a component to be combined with other elements to form a complete building on the site.

Dwelling, Mobile: A structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure (Act 96 of 1987; MCL 125.2302 (h)).

Dwelling, Modular: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with all applicable state and local building codes; and
2. The structure is designed to be transported to the site in nearly complete form, where it is secured on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the

site.

Dwelling, Single-Family: A detached building containing not more than one dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

Modular Homes: see Dwelling, Modular.

Section 2. Amendment of Article IV. Article IV: General Provisions, Section 4.04 Accessory Buildings is hereby amended as follows:

Section 4.04 Accessory Buildings

1. Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.
2. Where any accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
3. All accessory buildings regardless of size or placement shall be located no closer to a front, side or rear lot line than the permitted distance for the principal structure on the same lot.
4. In the Agricultural and Conservation/Recreation districts, an accessory building shall be allowed as a principal use. Accessory buildings may be used for dwelling purposes only as accessory dwelling units as provided in this ordinance.
5. In all other districts, an accessory building shall be allowed as a principal use provided it is contiguous to a parcel of land under the same ownership with a primary structure. Accessory buildings may be used for dwelling purposes only as accessory dwelling units as provided in this ordinance.
6. A zoning permit is required for all accessory buildings with a permanent foundation regardless of size or a footprint that exceeds 200 square feet with or without a foundation.

Section 3. Amendment of Article VI. Article VI: District Regulations is hereby amended as follows:

Section 6.01.3 Uses Subject to Special Approval

22. Accessory Dwelling Units

Section 6.02.3 Uses Subject to Special Approval

17. Accessory Dwelling Units

Section 6.03.3 Uses Subject to Special Approval

18. Accessory Dwelling Units

Section 6.05.3 Uses Subject to Special Approval

9. Accessory Dwelling Units

Section 6.06.3 Uses Subject to Special Approval

22. Accessory Dwelling Units

Section 4. Amendment of Article VIII.

Article VIII: Uses Subject to Special Approval and Supplemental Site Development Standards is hereby amended as follows:

17. Accessory Dwelling Units

Accessory dwelling units (ADUs) are intended to support a flexible range of housing options in the Township by allowing homeowners to establish a second dwelling unit on a property with a single-family dwelling unit. ADUs shall remain secondary and subordinate to the single-family dwelling unit and are subject to the following standards:

- a. ADUs shall only be established on lots with an established single-family dwelling unit as the principal use.
- b. One (1) accessory dwelling unit shall be allowed per lot.
- c. An ADU shall be constructed as one of the following formats:
 - i. A partitioned area within the single-family dwelling unit structure located on the lot.
 - ii. An addition to a one-story garage that is detached from the principal single-family structure.
 - iii. The second floor of a garage that is attached or detached to the principal single-family structure.
 - iv. A detached accessory structure not exceeding one (1) floor in height.
- d. An ADU constructed as a detached accessory structure shall be located in either a rear or side yard.
- e. The owner of the property shall live on site, either in the single-family dwelling unit or the accessory dwelling unit.
- f. If the accessory dwelling unit is rented or leased, the tenants of the accessory dwelling unit shall be permanent residents rather than transients. The unit shall not be used as a short-term rental.
- g. The ADU shall have its own entrance, kitchen, sleeping area, and full bathroom facilities separate from those associated with the principal dwelling unit.
- h. A minimum of one (1) additional parking space shall be provided on the lot.
- i. The use of a mobile home built prior to June 15, 1976, camper trailer, recreational vehicle, or other temporary and/or other non-permanent structures shall be prohibited from being used as and ADU.

- j. The ADU shall be adequately served by an on-site septic system. The Health Department of Northwest Michigan shall verify that adequate on-site septic service is provided.
- k. The ADU shall meet applicable building, sanitation, and fire codes.
- l. Building materials and designs used on ADU's shall be of similar style as that of the principal dwelling as determined by the Planning Commission.
- m. An ADU shall not include more than two bedrooms.
- n. The maximum size of a one-bedroom ADU shall be 800 square feet. The maximum size of a two-bedroom shall be 1,000 square feet.
- o. The square footage dedicated solely for storage that is included in the same structure as the ADU shall not be included in the computation of square footage for the ADU.

Section 5. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township, unless later date is specified.
Township of Banks

By: _____
Alex Busman, Supervisor
Adoption date: Month XX, 2021
Effective date: _____

By: _____
Donna L. Heeres, Clerk

