

BANKS TOWNSHIP ZONING ORDINANCE

ANTRIM COUNTY, MICHIGAN

*Enabled by the
Township Rural Zoning Act 184
of the
Public Acts of 1943 as amended,
State of Michigan*

ADOPTED: June 19, 1978

AMENDED: September 21, 1981

BANKS TOWNSHIP ZONING ORDINANCE

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ZONING ORDINANCE
BANKS TOWNSHIP
ANTRIM COUNTY, MICHIGAN

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS IN BANKS TOWNSHIP, ANTRIM COUNTY, MICHIGAN IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT, ACT 184 OF PUBLIC ACTS OF 1943 AS AMENDED, TO PROVIDE FOR THE ADMINISTRATION OF SAID ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PEOPLE OF THE TOWNSHIP OF BANKS DO ORDAIN:

CHAPTER I

TITLE, PURPOSE AND DEFINITIONS

Section 1.01 - TITLE. This Ordinance shall be known as the Banks Township Zoning Ordinance.

Section 1.02 - PURPOSE. The fundamental purpose of this Ordinance is to promote the health, safety and welfare of the inhabitants of the Township by:

- A. Promoting the orderly development of the Township;
- B. Encouraging the use of land and resources in the Township in accordance with their suitability;
- C. Promoting the economic progress of the Township and to protect and enhance the property values thereof;
- D. Reducing the hazards to life and property, promoting safety in traffic and providing protection from the spread of fire and other hazards;
- E. Conserving the use of public funds for public improvement and services to conform with the most advantageous use of lands, properties and resources of the Township.

Section 1.03 - DEFINITIONS. Unless otherwise specified herein, the terms used in this Ordinance shall be defined as follows:

Accessory Structure - A structure on the same lot and of a nature customarily incidental and subordinate to the principal structure.

Accessory Use - A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Basement - The floor of a building next below the principal or first floor. A basement shall not be counted as a story for the purpose of height regulations.

Board - The Board of Zoning Appeals for the Township of Banks, Michigan.

Boarding or Lodging House - A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging, meals, or both are provided for three (3) or more but not exceeding twenty (20) persons.

Building - Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business activities or other similar uses.

Development Plan - The documents and drawings required by the Zoning Ordinance necessary to insure that a proposed land use or activity is in compliance with local ordinances and state or federal statutes.

Dwelling - A building or portion thereof designed or used as a residence or sleeping place for one (1) or more persons including one (1) and two (2) family and multiple family dwellings, but not including house trailers, mobile homes, hotels, boarding and lodging houses, tourist courts, tourist homes, hunting or fishing cabins.

Dwelling Unit - A room or suite of rooms designed for occupancy by one (1) family for living, eating and sleeping.

Essential Services - Essential services shall mean the erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments, commissions or any governmental agencies or for the public health, safety and welfare.

Family - An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single house-keeping unit in a dwelling.

Floor Area - The total area of floor space within the outside walls of a building, excluding porches, breezeways, garages, attics, basements, utility areas, cellars or crawl spaces.

Garage - Private - A detached accessory building or portion of a main building used only for the parking or storage of not more than three (3) passenger automobiles, of which one (1) may be a light delivery or pickup motor vehicle used by the occupants of the premises of rated capacity not to exceed one and one-half (1½) tons.

Garage - Public - A building other than a private garage primarily used for the purpose of parking, storing, repairing or equipping motor vehicles therein as a commercial use.

Greenbelts - A greenbelt shall be a planting strip or buffer strip, at least ten (10) feet in width which shall consist of deciduous or evergreen trees or a mixture of both spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow at least five (5) feet wide and five (5) feet or more in height after one (1) full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

Home Occupation - An occupation clearly incidental to a residential use, such as dressmaking, real estate sales, bookkeeping and accounting services, and professional offices when engaged in only by a resident entirely within his dwelling, and not in an accessory building or structure and with the assistance of not more than one (1) non-resident employee. Such use shall not occupy more than twenty-five (25%) percent of the floor area of the dwelling.

Housekeeping Cabin Park - A parcel of land on which two (2) or more buildings, tents, or similar structures are maintained, offered, or used for dwelling or sleeping quarters for transients and operated as a commercial use, but excluding boarding or lodging houses, motels, and tourist homes.

Mobile Homes or House Trailers - Any vehicle or similar portable structure, self-propelled or designed for towing, having no foundation other than wheels or jacks and so designed or controlled as to permit occupancy for dwelling purposes.

Nonconforming Structure - A structure lawfully existing at the time of adoption of the zoning ordinance or any amendments thereto that does not conform to the requirements of the zone district within which it is located.

Planning Commission - For purposes of this Ordinance the term Planning Commission is deemed to mean either a Planning Commission as authorized pursuant to P.A. 168 of 1959 or a Zoning Board as authorized pursuant to P.A. 184 of 1943.

Principal Use - The primary and predominant use or intended use of the premises according to the zone district requirements, including permitted accessory uses.

Seasonal - Any use of such a nature that the activity cannot or should not be performed during each calendar month.

Sign - An outdoor sign, display, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform. A sign so described may be either mobile or non-mobile.

Single Ownership - A lot of record, on or before the effective date of the Zoning Ordinance, in separate and distinct ownership from adjacent lot or lots where such adjacent lot or lots were not at that date owned by the same owner or the same owner in joint tenancy in common or entireties with any other person or persons; or where such adjacent lot or lots were not owned by the same owner or any person or persons with whom he may be engaged in a partnership or joint venture; or where such adjacent lots were not owned by any corporation in which the owner owned fifty-one (51%) percent or more of the stock issued and outstanding.

Special Exception - An exception to the general rule provided for in this Ordinance under specified conditions, as prescribed in Section 17.07.

Structural Change or Alteration - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Uniform Setback - Where fifty (50%) percent of the frontage of existing structures between two (2) intersecting streets maintain the same minimum setback.

Variance - A deviation from the terms of this Ordinance as authorized by the enabling statute, upon findings of practical difficulties and unnecessary hardship, as described in Section 16.06.

Yards

Front Yard - The minimum distance between the front line of the principal building, excluding steps and unenclosed porches, and the front lot line. In the case of any principal building which fronts on a lake, the front yard shall be that area which lies between the front line of the principal building, excluding steps and unenclosed porches, and the water's edge.

Rear Yard - The minimum distance between the rear lot line and the rear line of the principal building, unoccupied and extending for the full width of the lot, except for that area occupied by an accessory building.

Side Yard - The minimum distance between the side lot line and the side line of the principal building, unoccupied and extending for the full length of the lot, except for that area occupied by an accessory building.

CHAPTER II

GENERAL PROVISIONS

Section 2.01 - ALTERATION ON DWELLINGS. Except and as hereinafter specified, no building, structure, premise, or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the zone in which it is located.

Section 2.02 - GRADE LEVELS. All dwelling houses in any zone and all business places shall, subsequent to adoption of this Ordinance, conform to all established and determined grade levels. In areas where there are two (2) or more dwellings or other structures within two hundred (200) yards on the same road, on the same side of the road, the average of the grade level thereof shall determine the grade level for that area. In all areas where no grade level has been determined or established by buildings thereon, before any building or structure shall be placed thereon, a grade level shall first be determined by the Antrim County Road Commission for that area, and when so determined, it shall become the grade level thereof. It shall be unlawful to erect or construct a building in any zone with the top of the foundation or basement walls together with the plates thereof, more than twenty-four (24) inches above the established or determined grade level except that where the building is set back farther than the required distance and additional rise of one (1) foot for each two (2) foot additional of setback shall be permitted.

Section 2.03 - BASEMENT DWELLINGS PROHIBITED. Basement dwellings are prohibited in Banks Township except as provided in Section 2.06.

Section 2.04 - BUILDING - DAMAGED.

- A. A building damaged by fire, collapse, or an act of God to such an extent that the cost of repair and reconstruction exceeds one hundred (100%) of the assessed valuation for taxes on the building at the time the damage occurred, shall not be repaired or reconstructed unless made to comply in all respect with the provisions of this act relative to such building thereafter erected.
- B. A building damaged by wear and tear, deterioration and depreciation to such an extent that the cost of repair and rehabilitation to place it in a safe, sound and sanitary condition exceeds one hundred (100%) percent of the assessed valuation for taxes at the time when the repairs or rehabilitation are to be made, shall not be so repaired or rehabilitated unless the building is made to comply in all respects with the provisions of the act relative to such building thereafter erected. A building so damaged by wear and tear, deterioration, and depreciation to such an extent that the cost of repair and rehabilitation shall exceed the assessed valuation for taxes, shall be deemed unfit for occupation and use unless repaired and rehabilitated pursuant to the provisions of this Ordinance, and in case such building so damaged is not so repaired and rehabilitated, it shall be vacated and not again occupied. Before any reconstruction of any such building shall be commenced, a zoning permit must be secured as provided in Section 17.01. It shall be the duty of the Zoning Administrator to determine the extent of such destruction, deterioration or depreciation before issuing a zoning permit.

Section 2.05 - MOBILE HOMES AND HOUSE TRAILERS. No mobile home or house trailer shall be permitted to be used as a single family residence in any zone within the Township except as follows:

- A. In a seasonal trailer park or mobile home park located in the "P-D" Zone and established pursuant to State law applicable thereto.
- B. In the "A", "R-2" and "R-3" Zones provided the following conditions have been complied with:
 1. Application for approval has been filed with the Zoning Administrator and notice of hearing is issued and public hearing held in accordance with the provisions of Section 16.09. In determining whether to grant approval of the permit application, the Board shall consider the effect of granting the application will have on neighboring property, whether failure to grant the permit will deprive the applicant of rights enjoyed by others in the same zone, and the effect upon the continuity of the zoning of adjacent lands.
 2. The minimum floor area of the mobile home or house trailer shall be not less than five hundred fifty (550) square feet with a minimum required width of ten (10) feet.

3. The location shall be on a lot in conformity with all requirements of a single family residence within the zone in which the mobile home is to be installed.
 4. Under skirting shall be provided from the floor level to the ground level around the entire perimeter of the mobile home or house trailer.
 5. A storage building with minimum dimensions of 10' x 8' x 5.5' shall be provided on the site.
 6. All mobile homes shall be secured to a minimum of four (4) tie downs, two (2) tie downs per side.
- C. Nothing shall prevent the storage of any mobile home, house trailer, motor home, travel trailer, truck camper, or camper trailer belonging to the property owner wholly within an enclosed structure.

Section 2.06 - TEMPORARY DWELLINGS. No cabin, garage, basement, tent, or other temporary structure shall be used in whole or in part for dwelling purposes in any zone provided that such structure may be used for a temporary dwelling for a period not to exceed six (6) months upon application to and approval of a permit for such occupancy by the Zoning Administrator upon determination that the following conditions exist and are met:

- A. The permanent dwelling of the resident applicant has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
- B. Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
- C. Adequate provision is made for temporary public or private water supply and sewage disposal to and from said structure.
- D. The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of those occupants and the surrounding neighborhood.

Section 2.07 - ACCESSORY BUILDING. The front, side and rear yard requirements of each zone shall apply to the location of accessory buildings within each zone.

Section 2.08 - STORAGE OF VEHICLES AND EQUIPMENT. No area within any zone shall be used for the open space storage, dismantling, accumulation, or abandonment of dismantled, disabled, wrecked or discarded motor vehicles or machinery, fixtures, appliances, junk or any part thereof.

Section 2.09 - ESSENTIAL SERVICES. Essential services shall be permitted as authorized or regulated by law and the Ordinances of this Township in any zone, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance.

4. Right of way
(US 31) 75 ft.
from center

Section 2.10 - HIGHWAY INTERSECTION SETBACKS

- A. At the intersection of any State Trunkline Highway and any County Primary Road and for a distance of one hundred (100) feet as measured along each right-of-way line from the point of intersection of the right-of-way lines, no building or structure shall be erected or located within one hundred (100) feet of said right-of-way line except approved directional or other official sign or open fences allowing totally unobstructed vision.
- B. At the intersection of any County Local Road with any State Trunkline Highway or County Primary or Local Road, no building or structure shall be erected within fifty (50) feet of the right-of-way line of the County or Local Road except approved directional or other official sign or open fences allowing totally unobstructed vision.

Section 2.11 - ANIMALS IN ZONED AREAS. It shall be unlawful to keep animals such as horses, cattle, pigs, goats or poultry on any premises in "R", "V", "C" or "M" zones provided that the keeping of such animals shall be permitted in an "R-1" and "R-2" zone and residential lots in the Agricultural zone where the size of lot upon which the same shall be kept shall be not less than five (5) acres in area with a minimum width of two hundred (200) feet and where a total enclosure of fencing is provided. This restriction shall not prohibit the keeping of ordinary household pets in any zone.

Section 2.12 - RESTRICTIONS APPLICABLE TO PROPERTY ABUTTING LAKES, RIVERS OR STREAMS. Many lands within the Township are connected to, adjoin or abut lakes, rivers, and streams. In the interest of protecting the water quality and the natural setting of the shoreline, the following provisions shall be applicable:

- A. No permanent groin wall structure, as defined by the Michigan Department of Natural Resources, shall be installed as a shoreland erosion control device on any of the inland lakes, rivers and streams within the Township.
- B. All man-made extensions from the shoreline into or over said inland lakes, rivers and streams shall have an open sub-structure construction so as to allow the free and unrestricted movement of the inland waters littoral current.
- C. A strip of natural vegetation shall be maintained to a depth of twenty-five (25) feet from the high water mark of the inland lakes, rivers or streams abutting or traversing the property in question. Within such area, no more than thirty (30%) percent of all living trees and shrubs shall be removed by cutting them to grade level. The remaining trees and shrubberies may be trimmed and pruned for a view of the water from the property. No land alterations including the removal of tree stumps shall be allowed within the native protection strip, except as follows:
 - 1. A boat ramp may be installed within an approved Private Access Area.
 - 2. A road, pass or walk may be constructed to the water's edge to a width of twelve (12) feet.
 - 3. Boat storage as provided in Section 7.04.

Section 2.13 - HOME OCCUPATIONS. Unless otherwise specified herein, home occupations will be permitted in the "R" and "V" zones only upon approval as a special exception as provided in Section 17.07.

Section 2.14 - PRIVATE WATERFRONT ACCESS. All private waterfront accesses will conform as a minimum to the width and square footage requirements for a platted lot within the "R-1" zone. A private access of the required minimum size can support a maximum use density of five (5) non-waterfront property dwelling units. An additional twenty (20) feet of width and four thousand (4,000) square feet of land will be provided for each additional dwelling unit over five (5) dwelling units.

Section 2.15 - SCENIC VISTAS. No materials, accessory structures, or vegetation shall be placed in such a manner so as to unreasonably deprive other property owners of their pre-existing scenic view or vista.

CHAPTER III

SIGNS

Section 3.01 - PERMITTED SIGNS. The following signs are permitted within any zone and may be erected therein without obtaining a permit as hereinafter provided:

- A. Directional or other official signs, including but not limited to signs pertaining to natural wonders, scenic and historic attractions, which are required or authorized by law.
- B. Identification signs designating house number and/or the name of the resident or permanent subdivision identification sign not exceeding twenty (20) square feet.
- C. Temporary sign advertising the sale or lease of the premises not exceeding four (4) feet square and located on the premises.
- D. A sign advertising a new plat to be erected on the platted property not exceeding fifty (50) square feet in area provided that the same shall be removed when seventy-five (75%) percent of the platted lots are sold.
- E. Not more than two (2) signs may be erected to advertise a new plat where two (2) or more drives provide ingress and egress to and from the plat onto a public highway. Each of said signs shall not exceed fifty (50) square feet in area and shall be removed when seventy-five (75%) percent of the platted lots are sold.
- F. Institutional identification signs such as bulletin boards for churches, schools, libraries, hospitals, museums and other public buildings.

Section 3.02 - ADVERTISING SIGNS AND DISPLAYS. Advertising signs and displays are permitted provided that the following conditions are met:

- A. On-Premises Advertising and Display Sign.

1. Sign pertains only to the use permitted on the premises.
2. Sign is attached flat against the building or not less than ten (10) feet from the highway right-of-way and the total area of said sign does not exceed fifty (50) square feet.
3. Sign does not project more than three (3) feet above the building line.
4. Sign does not obstruct the view of traffic from sidewalks, roadways and driveways.
5. Permission for the placement of the sign is obtained in writing from the property owner.
6. The sign does not interfere with the use, occupation, and enjoyment of adjacent property by reason of the nature of the sign.

B. Off-Premises Advertising and Display Signs.

1. The identified premises are within one (1) mile of the sign.
2. The area of the sign does not exceed ten (10) square feet.
3. The sign is located at least ten (10) feet from the highway right-of-way, does not obstruct the view of traffic entering the highway and is not located within the highway intersection setbacks as described in Section 2.10.
4. All individual signs combined into one (1) single sign structure may contain an additional five (5) square feet of area provided that the total structure shall not exceed thirty-five (35) square feet.
5. The sign is no greater than fifteen (15) feet in height above the centerline of the adjacent roadway.
6. Permission is granted in writing by the owner of the land on which the sign is located.
7. Such sign is at least three hundred (300) feet from any other previously established sign even though such existing sign may be non-conforming under this Ordinance.
8. No new sign shall be approved if the enterprise already has at least two (2) off-premise signs in the Township regardless of whether such signs be non-conforming or approved.
9. No signs under this Section will be approved in any "R" District.

C. Procedure to Obtain Permit. Application for sign erection permit shall be made upon forms provided by the Zoning Administrator and shall contain the following:

1. Name, address, and telephone number of applicant.
2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of the sign or other advertising structure in relation to nearby buildings, structures, signs or other advertising structures.

4. Two (2) prints or drawings of the plans and specifications and method of construction and attachment to the building, or in the ground.
 5. Name of person, firm, corporation, or association erecting structure.
 6. Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
 7. Any electrical permit required and issued for said sign.
 8. Certificate of Insurance as required by Section 3.02-H.
- D. Issuance of Permit. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign erection permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure and if it shall appear that the proposed structure is in compliance with the requirements of this Ordinance, the remaining provisions of the County Building Code and state law, he shall then issue the erection permit. If the work authorized under a sign erection permit has not been completed within six (6) months of the date of issuance, the permit shall become null and void.
- E. Permit Fees. Every applicant, before being granted a permit for any sign requiring a permit other than a temporary sign, shall pay to the Treasurer a fee as established by the Township Board.
- F. Information to be Included on Sign. Every sign or other advertising structure hereafter shall have painted in a conspicuous place thereon in letters not less than one (1) inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.
- G. Painting Required Every Two Years. The owner of any sign as defined and regulated by this Ordinance shall be required to have properly painted at least once every two (2) years all parts and supports of said sign unless the same are galvanized or otherwise treated to prevent rust or deterioration.
- H. Insurance Requirements. Every applicant for a sign erection permit shall file with the application for permit a Certificate of Insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair and replacement of the sign, in the following amounts:

Bodily Injury:	\$100,000 each person
	\$300,000 each accident
Property Damage:	\$5,000

Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a Certificate of Insurance currently effective on file with the Township so long as the sign or signs are in existence. Said Certificate shall provide that the Township shall receive ten (10) days written notice in case of cancellation of the policy. Any sign which is maintained in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the sign.

- I. Illuminated signs shall be erected and located so that they will not reflect directly upon adjacent residential property zones. An illuminated sign must be so positioned so as not to obscure the vision of vehicular traffic by reasons of its illumination.
- J. Sign Erection Permits. No person shall erect or relocate or cause to be erected or relocated any sign or other advertising structure under the provisions of this Section 3.02 without first obtaining a sign erection permit nor shall any person repair or alter or cause to be repaired or altered, any sign or advertising structure permitted by this Ordinance to more than two-thirds (2/3) of the replacement value of said sign or advertising structure without obtaining a sign erection permit.

CHAPTER IV

NONCONFORMING LOTS, USES OF LAND, STRUCTURES AND PREMISES

Section 4.01 - DEFINITION AND CLASSIFICATION. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses or structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator, upon findings:

- A. that continuance thereof would not be contrary to the public health, safety, or welfare, or to the spirit of this Ordinance;
- B. that the use or structure does not and is not likely to significantly depress the value of nearby properties;
- C. that the use or structure was lawful at the time of its inception;
- D. that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures.

Section 4.02 - PROCEDURE FOR OBTAINING CLASS A DESIGNATION, CONDITIONS. A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Planning Commission to make a determination of the matter. The Planning Commission may require the furnishing of such additional information as it considers necessary. The administrative procedures before the Planning Commission shall be as provided in Section 17.07. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation.

Section 4.03 - REVOCATION OF CLASS A DESIGNATION. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

Section 4.04 - REGULATIONS PERTAINING TO CLASS A NONCONFORMING USES AND STRUCTURES. No Class A nonconforming use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 4.05 - REGULATIONS PERTAINING TO CLASS B NONCONFORMING USES AND STRUCTURES. It is a purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds one hundred (100%) percent of the assessed valuation for tax purposes. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds one hundred (100%) percent of the assessed valuation for tax purposes. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

CHAPTER V

ZONES

Section 5.01 - ZONES. To carry out the purposes of this Ordinance, Banks Township shall be divided into the following zones:

- "A" - Agricultural
- "R-1" - Residential
- "R-2" - Residential
- "R-3" - Multiple Family Apartment
- "V" - Village
- "E" - Environmental
- "C" - Commercial
- "M" - Manufacturing
- "P-D" - Planned Development

Section 5.02 - BOUNDARIES OF DISTRICTS MAP. The boundaries of such districts, shown upon the map attached hereto which is incorporated herein by reference and made a part hereof, are hereby established; said map being designated as the Map of the Township of Banks, Antrim County, Michigan. Said map and all the notations, references and other information thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

Section 5.03 - ERECTION, ALTERATION AND USE OF BUILDING. Except as herein provided, no structure shall be erected or altered nor shall any building or premises be used for any purpose other than is permitted in the Use District or Height and Area District in which such building or premises is located.

CHAPTER VI

"A" - AGRICULTURAL ZONE

Section 6.01 - PERMITTED USES. No building or part thereof shall be hereafter used, erected, or altered, or land used, in whole or in part, in the "A" - Agricultural Zone except for:

- A. Those uses permitted in the "R-1" - Residential Zone under the terms provided for such uses, except as altered in this Chapter.
- B. Farms for both general and specialized farming, together with farm dwellings and buildings, and other installations usual to such farms, including roadside stands, provided that such stands sell products grown on the premises and are situated so as to provide adequate off-highway parking for customers.
- C. Greenhouses, nurseries, orchards, groves and vineyards, apiaries, farms for breeding of domestic animals, and sanctuaries for wild birds and animals provided the sanctuaries shall be approved by the Michigan Department of Natural Resources.
- D. Agricultural warehouses and storage plants, milk processing plants, primary processing plants for non-animal farm products, and such other enterprises connected with farm production as shall be approved by the Board.
- E. Home occupations.
- F. Forest preserves and wood lots.
- G. Public and privately-owned parks, playgrounds and golf courses with customary service buildings and structures incident thereto.
- H. Public-owned buildings excluding sewage treatment plants, solid waste disposal plants, warehouses, garages and shops or storage yards.
- I. Additional dwellings on any farm for the use of farm or domestic employees of the owner or his lessees, provided there is only one (1) such tenant house in addition to the main dwelling for each

ten (10) acres of farm land, and provided that each such tenant house is surrounded by sufficient land to provide a future separate lot of two (2) acres and a minimum width at the building line of two hundred (200) feet.

- M. Mineral Extraction*
- J. Migrant workers' facilities approved in accordance with state law.
 - K. Any agricultural, horticultural, or husbandry use unless otherwise specifically prohibited by this Ordinance.
 - L. The following uses may be permitted within the "A" - Agricultural Zone upon approval as a special exception by the Planning Commission pursuant to Section 17.07: Chicken hatcheries, poultry farms, processing plants for dressing of poultry and domestic animals, farms for breeding of poultry and breeding and boarding kennels.

Section 6.02 - HEIGHT, AREA AND YARD RESTRICTIONS.

- A. Every lot in this district shall have:
 - 1. An area of two (2) acres and a width at the building line of at least 200 (200) feet.
 - 2. A front yard of at least thirty-five (35) feet.
 - 3. Two (2) side yards totaling at least forty (40) feet, the smallest being at least fifteen (15) feet.
 - 4. A rear yard of at least twenty-five (25) feet.
- B. The front and rear yard setbacks shall be maintained across the entire width of the lot.
- C. No dwelling, building, or structure shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, whichever is the lesser, except as otherwise provided by this Ordinance. Barns, silos and similar agricultural related accessory buildings shall not exceed ninety (90) feet in height.
- D. Every dwelling shall have a minimum of six hundred (600) square feet of floor area.

Section 6.03 - CONFORMANCE. In this zone, no building shall hereafter be erected, altered, or moved into said zone or land used for the purpose of conducting any form of commercial, business, or industrial enterprise whatever, except as stated in the foregoing provisions of this Chapter.

CHAPTER VII

"R-1" - RESIDENTIAL - ONE-FAMILY ZONE

Section 7.01 - PERMITTED USES. No building or part thereof in a "R-1" - Residential Zone shall hereafter be used, erected, altered or converted, or land used, in whole or in part, except for:

- A. One-family dwellings with accessory uses as defined in this Ordinance.
- B. Churches and accessory religious facilities where located at least one hundred (100) feet from any other lots.

- C. Public, parochial, and private schools, where located at least three hundred (300) feet from any other lot.
- D. Public libraries, public museums, and art galleries, where located at least one hundred (100) feet from any other lot.
- E. Public parks, playgrounds, and community centers, provided that any buildings located thereon shall be at least one hundred (100) feet from any other lot.
- F. Parking requirements for all permitted uses shall be governed by Chapter XV.

Section 7.02 - HEIGHT, AREA AND YARD RESTRICTIONS OF PLATTED LOTS. Every platted lot in this Zone shall meet the following requirements:

- A. An unoccupied front yard of at least fifty (50) feet.
- B. Two (2) side yards totaling twenty (20) feet; the minimum of one (1) side yard shall be ten (10) feet.
- C. A rear yard of thirty-five (35) feet.
- D. A minimum width of one hundred (100) feet.
- E. The front and rear yards shall be maintained across the entire width of the lot. All yards shall be kept clear and unobstructed, and shall not be used for the storage of materials, rubbish or debris.
- F. No building or structure shall exceed a height of two and one-half (2½) stories or thirty-five (35) feet, whichever is the lesser, unless as otherwise provided by this Ordinance.
- G. Each dwelling unit shall have a minimum floor area of nine hundred sixty (960) square feet.
- H. Lot Area - All lots in this Zone shall have a minimum width of one hundred (100) feet at the front yard setback line and shall have a minimum lot area of twenty thousand (20,000) square feet.

Section 7.03 - HEIGHT, AREA AND YARD RESTRICTIONS OF UNPLATTED LOTS. Except as provided in this Section 7.03, the height, area and yard requirements for unplatted lots shall be the same as provided in Section 7.02.

- A. All unplatted lots shall have a minimum lot area of twenty-five thousand (25,000) square feet.

Section 7.04 - BOAT STORAGE. No structure for the storage or protection of a boat or boats shall be built within ten (10) feet from the water's edge of any lake or river within the Township unless the plans for such structure, and its location have been approved by the Zoning Administrator who shall take into account in determining whether to approve same, the possible affects of such structure on the erosion of the shoreline, interference with the view of adjacent properties, contamination of the water, and compliance with the provision of state law applicable thereto.

CHAPTER VIII

"R-2" - RESIDENTIAL - ONE-FAMILY AND TWO-FAMILY ZONE

Section 8.01 - PERMITTED USES. No building or any part thereof in an "R-2" Residential Zone shall hereafter be used, erected, altered or converted, or land used, in whole or in part, except for single and two-family dwelling units and for those uses otherwise permitted in the "R-1" - Residential Zone.

Section 8.02 - FURTHER PERMITTED USES. In addition to the uses permitted in Section 8.01, the following uses are also allowed within the zone:

- A. Nursing homes, convalescent homes and nursery schools upon approval as a special exception pursuant to Section 17.07.

Section 8.03 - SINGLE-FAMILY DWELLING UNIT HEIGHT, YARD AND AREA RESTRICTIONS OF PLATTED LOTS.

- A. Height - same as in the "R-1" zone.
- B. Lot Dimensions - Every single-family lot in this Zone shall have:
 - 1. An unoccupied front yard of at least fifty (50) feet.
 - 2. Two (2) side yards totaling twenty (20) feet, the minimum of one (1) side yard shall be ten (10) feet.
 - 3. A rear yard of at least thirty-five (35) feet.
- C. Lot Area - Every lot shall have a minimum width at the front yard setback line of at least one hundred fifty (150) feet and a minimum area of thirty thousand (30,000) square feet.
- D. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.

Section 8.04 - TWO-FAMILY DWELLING UNIT HEIGHT, YARD AND AREA RESTRICTIONS OF PLATTED LOTS.

- A. Height - same as in the "R-1" zone.
- B. Lot Dimensions - Every lot to be used for two-family purposes in this Zone shall have:
 - 1. An unoccupied front yard of at least fifty (50) feet.
 - 2. Two (2) side yards totaling twenty-five (25) feet, the minimum of one (1) side yard shall be ten (10) feet.
 - 3. A rear yard of at least thirty-five (35) feet.
- C. Lot Area - Every lot shall have a minimum width at the front yard setback line of at least one hundred fifty (150) feet and a minimum area of fifteen thousand (15,000) square feet per unit.
- D. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.

Section 8.05 - SINGLE-FAMILY DWELLING UNIT HEIGHT, YARD AND AREA RESTRICTIONS FOR UNPLATTED LOTS. Except as provided in this Section, the height, yard and area restrictions for single-family unplatted lots shall be the same as contained in Section 8.03.

- A. Lot Area - All unplatted single-family lots within this Zone shall have a minimum width of one hundred fifty (150) feet at the front yard setback line and shall have a minimum lot area of thirty-five thousand (35,000) square feet.
- B. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.

Section 8.06 - TWO-FAMILY DWELLING UNIT, HEIGHT, YARD AND AREA RESTRICTIONS FOR UNPLATTED LOTS. Except as provided in this Section, the height, yard and area restrictions for a two-family dwelling located on unplatted lots shall be the same as provided in Section 8.04.

- A. Lot Area - All unplatted lots upon which two-family dwellings shall be located shall have a minimum width of one hundred fifty (150) feet at the front yard setback line and shall have minimum lot area of seventeen thousand five hundred (17,500) square feet per unit.
- B. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.

CHAPTER IX

"R-3" - MULTIPLE FAMILY APARTMENT ZONE

Section 9.01 - PERMITTED USES. No building or any part thereof in "R-3" - Multiple Family Apartment Zone shall hereafter be used, erected, altered, or converted, or land used, in whole or in part, except for multiple family apartments and for those uses otherwise permitted in the "R-2" - Residential Zone.

Section 9.02 - USE REGULATIONS.

- A. Uses permitted within the "R-3" Zone shall be subject to the same height, area, and width requirements set forth in the "R-2" Zone.
- B. No multiple-family dwelling unit shall be constructed within this zone unless the Planning Commission, after public hearing, has determined that the proposed use will not be injurious to the surrounding neighborhood and not contrary to the spirit and purpose of this Ordinance.
 - 1. Any application under this subsection shall be made in writing to the Planning Commission and must be accompanied by a complete development plan of the proposed use, including all of the documentation as set forth and required in Section 14.02 hereof.
 - 2. The Planning Commission shall process the application in accordance with procedures established in Section 17.07.

3. The Planning Commission shall decide all applications within forty-five (45) days after a final hearing thereon. A copy of the Planning Commission's decision shall be submitted to the applicant and to the Zoning Administrator. Such decision shall be binding on the Zoning Administrator and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant whenever a permit is authorized by the Planning Commission.
 4. In considering and approving such applications, the Planning Commission shall determine whether the use will impair or depreciate the use and value of surrounding properties, cause or create traffic conditions and other circumstances dangerous to the health, safety and welfare of the residents. The Planning Commission may attach to its approval conditions regarding the location, design and character of the buildings, parking and greenbelt area, utility layout and landscaping and such other conditions as it deems reasonably necessary to protect the public health, safety and welfare.
- C. Height - Same as "R-2" Zone.
- D. Lot Area
1. An area of six thousand (6,000) square feet per dwelling unit.
 2. A minimum area of forty thousand (40,000) square feet with a minimum width as measured at the building line of one hundred fifty (150) feet.
 3. Not more than thirty-five (35%) percent of the area may be covered by buildings located thereon.
- E. The average floor space per dwelling unit per building shall be at least six hundred (600) square feet.
- F. Staging of Development - If the development is to be carried out in stages, each stage shall be constructed in the order as designated on the plan as approved.
- G. Utilities - Before any plan submitted under this Section is approved, the applicant shall submit proof, satisfactory to the Planning Commission, that the development has adequate public water and sanitary sewage service or in lieu thereof, submit plans approved by the appropriate state and local agency for alternate sources of water and sewage service.
- H. Plan Termination and Reinstatement - Any plan which has been approved and has not been implemented by commencement of construction within one (1) year after approval shall be automatically revoked. Reinstatement of the plan shall follow the procedure of Section 9.02.

Section 9.03 - PERFORMANCE GUARANTEE. The Township Board may require a performance guarantee by the applicant to insure completion of improvements associated with a development project and/or to insure compliance with the Zoning Ordinance and any considerations imposed there under. The improvements subject to the performance guarantee are those features or actions considered necessary by the Township to protect natural resources, or the health, safety and welfare of the residents of the Township, the

project area, or the project itself. The performance guarantee is exclusive of those improvements that are guaranteed and deposited in accordance with the Subdivision Control Act. The performance guarantee shall be in an amount not to exceed four thousand (\$4,000.00) dollars per acre affected nor less than one thousand (\$1,000.00) dollars per acre affected. The Township may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond which will be deposited with the Township Treasurer at the time the permit is issued. The performance guarantee shall be proportionally rebated at a rate equal to per acre of completion.

CHAPTER X

"V" - VILLAGE ZONE

Section 10.01 PURPOSE. Within the Township there are several unincorporated villages which are designated as Village Zone on the Zoning Map. Because of the existing density of residential and other structures within the zone, the practical application of regulations set forth for the individual zones described in this Ordinance may be impractical. For this reason, it is deemed necessary to establish certain modified regulations to the zones otherwise applicable in this Ordinance when the same are applied to land and uses located within the Village Zone.

Section 10.02 - APPLICABLE REGULATIONS. Except as hereinafter described in this Section, any uses permitted in Chapters VII-IX and XI shall be allowed in this zone in accordance with the provision of said chapters.

A. Residential One and Two Family Zone.

1. For unplatted single-family residential lots the following shall apply:
 - a. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.
 - b. All lots shall have a minimum width of one hundred (100) feet at the front yard setback line and a minimum lot area of twenty thousand (20,000) square feet.
2. For unplatted two-family residential lots the following shall apply:
 - a. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.
 - b. All lots in this zone shall have a minimum width of one hundred (100) feet at the front yard setback line and shall have a minimum lot area of ten thousand (10,000) square feet per unit.
3. For platted single-family residential lots the following shall apply:
 - a. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.

- b. All lots shall have a minimum width of one hundred (100) feet at the front yard setback line and a minimum lot area of fifteen thousand (15,000) square feet.
- 4. For platted two-family residential lots the following shall apply:
 - a. Each dwelling unit shall have a minimum floor area of six hundred (600) square feet.
 - b. All lots shall have a minimum width of one hundred (100) feet at the front yard setback line and shall have a minimum lot area of ten thousand (10,000) square feet per dwelling unit.
- B. Commercial Uses. Commercial uses as described in Chapter XII shall be permitted in this zone upon approval as a special exception by the Township Planning Commission in accordance with Section 17.07. In such case all provisions of Chapter XII shall apply.

CHAPTER XI

"E" - ENVIRONMENTAL ZONE

Section 11.01 - PURPOSE. The Township contains many land areas connected to or adjoining, lakes, rivers, and streams and which have a high water table or are wholly or partially submerged, and which are grown over with grass, shrubs, trees and other vegetation which provide a natural protection for numerous forms of wildlife. In addition other areas of the Township contain buildings, structures, or sites which have been designated as historic preservation sites by the State of Michigan and/or federal government. These areas are not naturally suitable for use or habitation by people, buildings and structures and cannot be converted to such use without dredging, filling, clearing, excavation and drain operations which would disturb the natural character of the area and/or which might contribute to the change in the character and purity of the adjoining waters or require special protection to assure the continued preservation of the building, site or structure as an historic site. The provisions of this Chapter are intended to prohibit the alteration of these areas except where such alterations can contribute to the overall use and enjoyment of the areas by the people and/or the preservation of such areas as historic sites; and where such alterations have no substantial deleterious effect upon the natural environment.

Section 11.02 - PERMITTED USES. No use shall hereafter be permitted within the Environmental Zone except the following:

- A. Public and private access by pedestrians, boat or non-highway special vehicles to hunt, trap or fish as provided by law, or to observe and enjoy the water, vegetation and wildlife in its natural state.

- B. Construction of or provision of, footpaths or narrow walkways for access to these areas, provided that the cutting of vegetation shall be a minimum for the purpose intended and no materials used in such construction shall contribute to the pollution-contamination of the ground water or adjoining lakes and rivers.
- C. General farming purposes and grazing of domestic farm animals.
- D. Harvesting of wild crops such as wild hay, ferns, moss, wild rice, berries, tree fruit and tree seeds.
- E. Harvesting of timber in accordance with approved conservation practices.

Section 11.03 - USES SUBJECT TO SPECIAL APPROVAL. No other uses shall be permitted within the Environmental Zone without prior application and special approval by the Planning Commission. Application for special approval by the Planning Commission shall be processed as a Special Exception in accordance with the provisions of Section 17.07. In determining whether to grant special approval, the Planning Commission, in making its determination, shall consider the purposes and standards established for this Zone as set forth in Section 11.01 and the effect of the proposed specially approved use thereon. If special approval is granted, the height, area, and width requirements contained within the "R-2" Zone in which the use would otherwise be allowed will be applicable.

Section 11.04 - DESIGNATION OF CERTAIN SWAMPY WETLANDS. Any parcel or parcels of land bordering on a lake, river or stream may be designated within the Environmental Zone if said parcel is generally swampy and satisfies any one of the following minimum requirements:

- A. The major portion of the natural ground level is less than six (6) feet higher than the known water level of the adjoining lake, river or stream.
- B. The maximum ground water elevations are within six (6) feet of the natural ground surface during winter, spring or periods of prolonged rainfall.
- C. The area does not meet the minimum criteria for certification of sewage facilities established by the District III Sanitary Code or District III Health Department based upon seasonal high water levels.
- D. The soil is predominantly made up of "somewhat poorly drained" and/or "poorly drained" organic and/or mineral soils as defined by the Cooperative Soil Survey of the U.S. Department of Agriculture.

Section 11.05 - SHORELANDS PROTECTION ZONE. Certain lands in the Township abut Lake Michigan and have been designated as "high risk" erosion areas under the Shoreland Protection Act. Any construction within these designated areas which are included within the Environmental Zone shall comply with the rules and regulations adopted under the Shorelands Protection Act and the height, area and width requirements contained within the "R-1" Zone in which the use would otherwise be allowed will be applicable.

CHAPTER XII

"C" - COMMERCIAL ZONE

Section 12.01 - DESCRIPTION AND PURPOSE. This Zone is intended to provide areas dedicated primarily to retail business, professional, and service establishments which supply commodities and perform services to meet the daily needs of the community. The zone is also intended to provide locations for businesses which depend upon or in some way are related to the use of lakes and rivers.

Section 12.02 - PERMITTED USES. No building or any part thereof in a Commercial Zone shall hereafter be used, erected, altered, or converted, or land used, in whole or in part, except the following:

Automotive accessories	Office (business or professional - including medical clinic)
Baked goods or pastry store	Paint and wallpaper store
Bank	Parking lots
Barber or beauty shop	Photographers
Book, stationery, or gift store	Radio and television store
Bowling alley	Restaurants and cafes (excluding those permitting dancing, floor shows, and the consumption of intoxicating beverages unless otherwise approved by the Township Board)
Candy store, soda fountain, ice cream store	Self-service laundry
Clothes cleaning and/or laundry pick-up station	Service stations (automobile) including minor repairs
Clothing and dry goods store	Shoe repair shop
Decorator shop	Tailor
Delicatessen store	Variety store, including notions and "five and ten" stores
Dress shop	Other similar retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, provided, however, such uses shall be found to be similar by the Planning Commission.
Drugstore	
Electrical supply store	
Florist	
Fruit stand - enclosed	
Furniture store	
Grocery store and/or meat market	
Hardware store	
Household appliance store	
Ice vending machine	
Jewelry store	
Laundromat	
Nursery school and day nurseries	

Section 12.03 - REQUIRED CONDITIONS. The use of property in this Zone shall be subject to the following conditions:

- A. All business, service, or processing shall be conducted wholly within a completely enclosed building, except automobile service stations.
- B. All products produced on the premises, whether primary or incidental, shall be sold only at retail and on the premises where produced.
- C. Offstreet parking shall be provided in accordance with Chapter XV and at the ratio of two (2) square feet of total parking space for each square foot of floor area. Offstreet loading and unloading space shall be provided as required under Chapter XV.

Section 12.04 - HEIGHT, AREA, AND YARD RESTRICTIONS.

- A. No building shall exceed a maximum of two and one-half (2½) stories or thirty-five (35) feet in height, whichever is the lesser.
- B. Each commercial building shall have a front yard of at least fifty (50) feet, provided that where an existing lesser setback line has been established by existing commercial buildings occupying forty (40%) percent or more of the commercially-zoned frontage on the same block, said setback shall apply.
- C. No side yard shall be required for a commercial building except that where a side yard adjoins a Residential or Agricultural Zone or a side street, a minimum ten (10) foot greenbelt side yard shall be required, unless a lesser side yard has been established by existing commercial buildings occupying forty (40%) percent or more of the commercially-zoned frontage within the same block along the side street in which case the greenbelt shall conform to the established setback.
- D. Where the rear of a lot in a Commercial Zone abuts upon a lot in a Residential or Agricultural Zone, there shall be a rear yard of not less than twenty-five (25) feet including a greenbelt.

CHAPTER XIII

"M" - MANUFACTURING ZONE

Section 13.01 - PERMITTED USES. Any area within the "M" Zone will be considered for such uses as light manufacturing or processing operations, warehouses, research and office buildings, subject to the following conditions:

- A. All operations shall be conducted within enclosed structures.
- B. Exterior yard storage shall be screened on sides and rear by a solid uniformly finished and maintained wooden or masonry wall or fence of durable material, or a well maintained greenbelt, each of which shall be no less in height than the enclosed storage, loading activities or accessory structures or trucks, except landscaping.
- C. No unusable or abandoned cars shall be stored in the open.
- D. All new structures permitted in this zone shall have a front yard of at least fifty (50) feet.
- E. No parking of vehicles will be allowed in front of the setback.
- F. The maximum height of buildings shall be thirty-five (35) feet or two and one-half (2½) stories.
- G. Offstreet parking, loading and unloading space shall be provided as required in Chapter XV.

Section 13.02 - OFFENSIVE AND HAZARDOUS EMISSIONS. No use shall discharge any produced dust, smoke, or odorous matter or toxic fumes; physical vibrations; or, heat or glare beyond the boundaries of the premises. No noise created from any use shall be allowed that would cause a nuisance to an adjacent "R" Zone.

Section 13.03 - USE REGULATIONS. Any application under this Section shall be made to the Planning Commission as provided in Section 17.07 and accompanied by a development plan as required in Section 14.02A detailing the effects of the operations on traffic; on water and air pollution; on noise and glare conditions; on fire and safety hazards; on emission of dangerous or obnoxious matter; and on the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. It shall show the plans for disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including smoke and pollution control.

CHAPTER XIV

"P-D" - PLANNED DEVELOPMENT ZONE

Section 14.01 - DESCRIPTION AND PURPOSE. A zone which shall be established only upon application by the owner of the property for non-ordinary uses such as, extraction of natural resources, outdoor theatre, drive-in, race track, shopping center, industrial park, convalescence and nursing homes, sanitary landfill, seasonal trailer park, country club, golf club, golf course, riding stables, mobile home park, ski area, skeet, trap and archery ranges, and similar uses not otherwise authorized by this Ordinance and which may require special treatment with regard to screening or setbacks and side and rear yards or which may generate special traffic or other police problems. This zone shall also be available for areas where problems of terrain may require special treatment on matters of setback or side and rear yard or land area restrictions. Except as hereinafter stated, the administrative provisions as stated in Section 17.06 D, F and G shall apply.

Section 14.02 - USE REGULATIONS AND PROCEDURE.

- A. The owner of any parcel of land which is situated in an area which is not substantially fully developed, or of fully developed land on which it is proposed to raze buildings and redevelop may make application to the Planning Commission for a change of zoning to the "P-D" Zone. Such applications shall be accompanied by a development plan which shall include the following:
1. A topographic map showing contour lines at five (5) foot intervals.
 2. A plot plan which shall show the following:
 - a. The location of all proposed buildings.
 - b. All non-enclosed uses.
 - c. All drainage.
 - d. Parking.

- e. Loading and traffic handling facilities.
 - f. All screening and landscaping.
 - g. All exterior lighting and signs.
 - h. Sewage disposal system.
- 3. A detailed statement of the proposed use or uses to be made of the land. The statement shall include a legend detailing the density of building, dwelling units, structures, and other amenities.
 - 4. Floor plans and elevation drawings showing architectural style of all buildings.
 - 5. Where the proposed development includes extraction of natural resources, the plans shall indicate the proposed final contours of the land and quantity of material to be removed.

Such portions of the development plan may be waived by the Planning Commission and Township Board if both such Planning Commission and Township Board find, because of the nature of the proposed use, the same would be unnecessary and serve no useful purpose.

- B. At any public meeting, the Planning Commission shall have the right to recommend to the Board:
 - 1. Such greenbelt as the Planning Commission shall deem necessary to protect the adjoining properties not to exceed one hundred (100) feet in width.
 - 2. Such setback from the right-of-way not to exceed one hundred (100) feet as the Planning Commission shall deem necessary for the protection of the public health, safety and general welfare.
 - 3. Such yards and open spaces as the Planning Commission deems necessary under the circumstances of the particular case to protect the health, safety and general welfare of the public.
 - 4. Such area for parking motor vehicles on private property of the petitioner not to exceed in area a ratio of three (3) square feet of parking area for each square foot of building area devoted to the specified unique use.
 - 5. The location and size of signs as determined by standards set forth in the general provisions of this Ordinance.
 - 6. Paved or blacktopped streets be provided.
 - 7. All utilities be underground.
 - 8. Adequate lighting be provided.
 - 9. Premises be connected to public sewer and water supply as each becomes available.
 - 10. Such fence and/or other requirements it deems necessary and proper to prevent debris from littering the premises involved and/or neighboring property.
 - 11. Such traffic control devices, including acceleration and deceleration lanes as may be deemed advisable to protect the health, safety and general welfare of the public.

- C. At any public meeting prior to rezoning, the Township Board may recommend to the Planning Commission that such regulations as said Township Board deems necessary to protect the general health, safety and public welfare of the residents of the Township be imposed by said Planning Commission. The recommendations so made by said Township Board shall be predicated on the standards established in Section 14.02B.
- D. The Planning Commission shall meet prior to the adoption by the Township Board of the rezoning and shall determine which of the recommendations made by the Planning Commission and the Township Board, under Section 14.02B, shall be required and may make any other reasonable requirements which it deems advisable under the particular circumstances involved to protect the public health, safety and general welfare. In making its determination, the Planning Commission shall make other considerations necessary to insure:
1. Consistency with and promote the intent and purpose of the Ordinance;
 2. That the "P-D" authorized will be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities effected by the use; and
 3. Consistency with the public health, safety and welfare of the Township.

The Planning Commission or Township Board decision of approval or disapproval of a "P-D" application shall not be appealable to the Board.

Section 14.03 - PERFORMANCE GUARANTEE. The Township Board may require a performance guarantee by the applicant to insure completion of improvements associated with a development project and/or to insure compliance with the Zoning Ordinance and any considerations imposed there under. The improvements subject to the performance guarantee are those features or actions considered necessary by the Township to protect natural resources, or the health, safety and welfare of the residents of the Township, the project area, or the project itself. The performance guarantee is exclusive of those improvements that are guaranteed and deposited in accordance with the Subdivision Control Act. The performance guarantee shall be in an amount not to exceed four thousand (\$4,000.00) dollars per acre affected nor less than one thousand (\$1,000.00) dollars per acre affected. The Township may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond which will be deposited with the Township Treasurer at the time the permit is issued. The performance guarantee shall be proportionally rebated at a rate equal to per acre of completion.

Section 14.04 - FEES. The required fees for "P-D" Zoning are a part of the cost of the rezoning action and are in addition to other zoning permit fees. If an application is filed for the purpose of rezoning any property before the Planning Commission at its regular meeting, a fee of fifty (\$50.00) dollars per acre with a minimum fee of two hundred (\$200.00) dollars shall accompany said application, or if rezoning is considered by any other method, a like fee shall be paid by the person

or persons having an interest in the premises which is the subject of such proposed rezoning. If an application is filed for the purpose of rezoning any property before the Planning Commission at a special meeting of said Planning Commission, then a fee of seventy-five (\$75.00) dollars per acre with a minimum fee of three hundred (\$300.00) dollars shall accompany said application.

Section 14.05 - TIME LIMIT ON CONSTRUCTION, REVERSION AND REZONING TO FORMER CLASSIFICATION. Every application for "P-D" together with all recommendations made under Section 14.02, when approved by the Planning Commission and adopted by the Township Board, either as submitted or resubmitted in modified form shall constitute a binding agreement by the applicant that the use permitted under this Chapter shall be made, completed and operated as shown on the development plan as part of the project in accordance with the provisions of this Chapter and that the area which has been zoned "P-D" shall lose that status and revert to and be resumed to its former zoning classification upon the happening of any of the following events:

- A. If the construction of the approved buildings and improvements shall not be undertaken within one (1) year of the rezoning or within such additional time extension as may be authorized by the Planning Commission.
- B. If, as a result of voluntary sale or conveyance, or any other transfer of ownership whatsoever, the area shall cease to be held, in its entirety, in single or common ownership.

CHAPTER XV

OFFSTREET PARKING AND UNLOADING

Section 15.01 - REQUIREMENTS FOR PARKING AREAS.

- A. Each offstreet parking space per vehicle shall have an area of not less than two hundred (200) square feet, exclusive of access drives or aisles, and shall be a minimum of ten (10) feet in width.
- B. All driveways and parking areas shall have surfaces consisting of gravel, asphalt or portland cement binder and so graded and drained to dispose of all surface water accumulated within the area.
- C. If the parking area adjoins a residential zone, a greenbelt shall be provided and maintained between the parking area and the adjoining residential zone.

Section 15.02 - PARKING AREA DEFINED. Parking areas shall include access drives within the actual parking area and shall be located on the same tract of land with the building.

Section 15.03 - RESIDENTIAL OFFSTREET PARKING.

- A. Single-family and two-family dwellings. One (1) parking space located behind the building setback line shall be provided for each dwelling unit.

- B. Multiple-family dwellings. Two (2) offstreet parking spaces shall be provided for each dwelling unit.

Section 15.04 - NON-RESIDENT PARKING.

- A. For all uses permitted in the Commercial Zone, offstreet parking shall be provided as shown on the non-residential parking chart (Section 15.06).
- B. All places of public assembly including, but not limited to theaters and churches, shall have a minimum of one (1) parking space for each (4) seats.
- C. In the case of mixed uses occupying the same building or structure, the total requirements for offstreet parking areas shall be the sum of the requirements of the various uses when occurring at simultaneous periods of usage.

Section 15.05 - REQUIRED OFFSTREET LOADING AND UNLOADING SPACE. In all zones, unless otherwise provided as a condition to the granting of a variance or special exception, every building or part thereof occupied for a use requiring the receipt or distribution of vehicles, materials, or merchandise, shall provide and maintain on the same premises with such building offstreet loading space as follows: One (1) space for each twenty thousand (20,000) square feet of floor area of building, provided that, each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No offstreet loading space shall be located closer than fifty (50) feet to any lot of any residential area unless wholly within a completely enclosed building or enclosed on all sides by a solid wall not less than six (6) feet in height. All such offstreet loading spaces shall be located to the side or rear of any building.

Section 15.06 - NON-RESIDENT PARKING CHART

PARKING TO GROSS FLOOR AREA RATIO

ONE SPACE PER

TYPE OF USE	3:1	2:1	1:1	Employees 3 seats	OTHER
Auto Repair Shop			X		
Banks & Business Offices		X			
Bar, Cocktail Lounge, Restaurant	X				
Barber or Beauty Shop	X				
Bowling Alley					7 spaces per alley
Exhibition hall w/o fixed seats	X				
Manufacturer		X			
Motel				X	1 per unit
Nursing Home				X	1 per bed
Offices, General		X			
Offices, Medical	X				
Retail, General		X			
Retail, Special (1)			X		
Shopping Center, Neighborhood		X			
Shopping Center, Regional					2-2:1 gross leasable area
Schools, Elementary/Junior High				X	
Schools, High School				X	Plus 1 per each 6 students
Swimming Pool					1 per 30 sq.ft. of water

- (1) Furniture and appliance sales and service, showrooms for plumbing, electrical, repair services, cleaning and laundry, motor vehicle sales

CHAPTER XVI

BOARD OF APPEALS

Section 16.01 - MEMBERS, APPOINTMENT, TENURE, PER DIEM EXPENSES AND REMOVAL.

There is hereby created a Township Board of Appeals of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, the second member may be a member of the Township Board appointed by the Township Board, and the remaining members shall be selected by the Township Board from among the electors residing in the unincorporated areas of the Township; provided, that no elected officer of the Township nor any employee of the Township Board may serve simultaneously as the additional member of the Board or as an employee of the Township Board of Appeals. Members shall serve for a period of three (3) years. They shall continue in office until their successors are selected and qualified. The total amount allowed such Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall be a reasonable sum which shall be provided annually by the Township Board.

Section 16.02 - OFFICERS. The Board shall elect from its membership a Chairman, Vice-Chairman and Secretary.

Section 16.03 - RULES OF PROCEDURE. The Board shall adopt rules of procedure. These rules shall be available for public inspection at the Office of the Township Clerk.

- A. The Board shall annually establish a regular schedule of Board Meetings and the time and place of each. All such meetings and hearings shall be open to the public.
- B. The presence of three (3) members shall constitute a quorum. The Board shall act by resolution. The concurring vote of three (3) members of said Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variations from the requirements of this Ordinance.
- C. The Board shall keep minutes of its proceedings, showing the action of the Board, the reasons on which it bases its action, and the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examination and other official action, all of which shall be filed promptly in the Office of the Board and shall be public record.
- D. A copy of each resolution passed upon by the said Board shall be submitted to the Clerk of the Township and to the Secretary of the Planning Commission.

Section 16.04 - JURISDICTION. The Board in conformity with the provisions of this Ordinance shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of zoning maps. It shall hear and decide all appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or other administrative officers charged with the enforcement of the provisions of this Ordinance. The Board shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

Section 16.05 - POWERS OF THE BOARD. The Board shall have the power to hear applications:

- A. Where it is alleged that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or any other Administrative Board or official charged with the enforcement of the provisions of the Ordinance.
- B. Where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or other extraordinary conditions of land, buildings or structure, or of the development of property immediately adjacent to the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship.

Section 16.06 - VARIANCES. No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board makes findings, based upon competent material and substantial evidence on the whole record:

- A. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zone;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zone under the terms of this Ordinance;
- C. That the special conditions or circumstances do not result from the actions of the applicant;
- D. That the authorizing of such variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Ordinance.

No nonconforming use of neighboring lands, structures or buildings shall in itself be considered grounds for the issuance of a variance.

Section 16.07 - CONDITIONS OF APPROVAL. In authorizing a variance, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach thereto such other conditions regarding location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

Section 16.08 - TIME LIMITATIONS ON VARIANCES. Any variance granted by the Board shall automatically become null and void after a period of twelve (12) months from the date granted unless the owner or his agent shall have taken substantial steps toward effecting the variance as granted by the Board.

Section 16.09 - PROCEDURE. The following procedure shall be required:

- A. An appeal for variance from or review of any ruling of the Zoning Administrator or other administrative office administering any portion of this Ordinance may be taken by any person or any governmental department affected or aggrieved.
- B. An application for variance or review authorized by this Ordinance may be taken by any person or governmental department affected.
- C. Fees. Each application for variance or review shall be accompanied by a filing fee of twenty-five (\$25.00) dollars provided that if the applicant requests that a special meeting of the Board be called for the purpose of hearing the request, the application shall be accompanied by a fee of fifty (\$50.00) dollars. Said fees are in addition to the zoning permit fees.

- D. When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place the said application or appeal upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. One (1) notice that a hearing is to be held shall be published in a newspaper that circulates in the Township and shall be served personally or by mail not more than fifteen (15) days nor less than eight (8) days prior to the day of such hearing, upon the applicant, or the appellant, the Zoning Administrator and all persons assessed for any real property within three hundred (300) feet of the premises in question and to the occupants of all structures and dwelling units within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the occupant is unknown, the term "Occupant" may be used in making notification. Any party may appear at such hearings in person or by agent or by attorney.

Section 16.10 - DECISIONS OF THE BOARD. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator within forty-eight (48) hours of such decision. Such decision shall be binding upon the Zoning Administrator and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made unless the Board shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 16.11 - STAY OF PROCEEDINGS. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board or by the Circuit Court on application, after notice to the Zoning Administrator.

CHAPTER XVII

ADMINISTRATION AND ENFORCEMENT

Section 17.01 - ZONING PERMIT REQUIRED. It shall be unlawful for any person to commence excavation for, or construction of any building, structure or parking area, or to make structural change, alteration or addition in any existing building or structure or relocate any building or structure without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, addition or relocation of any building or

structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance. No plumbing, building, health, electrical or drainage permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance, and paying the permit fee therefore as established by the Township Board.

Section 17.02 - ADMINISTRATIVE OFFICIALS. Except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, the issuing of zoning permits, and the institution of proceedings for enforcement of the provisions of this Zoning Ordinance. Relative to the issuance of a permit, any decision rendered by the Board, Planning Commission, or Township Board on a matter required to be reviewed by that body shall be binding on the Zoning Administrator.

Section 17.03 - PERMITS. Every application for a zoning permit shall be made as required by the Zoning Ordinance and shall designate the existing or intended use of the structure or premises, or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two (2) prints or photostat copies of the drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Zoning Administrator. One (1) copy of both plans and specifications shall be filed in and retained by the Office of the Zoning Administrator, and the other shall be delivered to the applicant when the Zoning Administrator has approved the application and issued the permit. In cases of minor alterations, the Zoning Administrator may waive portions of the foregoing requirement obviously not necessary for determination of compliance with this Ordinance. Any permit required by this Zoning Ordinance of the Township shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest roadway, and shall be continuously so displayed until all work, or the term for which issued, or purpose for which issued, is completed. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and shall subject each person or persons or corporations for whose benefit the permit is required, and the owner or owners of the premises involved to prosecution for such violation.

Every permit granted under this section shall become null and void unless the excavation, construction, alteration, erection or extension shall have been commenced within twelve (12) months from the date of issuance of the permit; and every permit so granted shall further become null and void unless all exterior aspects of the construction, alteration, erection or extension shall have been completed within eighteen (18) months from the date of issuance of the permit. However, an extension of time for the commencement of construction or for the completion of construction can be granted by the Zoning Administrator upon proof that an extension of time is justified.

Section 17.04 - OCCUPANCY. It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended or erected, until the Zoning Administrator shall have made an inspection of the premises and signed a Certificate of Occupancy. The Zoning Administrator shall not sign a Certificate of Occupancy until he has ascertained that there has been compliance with all of the requirements of this Ordinance and substantially all of the approved plans of the building.

Section 17.05 - ENFORCEMENT. All premises affected by this Ordinance shall be subject to inspection by the Zoning Administrator and the Administrator may collect such investigative data as he deems necessary for the enforcement of this Ordinance. No person shall refuse to permit the Administrator to inspect any premises at reasonable times, nor shall any person molest or resist the Administrator in the discharge of his duties.

Section 17.06 - AMENDMENTS. Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

A. Procedure.

1. The Planning Commission may propose amendments on its own initiative.
2. Any resident or land owner of the Township may bring before the Planning Commission a proposed amendment or change by filing a petition signed by all persons having an interest in such premises to be acted upon requesting the adoption of any specified amendment or change or regulation under the Zoning Ordinance. If the proposed amendment pertains to rezoning, such application or petition shall be accompanied by a development plan as provided in "C" of this Section. The Township Clerk shall file the same with the Secretary of the Planning Commission within ten (10) days of the date the petition was filed with the Clerk.

B. Contents of Application. The application requesting a proposed amendment or change shall contain the following:

1. The legal description of the premises involved.
2. The zone in which such premises are presently situated.
3. The zone into which applicant desires such premises to be situated.
4. The use to be made of such premises if rezoned.
5. The signatures of all persons having an interest in such premises.

C. Contents of Development Plan. If the proposed amendment pertains to rezoning, the petition shall be accompanied by a development plan which shall include the following:

1. A topographic map showing existing and proposed contour lines at five (5) foot intervals.
2. A plot plan with shall show the following:

- a. Location of all buildings.
- b. Drawings showing the elevations and architectural style thereof.
- c. All non-enclosed areas.
- d. All drainage.
- e. Parking.
- f. Loading and traffic handling facilities.
- g. Screening and other landscaping.
- h. All exterior lighting and signs.
- i. Sewage disposal systems.

Such portions of the development plan may be waived by the Planning Commission if, because of the nature of the proposed use, the same would be unnecessary and serve no useful purpose.

- D. Fees. The required fees for rezoning premises are a part of the cost of the rezoning action and are in addition to other zoning permit fees. If an application is filed for the purpose of rezoning any property before the Planning Commission at its regular meeting, a fee of seventy-five (\$75.00) dollars shall accompany said application, or if rezoning is considered by any other method, a like fee shall be paid by the person or persons having an interest in the premises which is the subject of such proposed rezoning. If an application is filed for the purpose of rezoning any property before the Planning Commission at a special meeting of said Planning Commission, then a fee of one hundred fifty (\$150.00) dollars shall accompany said application.
- E. Action on Application by Planning Commission. Said application shall be considered by the Planning Commission at its next meeting following the receipt thereof by its Secretary, provided, however, that there is adequate and sufficient time for giving any public notices required by law. The Planning Commission may recommend to the Township Board, modification, rejection or the adoption of said proposal either in its original or changed form.
- F. Duties of Planning Commission and Township Board.
 1. Before submitting its recommendations of a tentative rezoning plan to the Township, the Planning Commission shall hold at least one (1) public hearing.
 2. When an application for rezoning has been filed in proper form and with the required data, the Secretary of the Planning Commission shall immediately place the said application upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. Notice of the hearing shall be by two (2) publications in a newspaper that circulates in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of the hearing. If an individual property or several adjacent properties are proposed for rezoning, notices shall be served personally or by mail at least eight (8) days prior to the day of such hearing, upon the applicant, or the appellant, the Zoning Administrator and all persons assessed for any real

property within three hundred (300) feet of the premises in question and to the occupants of all structures or dwelling units within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the occupant is unknown, the term "Occupant" may be used in making notification. Any party may appear at such hearing in person or by agent or by attorney.

3. Following such hearing, the Township Planning Commission shall submit the proposed amendment or supplement to the County Planning Commission of the County of which the Township is a part for its review. The County Planning Commission shall recommend approval or disapproval of the plans as provided by law.
 4. Thereafter, the Township Board may adopt the same with or without any amendments or recommendations that have been previously considered by the Township or County Planning Commission.
- G. Power of Revocation. The Township Board shall have the power to revoke or cancel any change of zoning effected for any failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any petition, application, specification, plan or sketch submitted or filed pertaining to rezoning proceedings, or for failure to carry out any provision of such application, petition, specification, plan or sketch or conditions or provisions on which such rezoning of property was granted. In such case the prior zoning of the property in question shall automatically be reinstated.

Section 17.07 - SPECIAL EXCEPTIONS. The Planning Commission shall, after public hearing, have the power to grant special exceptions as specified, or having a similar nature, in the zone provisions of this Ordinance provided that the special exception would not be detrimental or injurious to existing uses and the future development of any adjacent properties.

- A. Every application for special exception shall be accompanied by a development plan as specified in Section 14.02A.
- B. Each application for special exception shall be accompanied by a filing fee of thirty-five (\$35.00) dollars provided that if the applicant requests that a special meeting of the Planning Commission be called for the purpose of hearing the request, the application shall be accompanied by a fee of seventy (\$70.00) dollars. Said fees are in addition to the zoning permit fees.
- C. When an application has been filed in proper form and with the required data, the Secretary of the Planning Commission shall immediately place the said application upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. One (1) notice that a hearing is to be held shall be published in a newspaper that circulates in the Township and shall be served personally or by mail not more

than fifteen (15) days nor less than eight (8) days prior to the day of such hearing, upon the applicant, or the appellant, the Zoning Administrator and all persons assessed for any real property within three hundred (300) feet of the premises in question and to the occupants of all structures or dwelling units within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the occupant is unknown, the term "Occupant" may be used in making notifications. Any party may appear at such hearings in person or by agent or by attorney.

- D. At any public meeting, the Planning Commission shall have the right to recommend:
1. Such greenbelt as the Planning Commission shall deem necessary to protect the adjoining properties not to exceed one hundred (100) feet in width.
 2. Such setback from the right-of-way not to exceed one hundred (100) feet as the Planning Commission shall deem necessary for the protection of the public health, safety and general welfare.
 3. Such yards and open spaces as the Planning Commission deems necessary under the circumstances of the particular case to protect the health, safety and general welfare of the public.
 4. Such area for parking motor vehicles on private property of the applicant not to exceed in area a ratio of three (3) square feet of parking area for each square foot of building area devoted to the specified unique use.
 5. The location and size of signs as determined by standards set forth in the general provisions of this Ordinance.
 6. Paved or blacktopped streets be provided.
 7. All utilities be underground.
 8. Adequate lighting be provided.
 9. Premises be connected to public sewer and water supply as each becomes available.
 10. Such fence and/or other requirements it deems necessary and proper to prevent debris from littering the premises involved and/or neighboring property.
 11. Such traffic control devices, including acceleration and deceleration lanes as may be deemed advisable to protect the health, safety and general welfare of the public.
 12. Other considerations as necessary to insure:
 - a. consistency with and promoting the intent and purpose of this Ordinance;

- b. that the special exception authorized will be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities effected by the use; and
 - c. consistency with the public health, safety and welfare of the Township.
- E. All conditions recommended by the Planning Commission shall take effect immediately upon approval of the special exception. Any application approved by the Planning Commission, either as submitted or resubmitted in modified form, shall constitute a binding agreement by the applicant that the special use permitted shall be made, completed and operated as shown on the development plan. Failure to complete the permitted activity in conformance to the agreed upon development plan and conditions or to undertake the activity within one (1) year shall cause loss of special exception status and reversion to former zoning classification.
- F. The Planning Commission decision of approval or disapproval of a special exception application shall not be appealable to the Board.

Section 17.08 - REQUIRED FEES. Any fee required by the Ordinance shall be paid to the Township Treasurer before any action shall be taken on the application. Said amount so received shall be retained whether the requested relief or action is granted or not and shall be used as provided by law. Fees may be changed by the Township Board at any regular meeting, which change shall be effective thirty (30) days from the date of publication of such change.

Section 17.09 - VIOLATIONS AND PENALTY.

- A. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se. The Township Board may institute proceedings in an appropriate court to enjoin, abate and remove said nuisance.
- B. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or imprisoned for not more than ninety (90) days, or both, such fine and imprisonment at the discretion of the Court, together with court cost. Every day that violation is permitted to exist shall constitute a separate offense.

Section 17.10 - VALIDITY. Should any section, subsection, clause or provision of this Ordinance be declared by the courts to be invalid such decision shall not affect the validity of the Ordinance in its entirety or any part thereof other than the portion declared to be invalid.

Adopted: June 19, 1978

Amended: September 21, 1981

BANKS TOWNSHIP BOARD



