

Banks Township Planning Commission
Regular Meeting and Public Hearing Minutes

June 9, 2026

1. Meeting was called to order at 6:02 p.m. by Chairperson Patti Howes. The Pledge of Allegiance was recited.
 - a. Present: Patti Howes, Richard Friske, Travis Chellis, Tyler Strange, Dave Rasmussen.
2. Guests and Visitors
 - a. Ken Lane, Planning Consultant, Beckett & Raeder, Kurtis Busman, Zoning Administrator, Cindy Busman, recording secretary. Township residents and non-residents with interest: Julie Waterman, Brad Waterman, Mike Comito, Sharon Comito, Marv Rubingh, Paul Michanowicz, Don Miles, LuAnne Kozma, Mitch Diston, Wes Fogle, Dave Daniels
3. Announcements and Correspondence – two emails received – The Watershed Council and Don King. Both will be forwarded to Planning Commissioners.
4. Public Comment
 - a. Dave Daniels spoke to Sand & Gravel, several spoke to Data Centers, Mike Comito spoke regarding vacant land, Marv Rubingh included Lakeshore District overlay, RV Ordinance
5. Public Hearing for Draft Amendment for Two Family Dwellings in Agriculture District
 - a. MMS T. Strange, D. Rasmussen to open Public Hearing. MC. Public Hearing opened at 6:21 p.m.
 - i. Don Miles has no opposition. Patricia _____ asked if this was only AG. Marv Rubingh reminded Commissioners this was originally requested as Multi-Family, not Two Family. Kurtis Busman, speaking as township resident, not Zoning Administrator, against Two Family in AG in light of upcoming State action regarding land splits, Paul Michanowicz cites lack of Two Family dwellings in non-zoned townships, Luanne Kozma says it opens AG to broader use, Dave Daniels against as it adds strain to current infrastructure, Mitch Ditson supports affordable housing. MMS T. Chellis, T. Strange to close Public Hearing. MC. Public Hearing closed at 6:29 p.m. Deliberation by Planning Commissioners. Following a Public Hearing held on June 9, 2026, MMS P. Howes, D. Rasmussen to recommend approval to the Banks Township Board of Trustees an amendment to the Banks

Township Zoning Ordinance, Article VI, Section 6.01.2, pertaining to two-family dwellings in the (A) Agricultural District. Motion carried unanimously.

6. Public Hearing for Draft Amendment for Modified Setbacks

- a. MMS T. Chellis, P. Howes to open Public Hearing for Modified Setbacks. MC. Public Hearing opened at 6:36 p.m.

- i. Public Comment heard by mail from Hannah Yurk – against, specifically in C/R, not enough rationale. Paul Michanowicz likes reductions, Marv Rubingh said side setbacks could be reduced more. Dave Daniels thinks existing setbacks are correct. MMS T. Strange, T. Chellis to close Public Hearing. MC. Public Hearing closed at 6:40 p.m. Deliberation. MMS P. Howes, T. Chellis following a Public Hearing held on June 9, 2026 to recommend approval to the Banks Township Board of Trustees an amendment to the Banks Township Zoning Ordinance, Article VI, Section 6.09, pertaining to front, side, and rear yard setback requirements in the (A) Agricultural, (C/R) Conservation/Recreation (R-1) Low Density Residential, (M) Manufacturing, and (VM) Village Manufacturing Zoning Districts. MC 4 – 1 with D. Rasmussen being opposed.

7. Standing Reports

- a. Zoning Board of Appeals – has not met
- b. Zoning Administrator – Kurtis Busman: lots of questions, no permits requested or issued
- c. Planning Consultant – Ken Lane, Beckett & Raeder: furnished reports, temporary Master Plan given to Commissioners, final to follow, furnished written response from Antrim County Planning Commission in support of Two-Family Dwelling change.

8. Unfinished Business

- a. Sand & Gravel Ordinance – detailed review of sections 1 – 9 of template ordinance. More sections will be reviewed next meeting.
- b. Lake Shore overlay district – review of sample ordinance furnished by K. Lane. Ken and Patti will get more information for next meeting.
- c. RV Ordinance – under review for length of use

9. New Business

- a. Use by Right in C/R and Ag districts for Cottage Industry. Would no longer require a Special Use Permit (SUP). Next meeting will review R-1, Mobile Home district, Village (Atwood).

- b. Data Center Moratorium – information compiled by Township Attorneys office was furnished to Commissioners recently, not enough time to review. Tabled to next meeting.

10. Public Comment

Mitch Ditson spoke again to affordable housing, Julie Waterman spoke to Cottage Industry, Louanne Kozma spoke to Data Center Moratorium, Marv Rubingh spoke to Sand & Gravel extraction.

11. Next Meeting July 14, 2026, Banks Township Hall, 6:00 p.m.

12. MMS D. Rasmussen, T. Chellis to adjourn. MC. Meeting adjourned at 9:01 p.m.

_____/____/____	_____/____/____
Dave Rasmussen, Secretary	Cindy Busman, recording secretary

In accordance with the Planning Commission Bylaws, at the first regular meeting after June 30 of a calendar year, the Planning Commission selects a Chairperson, Vice-Chairperson, and Secretary.

**BANKS TOWNSHIP PLANNING COMMISSION
2026 OFFICERS**

CHAIRPERSON: _____

VICE CHAIRPERSON: _____

SECRETARY: _____

YANKEE SPRINGS TOWNSHIP

materials, objects or debris not associated with the mineral removal operations. Further, no such storage or dumping of any such materials shall occur at any other time during PMR operations, unless authorized in the PMR permit or the plan.

- f. In reviewing proposed resulting uses, the Planning Commission shall require compliance with the requirements of the zoning district which authorizes land uses having the greatest similarity to the resulting uses proposed in the Site Rehabilitation Plan, including requirements relating to density, location, bulk, area and height of buildings and structures.

9. The Planning Commission shall not approve an application for a PMR permit unless the applicant sufficiently demonstrates that the proposed mineral removal operations and activities will not create any very serious adverse consequences or serious environmental impact on adjacent or nearby lands or other lands elsewhere in the Township or the area.

- a. The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed removal operations and activities, shall determine the degree and extent of public interest in the removal of the minerals from the applicant's land, considering the type of resource involved, the market demand and availability of supply, and other relevant factors and conditions which determine the relative benefit to the public from the proposed removal operations and activities.
- b. The Planning Commission shall approve a PMR permit only if the proposed removal operations and activities do not, considering the nature and extent of public benefit from the resource removal, result in very serious adverse consequences or serious environmental impact.
- c. In determining whether very serious adverse consequences or serious environmental impact would result from the removal operations and activities, the Planning Commission shall consider, but is not limited to, the following:
 - (i) The relationship of the extraction and associated activities with existing land uses;
 - (ii) The impact on existing land uses in the vicinity of the property;

- (iii) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence;
- (iv) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property;
- (v) The impact on other identifiable health, safety, and welfare interests in the local unit of government; and
- (vi) The overall public interest in the extraction of the specific natural resources on the property.

G. Operating Conditions on Mineral Removal Operations and Activities. The Planning Commission's approval of any PMR permit shall include provisions requiring compliance with specified conditions relating to mineral removal activities and operations. Such conditions shall include the following:

1. Mineral removal operations shall be approved for a duration of not more than two (2) years.
 - a. Upon or prior to the expiration of a PMR permit, the Planning Commission may approve renewals of the permit for successive periods of not more than two (2) years each in duration, if the applicant demonstrates that there are special or unusual circumstances justifying renewal of the PMR permit.
 - b. In considering whether to renew a PMR permit, the Planning Commission shall convene a public hearing.
 - c. In the case of any Planning Commission public hearing on the proposed renewal of any PMR permit, the public notice for any such hearing shall be the same as that otherwise required for the original granting of a PMR permit.
 - d. Other matters concerning renewal of PMR permits shall be as provided in subsection N.
2. Mineral removal, processing and transport operations and activities shall commence not earlier than 7:00 a.m. to 5:30 pm Monday through Friday. No operations shall be conducted on Saturdays, Sundays, or legal holidays: New Years Day, Independence Day, Thanksgiving Day, Christmas Day, or at any time over the Memorial Day or Labor Day weekend, or the Independence day weekend if July

4 falls on a Monday or Friday. However, the Planning Commission may place additional and/or alternative limitations on the hours and days of operation in order to avoid serious adverse consequences upon adjoining or nearby lands, or in reflection of the temporal noise ordinance standards of the township in which the PMR site is located. Under emergency, unanticipated, or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed 14 days if requested to the Planning Commission and approved by the Planning Commission by a special vote.

3. Equipment for the processing of mineral material which emits noise louder than 80 dBA, measured at a distance of 50 feet from said equipment when operating, shall not be located closer than 1320 feet from the nearest occupied dwelling, unless the Planning Commission authorizes other noise emission requirements in the PMR permit. In no case shall the noise from a PMR site exceed 65 dBA at any exterior property line or road right-of-way line. Noise from operations shall be limited to 65 decibels at the PMR boundary line as monitored using a sound pressure meter ANSI S1.4 Type 2 or better accuracy. Weekly monitoring data shall be recorded and reported in the annual operation reports. Monitoring data shall be made available upon request by the zoning administrator or representative.
4. The PMR permit-holder shall conduct regular monitoring and reporting to the Zoning Administrator, not less than annually, of groundwater levels in surrounding groundwater monitoring wells, and the monitoring and reporting to the Zoning Administrator of noise and dust levels at the exterior property lines and abutting road right-of-way lines, at such time intervals specified by the Planning Commission in the PMR permit, to ensure compliance with this Section and to determine whether serious adverse consequences are occurring. Monitoring of specific groundwater monitoring wells shall be conducted at any time the static water level is breached for a period of one year or for the duration of any mineral material removal operations below the static water level, whichever period of monitoring is longer. Planning Commission shall retain jurisdiction over the terms of the PMR permit to require continued monitoring and reporting, beyond one year, if any violations or serious adverse consequences are found in the first year of monitoring. Nothing in this provision shall limit the Township's ability to take other enforcement actions, as permitted by law, if violations or serious adverse consequences are found at the mineral removal site.
5. Access to and from a mineral removal site, and the routes to be taken by vehicles hauling mineral material from the site and returning to the site, shall be only by means of those streets designated on the

approved PMR Plan or by such other routes as may be specified by the Planning Commission, working in connection with the County Road Commission and/or MDOT, as applicable, as a part of the operating conditions attached to the PMR permit.

6. Non-Operating Hours.

- a. During activities and operations for the removal of mineral material, no mineral material or other excavated material, shall be left during weekends or overnight in such condition or manner as to constitute a danger to persons who may enter the removal area.
- b. After operations each day, all banks of excavated material shall be graded to slopes that are not steeper than one foot of elevation for each two feet of horizontal distance, unless the Planning Commission authorizes some other daily grading requirement and if the applicant takes approved measures so as to prevent harm to persons who may enter into the area of steep slopes, by constructing and maintaining a substantial fence, of at least four feet in height, so as to fully enclose all the areas of steep slopes. Alternatively, the Planning Commission may approve other measures deemed sufficient to protect persons from harm within the removal area during times when operations are not occurring.

7. All entrance and exit roads and other routes into or from the PMR site shall be securely gated. Such gates shall extend across the entire width of any entrance or exit road or route, and they shall be locked securely when PMR operations are not occurring. The placement of any such gates shall be at such locations as will prevent unauthorized vehicles from entering the PMR lands.
8. All roads, trails or other areas used by vehicles in mineral removal operations or activities shall have gates at specified locations. Measures to control dust and dirt arising from mineral removal operations shall be undertaken in accordance with conditions included in the PMR permit. Such dust control measures may include the application of dust inhibiting solvents or similar non-polluting surface treatments, particular road-surfacing measures or other actions as specified in the PMR permit.
9. Storm water drainage on and from the mineral removal site shall be controlled so that adjacent or nearby lands will not be adversely affected by surface water drainage, erosion or other similar effects. The mineral removal site shall be contoured and graded so as to avoid

the unintended impoundment of water, except where ponds or other bodies of water are proposed in an approved site rehabilitation plan.

10. No storage of soil from lands outside the mineral removal area, nor the dumping, disposal, storage or stockpiling of stumps, concrete, asphalt, discarded building materials or other waste or discarded material may take place on the mineral removal site.
11. Any processing plant and all equipment for sorting, crushing, loading, weighing, and other operations, shall not be located closer than 200 feet from any property line, 300 feet from a public road right-of-way, measured from a centerline, and 1000 feet from any existing dwelling or 1,000 feet of a residential district as identified in paragraph F.1 of this section.
12. Any processing plant shall be located within the excavation area, and, if possible, shall be located at a point lower than the general level of the surrounding terrain, so as to reduce the visual and sound impact of the processing plant.
13. Before the commencement of mineral extraction,
 - a. a 10/47 type fence six feet tall (standard 6' farm-type fence) or six foot tall chain link fence (or suitable substitute approved by the Planning Commission) shall be erected around the perimeter of the active extraction and/or processing site and maintained in good condition until extraction and mining operations have been completed. A locked gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation.
 - b. Berms and landscaping shall be installed at all locations around the site that lack natural screening, and shall consist of the following:
 - (i) Earth berms constructed to a height of 8 to 11 feet above the mean elevation of the centerline of the adjacent public highway or the general level of the terrain along the interior property lines, whichever is higher. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees, or shrubs. Every effort will be extended to use species that are native to the surrounding area; invasive species are prohibited without specific needs demonstrated.

(ii) Berms installed for noise control or for sight screening shall be exempt from the stockpile restrictions in setback areas.

14. The Planning Commission shall require the posting of "keep out – danger" or similar signs, placed every 100 feet along the entire perimeter fence.
15. No blasting shall be allowed at any time as part of any mineral removal activities.
16. The Planning Commission may require compliance with such other conditions as may be necessary to assure compliance with the terms of this section. Such conditions may include, though are not limited to, weed control; erosion and sedimentation controls; measures to prevent the tracking of dirt and other debris onto public streets; fencing and other visual screening; groundwater monitoring wells; preservation of trees and other vegetation; and limitations on the loading or storage of fuel for vehicles and equipment.
17. Each year, the applicant shall provide an annual report to the Zoning Administrator indicating progress in implementation of the mineral removal plan as outlined in Section 12.18.D.4. In the event the Zoning Administrator determines that progress on the site is not proceeding in general conformance with the mineral removal plan or the Zoning Administrator finds that the operations on the site have departed in a material way from the approved PMR permit, the Zoning Administrator shall require that the applicant submit, within ninety (90) days of being so notified, an amended PMR application pursuant to this Section which shall be reviewed by the Planning Commission as if it were a new application. No more frequently than every two (2) years, the Zoning Administrator shall require that the applicant provide, at its own expense, an independent certification by a licensed surveyor or engineer, of the quantity of materials removed in the period since the last certification, the quantity of materials imported (if any) and their location on the site, the quantity of materials stockpiled and their location on site, the approximate quantity remaining on site but not yet extracted, the condition of any areas previously mined and reclaimed and the approximate remaining life of the facility.
18. Within twelve (12) months of cessation of PMR operations, all plant structures, buildings, stockpiles and equipment shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used

under the requirements of the zoning district in which the property is located may be retained.

H. Public Hearing Procedures.

1. No PMR permit shall be granted unless and until a public hearing is conducted by the Planning Commission in accordance with the requirements of Article IV.
2. The Planning Commission shall convene a public hearing upon any application for the renewal of a PMR permit. The Planning Commission public hearing on a renewal application, public notice, and procedures therefore shall be in accordance with Article IV.

I. Approval and Issuance of PMR Permit. After the public hearing as required above, the Planning Commission shall either approve, deny, or approve with conditions any application for a PMR permit.

1. Issuance of Permit. The Zoning Administrator shall issue a PMR permit, without further public hearing, if such permit is granted by the Planning Commission, and further provided that the applicant has first submitted a performance bond and proof of insurance, as required by subsections H.2 and H.3.
2. Performance Bond.
 - a. An applicant for a PMR permit shall submit a performance bond, with an approved surety, in an amount approved by the Planning Commission or Township Engineer. The performance bond shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the PMR plan and the PMR permit.
 - b. The performance bond shall not be refunded or reduced until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection and approval by the Township.
 - c. If the applicant proposes to create a pond or lake on all or part of the PMR premises, the Planning Commission may nonetheless require the applicant to submit a performance bond in an amount sufficient to restore the area of the pond or lake to its original grade. The applicant must also comply with the Township Pond Ordinance.
 - d. The applicant shall provide a minimum of 60 days prior notice of non-renewal, expiration, or any other change in the

performance bond. Upon receipt of the notice, if there is no plan submitted to ensure continuous bond performance coverage, the Zoning Administrator shall immediately suspend the PMR permit. The Planning Commission shall not thereafter reinstate or approve the renewal of the PMR permit, until such bond has been satisfactorily reinstated.

3. Insurance. Prior to the issuance of a PMR permit, the applicant shall file with the Zoning Administrator a site-specific liability insurance policy of not less than \$2 million per occurrence for all liability claims arising out of the mineral removal activities. The liability insurance shall be for the purpose of covering property damage and bodily injury resulting from surface and/or subsurface mineral removal activities and shall name the Township, its elected and appointed officials, employees and agents as additional named insureds. Said insurance shall provide an endorsement that provides that the general aggregate limit of the operator's commercial and general liability apply separately to the site. Failure of the operator, or any persons, firm or corporation named in a policy to maintain such insurance policy shall be cause for revocation of the PMR permit.
- J. Transferability of Permits. No permit authorized by this section shall be transferred to a person or party other than the applicant to whom it was issued unless such transfer is first considered and approved by the Planning Commission. A transfer shall be approved only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the mineral removal and reclamation activities, and such successor is found by the Planning Commission to have experience and credentials substantially equivalent to those of the original applicant.
- K. Expiration of Permits. Mineral removal operations and activities authorized by the terms of any PMR permit shall be commenced not later than one year after issuance of such permit and shall be diligently pursued thereafter, unless the PMR permit provides otherwise. In the absence of timely commencement and diligent prosecution of such operations and activities, the PMR permit shall be of no further force or effect. Mineral removal activities or operations shall not thereafter be commenced unless a new PMR permit has been obtained pursuant to the procedures set forth in this section.
- L. Re-Application for Permit. An applicant whose application for a PMR permit has been denied, in whole or in part, by the Planning Commission shall not re-submit an application covering the same lands, or substantially the same lands, within 18 months after the date of such denial, except that a new application may be submitted and considered if there are significantly

changed conditions which are determined by the Planning Commission to be sufficient to justify reconsideration of the application.

M. Existing Permits. Upon the effective date of this section, existing special land use permits which have been previously issued under this Ordinance shall continue in effect until, but not after, the authorized amount of mineral material has been removed and any required site rehabilitation completed. In the case of such special land use permits which do not designate the amount of mineral material which may be removed, such permits shall continue in effect for the remainder of the period of time for which they were issued or last renewed. Mineral removal activities and operations shall not thereafter be conducted on the lands covered by the special land use permit unless a PMR permit has been obtained pursuant to the procedures set forth in this section.

N. Application Fee.

1. An applicant for a PMR permit shall pay the established application fee, and shall deposit the required amount into a zoning escrow account, when the application is filed with the Zoning Administrator.
2. The applicant shall also maintain a minimum of \$10,000 in the established escrow account to defray the Township's cost of administration, surveillance and enforcement of the PMR permit, including but not limited to costs for review of applications, testing, monitoring, sampling, surveying, personnel expenses, enforcement, legal, engineering and other consultant fees, and other related costs and expenses. The minimum balance shall be revised by resolution or in the terms of an individual PMR permit, based on the actual costs the Township incurs in the administration, surveillance and enforcement of the PMR permit."
3. Funds received from the application fee shall be deposited in the Township's general fund, or in such other Township fund as is established for other zoning application fees.

O. Renewal of PMR Permits.

1. This subsection applies only to the renewal of PMR permits for extraction of minerals from the same location or locations as permitted under an existing PMR permit. Applications for permission to expand mineral removal operations beyond the location approved under an existing PMR permit shall comply with the procedure set forth in this section for issuance of a new PMR permit.

2. If renewal of a PMR permit is desired, an applicant shall apply to the Planning Commission for such renewal at least 120 days before the expiration of the existing PMR permit.
 - a. All of the applicant's rights and privileges arising under the permit shall terminate at the expiration thereof, if the permit has not then been renewed, and in that event all PMR operations covered by the expiring permit shall then cease, except approved emergency operations required to protect the public safety and except as stated in this subsection N.2.
 - b. The termination of rights and privileges under a PMR permit, at the time of expiration of the permit, shall take place even though an applicant may have applied for renewal thereof and even though proceedings for such renewal may have commenced, unless the Planning Commission in its discretion votes by majority vote of those present to temporarily extend an expiring PMR permit during the period required for proceedings to consider renewal of the permit (however, such vote for temporary extension of the permit may be rescinded in the event that the applicant unduly delays such proceedings, whether by action or inaction).
 - c. Upon the conclusion of proceedings for renewal of a PMR permit, if the permit is renewed, PMR operations may be resumed if and to the extent covered by the PMR permit as renewed.
3. An application for PMR renewal shall consist of the following:
 - a. The Zoning Administrator's Certificate of Compliance, as described in subsection N.4, below.
 - b. A copy of the original application for PMR permit, with an addendum updating the information from the original application and supplying any information missing from the original application.
 - c. A revised PMR plan, drawn and sealed by a registered civil engineer, showing the areas of the site which are currently under excavation, which are in the process of reclamation, and which have been reclaimed.
 - d. A narrative describing the special or unusual conditions that justify renewal of the permit beyond the time provided in the original permit.

- e. The required application fee and any required deposit of funds into an escrow account for reimbursement of Township expenses.
 - f. The Township may require additional information, if necessary, in the consideration of the requested renewal, or the Township may waive any of the above-stated application requirements, but the requirement of the Certificate of Compliance shall not be waived.
4. The Planning Commission shall not consider an application for renewal unless the applicant submits a Certificate of Compliance signed by the Township Zoning Administrator, which states that the mineral removal operation, as of the date of signing of the Certificate of Compliance, is in compliance with the present PMR permit and all Township ordinances, and that all required mineral removal fees and escrow deposits have been paid.
- a. Upon request by an applicant for a Certificate of Compliance, the Township shall promptly arrange to have the PMR operation reviewed and inspected. If the Zoning Administrator finds that the operation is in compliance, the Zoning Administrator shall issue a Certificate of Compliance. The Certificate shall also describe any past violations which have been rectified.
 - b. If the Zoning Administrator finds that the operation is not currently in compliance, the Zoning Administrator shall notify the applicant in writing of the steps necessary to cure such deficiency.
 - c. The issuance of a Certificate of Compliance does not require the Planning Commission to approve a renewal of the PMR permit.
5. In making decisions regarding renewal, the Planning Commission shall apply the standards for approval applicable to new permits under this Ordinance, taking into consideration current conditions in the vicinity, the operational history under the previous PMR Permit, any complaints or comments about the PMR operation, and whether there are special or unusual conditions justifying the renewal. The Planning Commission shall convene public hearings on the PMR Permit renewal application. Conditions may be attached to the renewal which are in addition to or different from those contained in the previous permit.

P. Modification of the PMR Site Plan. The PMR site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight, provided that the change otherwise complies with this section. The Planning Commission shall require the modification of the PMR site plan when:

1. Modification of the plan is necessary so that it will conform to the existing laws.
2. It is found that the previously approved plan is clearly impractical to implement and maintain.
3. The approved plan is obviously not accomplishing the intent of this Ordinance.

Q. Enforcement.

1. Enforcement of the terms of a PMR permit may be directed against the PMR applicant and all operators acting or purporting to act under such permit, or any of them. Full and timely compliance with all of the terms of this section and all of the terms of the applicable PMR permit is a condition for the continued effectiveness of the permit or for any renewal thereof.
2. In the enforcement of the provisions of this section and those of any PMR permit, the Township may avail itself of all procedures and remedies described in Article XXI of this Ordinance and all other remedies provided by law.
3. The Zoning Administrator or other designated Township representative shall act as the agent of the Planning Commission in the administration, supervision and enforcement of PMR permits.
 - a. The Zoning Administrator or other designated Township representative shall be entitled to access to the applicant's PMR lands during reasonable business hours, for the purpose of verifying compliance with the PMR permit requirements and requirements of this Ordinance.
 - b. When activities on or the use of the PMR site, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the PMR operations, the Zoning Administrator shall give the operator written notice of their intention to declare the PMR site or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator

shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.

- c. The Zoning Administrator is authorized to demand compliance with the terms of this section and the PMR permit. In the absence of such compliance, the Zoning Administrator shall issue an order directing the applicant and any operator to cease immediately all mineral removal work on or from the premises and all other operations relating thereto.
 - d. Upon the issuance of a stop work order, the applicant and any PMR operator shall have no further right or privilege to continue or to conduct any PMR operations, except permitted emergency operations required to protect the public safety and except any authorized limited operations which may be authorized by any such order.
 - e. Failure to maintain all required State or Federal licenses for a PMR permit shall result in the immediate revocation of the PMR permit by the Zoning Administrator.
- R. Zoning Administrator's Duties. Any duties assigned to the Zoning Administrator under this section may be performed by the Township Engineer or by any other qualified County personnel or officer so designated by the Zoning Administrator, Planning Commission or Township Board of Trustees.
- S. Other Matters.
- 1. All signs on a PMR site shall be in compliance with the provisions of Article XVII of this Ordinance.
 - 2. All off-street parking on a PMR site shall be in compliance with Township ordinances.
 - 3. Landscaping on a PMR site shall be provided in accordance with Township ordinances.
 - 4. All exterior lighting on a PMR site shall be in accordance with Township ordinances.

Section 4.08 Recreational Vehicles. Use or storage of Recreational Vehicles shall comply with all the following applicable regulations:

1. The unoccupied storage of one (1) Recreational Vehicle shall be allowed in any zoning district within the side or rear yard on any lot with an existing single-family dwelling. The unoccupied storage of any additional recreational vehicle(s) shall only be allowed within an enclosed structure, or completely screened from view including from all public ~~and private~~ roads, and screened from view from all adjacent properties.
2. On lots less than two (2) acres in any zoning district, without an existing single-family dwelling, the unoccupied storage of one (1) Recreational Vehicle shall be allowed if no Township Ordinance violations or civil infractions have occurred on the property during the past twelve (12) months. On lots ~~two (2) three (3)~~ acres or larger in any zoning district, without an existing single-family dwelling, the unoccupied storage of ~~twoone (21)~~ Recreational Vehicles shall be allowed ~~for a period not to exceed forty five (45) consecutive days. Upon the written request of the property owner, the Zoning Administrator shall grant one (1) additional forty five (45) consecutive day period~~ if no Township Ordinance violations or civil infractions have occurred on the property during the past twelve (12) months.
3. Recreational Vehicles shall be located in accordance with applicable setback standards of the underlying zoning district.
4. The outside storage of Recreational Vehicles shall comply with all provisions of the Banks Township Nuisance Ordinance No. 2 of 2021.
5. The use of one (1) Recreational Vehicle for recreational purposes, including temporary sleeping and/or cooking, shall be allowed in any zoning district for a period not to exceed one hundred eighty (180) forty five (45) consecutive days. ~~Upon the written request of the property owner, the Zoning Administrator shall grant one (1) additional forty five (45) consecutive day period~~ if no Township Ordinance violations or civil infractions have occurred on the property during the past twelve (12) months.
6. The use of two (2) Recreational Vehicles for recreational purposes, including temporary sleeping and/or cooking, shall only be allowed on lots that are one (1) acre or more in size, but less than three (3) acres in size in any zoning district for a period of up to forty five (45) fifteen (15) consecutive days. ~~Upon the written request of the property owner, the Zoning Administrator shall grant one (1) additional fifteen (15) consecutive day period~~ if no Township Ordinance violations or civil infractions have occurred on the property during the past twelve (12) months.
7. The use of up to between two (2) and four (4) Recreational Vehicles ~~, inclusive,~~ for recreational purposes, including temporary sleeping and/or cooking, shall be allowed on lots three (3) acres or larger in any zoning district for up to forty five (45) fifteen (15) consecutive days. ~~Upon the written request of the property owner, the Zoning Administrator shall grant up to two (2) additional fifteen (15) consecutive day periods~~ if no Township Ordinance violations or civil infractions have occurred on the property during the past twelve (12) months.

8. Decking, sheds, restrooms, walls, or similar permanent improvements are not permitted in conjunction with Recreational Vehicle use under this section. One (1) impervious surface parking pad not to exceed 200' square feet is allowed.
9. Waste disposal must be handled in accordance with the Sanitary Code. In order to prevent waste, sewage, or discharge from any Recreational Vehicle to any land, surface water, or groundwater, Recreational Vehicles under this section shall have self-contained wastewater holding tanks for sinks, shower, and toilet. The contents of such holding tanks shall be removed from lot for disposal.

6. Home occupations conducted completely inside the residence, subject to the provisions of Section 4.12.1 Home Business.
7. Agricultural Tourism.
8. Accessory buildings and uses customarily incidental to the above permitted uses.
9. Economy Efficiency Units

Section 6.02.3 Uses Subject to Special Approval

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

1. Clustered residential development, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
2. Forest products, processing, and sales.
3. Private resorts and clubs.
4. Summer camps.
5. Fire control structures.
6. Campgrounds, not less than 10 acres.
7. Snowmobile trails (public and commercial).
8. Marina and boat launch areas.
9. Planned Unit Developments
10. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
11. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.
12. Agricultural Assembly Space.
13. Accessory buildings and uses customarily incidental to the above special approval uses.
14. Child or adult daycare facilities serving more than six (6) clients.
15. Telecommunication Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
16. Accessory Dwelling Units
17. Firearms Training Facility

Section 6.02.4 Dimensional Regulations

Structures and uses in the Conservation / Recreation District are subject to the area, height, bulk and placement requirements in Section 6.09 Schedule of Regulations.

Section 6.03 Low Density Residential (R-1)

The following provisions shall apply to the Low Density Residential District (R-1).

Section 6.03.1 Intent

The land uses in this District are intended to encourage an environment of predominantly low-density residential structures located on individual lots along with other residential related facilities which serve the residents within the District.

Section 6.03.2 Permitted Uses

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

1. Single-family dwellings.
2. Two-family dwellings.
3. Public parks, playgrounds or recreation facilities.
4. Child or adult daycare facilities serving six (6) or fewer clients.
5. Agriculture, including both general and specialized farming, tree farms and forestry.
6. Home occupations conducted completely inside the residence, subject to the provisions of Section 4.12.1 Home Business.
7. Accessory buildings and uses customarily incidental to the above permitted uses.
8. Economy Efficiency Units

Section 6.03.3 Uses Subject to Special Approval

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

1. Clustered residential development, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
2. Multi-family dwellings.
3. Bed and breakfast facilities.
4. Convalescent or nursing homes.
5. Senior citizen housing facilities.
6. Public buildings and facilities.
7. Churches and related religious buildings.
8. Cemeteries, on a minimum of twenty (20) acres.
9. Golf courses or country clubs.
10. Public and private campgrounds, not less than 10 acres.
11. Planned Unit Developments
12. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
13. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.
14. Accessory buildings and uses customarily incidental to the above special approval uses.
15. Child or adult daycare facilities serving more than six (6) clients.
16. Telecommunication Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
17. Accessory Dwelling Units

Section 6.03.4 Dimensional Regulations

Structures and uses in the Low Density Residential District are subject to the area, height, bulk and placement requirements in Section 6.09 Schedule of Regulations.

Section 6.04 Reserved for Future Use

Section 6.05 Mobile Home Park District (MH)

The following provisions shall apply to the Mobile Home Park District (MH).

Section 6.05.1 Intent

The purpose of the provisions of this District is to preserve the interests of the various types of residential developments which should be permitted in every community for the protection of residents of any mobile home type development, these regulations are considered as a minimum standard to be applied to all mobile home park developments in the Township.

Section 6.05.2 Permitted Uses

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

1. Single-family dwellings.
2. Child or adult daycare facilities serving six (6) fewer clients.
3. Public parks, playgrounds or recreation facilities.
4. Manufactured or mobile home developments.
5. Home occupations conducted completely inside the residence, subject to the provisions of Section 4.12.1 Home Business.
6. Accessory buildings and uses customarily incidental to the above permitted uses.
7. Economy Efficiency Units

Section 6.05.3 Uses Subject to Special Approval

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

1. Public buildings and facilities.
2. Churches and related religious buildings.
3. Planned Unit Developments.
4. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
5. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.
6. Accessory buildings and uses customarily incidental to the above special approval uses.
7. Telecommunication Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
8. Accessory Dwelling Units

Section 6.05.4 Dimensional Regulations

Structures and uses in the Mobile Home Park District are subject to the area, height, bulk and placement requirements in Section 6.09 Schedule of Regulations.

Section 6.06 "Village" District (V)

The following provisions shall apply to the "Village" District (V).

Section 6.06.1 Intent

The purpose in creating the “Village” District (V) is to provide a compatible mix of commercial and residential uses in the unincorporated area of Atwood. The requirements are intended to protect and stabilize the basic qualities of the District, and to provide suitable and safe conditions for family living and small commercial businesses.

Section 6.06.2 Permitted Uses

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

1. Single-family dwellings.
2. Two-family dwellings.
3. Public parks, playgrounds or recreation facilities.
4. Child or adult daycare facilities serving six (6) or fewer clients.
5. Restaurants and bars, except drive-through restaurants.
6. Retail sales, within an enclosed building, and without a drive through window.
7. Banks and financial services, except facilities with drive-through windows.
8. Business and personal services.
9. Professional offices.
10. Veterinary clinic and animal hospital
11. Funeral Homes.
12. Public utility buildings without storage yards.
13. Public buildings and facilities.
14. Civic, social and fraternal organization facilities.
15. Motels and resorts.
16. Bed and breakfast facilities
17. Agriculture, including both general and specialized farming, tree farms and forestry.
18. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and adequate off-street parking are available.
19. Agricultural warehouses and non-animal agricultural processing plants.
20. Plant nurseries and greenhouses.
21. Home occupations conducted completely inside the residence, subject to the provisions of Section 4.12.1 Home Business.
22. Accessory buildings and uses customarily incidental to the above permitted uses.
23. Economy Efficiency Units

Section 6.06.3 Uses Subject to Special Approval

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

1. Multiple-family dwellings.
2. Residential dwellings on the second floor of commercial structures.
3. Gasoline / Service Station.
4. Sale of motor vehicles.

5. Outdoor sales facilities.
6. Any use permitted in the "Village" district with a drive-through window.
7. Churches and related religious buildings.
8. Child or adult daycare facilities serving more than six (6) clients
9. Group foster care facilities.
10. Convalescent or nursing homes.
11. Building materials sales.
12. Carpentry, plumbing and electrical sales, services and contracting offices.
13. Machine shop.
14. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases.
15. Car Wash Facilities, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
16. Transmission and Communication Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
17. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
18. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.
19. Accessory buildings and uses customarily incidental to the above special approval uses.
20. Telecommunication Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
21. Accessory Dwelling Units

Section 6.06.4 Dimensional Regulations

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

Section 6.07 Manufacturing District (M)

The following provisions shall apply to the Manufacturing District (M).

Section 6.07.1 Intent

The Manufacturing (M) District is designed to provide for a variety of manufacturing and light industrial uses, in areas of the Township which afford direct access to all-weather highways. All uses, except the co-location of antenna on existing towers or structures in the Manufacturing District are subject to Special Approval.

Section 6.07.2 Permitted Uses

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

1. There are no uses explicitly permitted by right in the Manufacturing (M) District.

_____TOWNSHIP
_____COUNTY

ORDINANCE _____

ADOPTED: _____

EFFECTIVE: EIGHT DAYS AFTER PUBLICATION AFTER ADOPTION

An Ordinance to make findings to protect the public health, safety, and welfare by establishing a temporary moratorium on data centers; to adopt an amendment to the Township Zoning Ordinance to allow for temporary moratoriums generally; to implement a temporary moratorium on applications for data centers; to provide a term for the temporary data center moratorium; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

_____TOWNSHIP
_____COUNTY, MICHIGAN

ORDAINS:

SECTION I
FINDINGS

In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended,
_____Township has determined the following:

1. The Township Board of _____Township determines that the approval of data centers may result in or produce negative impacts on permitted land uses and development and may harm the public health, safety and general welfare of property owners and residents of the Township.
2. The Township Board is aware of significant public health, safety, and welfare concerns being raised by the public about the impacts of data centers.
3. The Township has a legitimate public purpose in assessing the regulation of the establishment and use of data centers within the Township to ensure that data centers do not interfere with other land uses, or have substantial negative impacts on the environment, public health, and safety.
4. The Township Board finds that adopting a temporary moratorium is reasonable and necessary for, among other reasons, the following:
 - A. Michigan courts have recognized that a moratorium is a common and legitimate tool to preserve the status quo while formulating a development strategy.

- B. The adoption of a temporary moratorium would allow the Township Board and Planning Commission adequate time to study the public health, safety, and welfare concerns regarding data centers and allow for any needed Zoning Ordinance amendment and implementation process to occur, including attention to and consideration of citizen input and involvement, public debate, and full consideration of all issues and points of view.
5. The Township Board accordingly determines that it is desirable and in the public interest for the reasons set forth above that the Board adopt a temporary moratorium for data centers.

SECTION II
ZONING ORDINANCE TEXT AMENDMENT
ARTICLE _____ – AUTHORITY TO IMPOSE A TEMPORARY
MORATORIUM OF ZONING ORDINANCE PROVISIONS

Article _____, "Administration and Enforcement", is hereby amended by amending Section _____ to be titled "Temporary Moratorium", which section shall read as follows:

1. The Township Planning Commission has the authority to recommend the establishment of a temporary moratorium as to the application of provisions of the Township Zoning Ordinance to the Township Board, by majority vote of the Planning Commission. Said recommendation shall contain findings supporting the need for a temporary moratorium.
2. Upon such Planning Commission recommendation, the Township Board may impose a temporary moratorium as to the application of the provisions of the Township Zoning Ordinance by ordinance or resolution of the Township Board. The Township Board moratorium shall contain findings supporting the need for a temporary moratorium. The Township will post notice of the moratorium resolution on the Township website.
3. Such temporary moratorium shall be for a set amount of time but may be extended by resolution of the Township Board to allow additional time for Township review and consideration of the application, revision, review or repeal/replacement of zoning ordinance provisions. If an extension is adopted, the Township will post notice of the extension on the Township website.

SECTION III
DATA CENTER MORATORIUM

A temporary moratorium is imposed upon the acceptance and/or processing of any applications for data centers.

SECTION IV
TERM OF DATA CENTER MORATORIUM

The data center moratorium imposed by this Ordinance will remain in effect until _____, or until amendments to the Zoning Ordinance regarding data centers become effective, whichever occurs first. Before this moratorium expires, the Township Board may extend the moratorium by resolution as appropriate to allow additional time for Township review and consideration of the application, revision, review or repeal/replacement of zoning ordinance provisions. If an extension is adopted, the Township will post notice of the extension on the Township website.

SECTION V
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION VI
EFFECTIVE DATE/REPEAL

This Ordinance shall take effect eight days after publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

_____ TOWNSHIP
_____, Clerk

Planning Report

Serving & Planning Communities Throughout Michigan

July 2026

Top Story

MSHDA Launches Survey

"Michigan's housing needs continue to evolve, and we need perspectives from every community at the center of this process. Together, your insights will guide a housing plan that strengthens every Michigan community." Amy Hovey, MSHDA Chief Executive Officer and Executive Director

The Michigan State Housing Development Authority (MSHDA) invites Michiganders to participate in a new public survey. The **survey** is the first statewide public engagement effort tied to Michigan's next housing plan, known as SHP 2.0. The SHP 2.0 will be designed to build on the progress of the state's first housing plan released in 2022 and the result of a collaborative process with the state's residents. All are encouraged to share experiences, concerns, and ideas about their housing experiences in Michigan. Public input will play a central role in developing the new plan by helping to inform goals and strategies for the years ahead. The current and next steps include:

- Statewide and regional data analysis, listening sessions, and community engagement activities.
- Collaboration with local governments, Tribal partners, housing providers, and advocacy organizations.
- Identification of priorities and strategies to guide investment and action.

MSHDA. <https://www.michigan.gov/mshda/about/press-releases/2026/06/12/mshda-launches-public-survey-to-shape-michigans-next-statewide-housing-plan>

Legal

Legislation to Curb Data Center Energy Usage Introduced

"It is extremely important that we have a strong framework in place to put Michigan in the lead on data centers and keep us competitive for transformational projects that grow our economy and create thousands of good-paying jobs." Governor Whitmer

Michigan Senators have introduced an eight-bill package to curb the potential negative side effects that massive data centers may have on ratepayers, the environment, and workers. The bill is not a moratorium on data centers but rather a set of proposed guardrails that include:

- Cap a hyperscale data center's water usage at 2 million gallons per day; require centers to annually report water usage beginning in 2027, and create a new permitting process for facilities using more than 550,000 gallons of water a day (Senate Bill 1046).
- Facilities permitted under the legislation could have their permits revoked after multiple

failures to adequately report things such as wastewater volume and pollutants.

- Require facilities using more than 20 megawatts of electricity to enter into 20-year contracts with utility companies and power their buildings with 90% renewable energy (SB 1047).
- Require the Michigan Public Service Commission to not approve any contracts, discounts, or rates between an electric utility and a data center unless they hire apprentices during the building process whose programs are in good standing with the US Department of Labor (SB 1048).
- Laborers used during the construction and installation processes must also be paid an area's prevailing wage or minimum wage, whichever is greater.
- Ban public officials from entering into nondisclosure agreements on the topic of data centers, with some exceptions (SB 1049).
- Require data center operators to enter into a legally binding agreement between themselves and community stakeholders, including the area's local government, which outlines how the facility will "accommodate and benefit the public health, safety, and general welfare" of the area in which the data center resides (SB 1050).
- Bar data centers from receiving approval or a permit to build without a community benefit agreement in place first (SB 1051).

Bridge Magazine. <https://bridgemi.com/michigan-government/michigan-senate-democrats-push-for-stricter-data-center-energy-worker-rules/>

Events

CEDAM's Affordable Housing Forum: LIHTC & the QAP

August 4, Lansing, MI

More information: https://www.planningmi.org/aws/MAP/pt/sd/calendar/372753/_PARENT/layout_details/false

Michigan Association of Counties

September 9-11, Traverse City, MI

More information: <https://micounties.org/conferences/>

Michigan Association of Planning

September 30-October 2, Kalamazoo, MI

More information: <https://www.planningmi.org/aws/MAP/pt/sp/michigan-conference>

Michigan Municipal League Convention

October 7-9, Traverse City, MI

More information: <https://mml.org/event/convention-2/>