Banks Township Planning Commission

Regular Meeting Minutes

August 11, 2026

Banks Township Hall 6:00 p.m.

1. Meeting was called to order by Chairperson Patti Howes at 6:00 p.m.
    a. Present: Richard Friske, Travis Chellis, Patti Howes, Marc Lame, Dave Rasmussen. Marc Lame is a new appointee to the Planning Commission, Travis Chellis has been reappointed for another term.
2. Pledge of Allegiance was recited
3. Guests and Visitors
    a. Ken Lane, Planning Consultant, Beckett & Raeder, Kurtis Busman, Zoning Administrator, Cindy Busman, recording secretary, Julie Waterman, recording for Banks Citizens United for Zoning, Marv Rubingh, Robert Russell
4. Announcements and Correspondence
    a. Correspondence was received from Jesse Anderson. It has been made part of the record
5. Public Comment
    a. Comments were heard from J. Waterman regarding recall of V. Bishop as the County Clerk. M. Rubingh spoke regarding Natural Resources extractions, Data Centers, and the zoning map
6. Standing Reports
    a. Planning Consultant, Beckett & Raeder – Ken Lane. Has furnished a packet. Will be attending training on Data Centers and Short Term Rentals in the near future.
    b. Zoning Board of Appeals, Dave Rasmussen – has not met
    c. Zoning Administrator, Kurtis Busman – 6 permits issued since last meeting, I violation resolved.
    d. Township Board representative, Richard Friske – Commission members have had a chance to review Township Board meeting minutes. No questions for representative.
7. Unfinished Business
    a. Natural Resource Extraction Ordinance – continuing review of template ordinance

b. Review of Manufacturing, Village Manufacturing Districts – Special Use vs. Permitted Use – continued review of these last two districts.
c. Lake Shore Zone/Waterfront Overlay District – concerns lakefront properties on the shores of Lake Michigan, Little Torch, and ½ of Wilson Lake. The concern is that small parcels on lake shores have different concerns that larger parcels but all are classified as R-1 or Conservation/Recreation. An overlay district would provide some extra protection for neighborhoods with more dense population.
d. Recreational Vehicles
    i. Continued discussion of RV Ordinance, Storage and Use of RVs

8. New Business
    a. Setbacks – review of front setback for R-1. Discussion of reducing Front Setbacks in R-1 from 30 feet to 20 feet. Front setbacks were recently reduced in this District from 50 feet to 30 feet. After discussion, MMS T. Chellis, R. Friske to set Front Setbacks in R-1 District at 20 feet. Roll Call vote: M. Lame – no, D. Rasmussen – no, P. Howes – no, T. Chellis – yes, R. Friske – yes. Motion Failed 3 – 2.
    b. Review of Zoning Map – in response to a Township Board motion to consider changing some large parcels. Zoning map: "Motion by Marv Rubingh to have the Planning Commission review the zoning map and propose changes to move large parcels from CR and R-1 to Agriculture and have a Waterfront District that would include Conservation and possibly combine Conservation/Recreation and Agriculture, support by Katy Postmus. Motion Carried. Roll Call Vote: Richard: yes, Marv: yes, Katy: yes, Julie: yes, Alex: no". Planning Commission began discussion. D. Rasmussen read the Mission Statement of the Planning Commission.
9. Public Comment – was heard from M. Rubingh
10. MMS D. Rasmussen, R. Friske to adjourn. MC. Meeting Adjourned at 8:39 p.m.
11. Next regular meeting – September 8, 2026 Banks Township Hall 6:00 p.m.

~~Sec. 12.18. Planned Mineral Removal.~~ Natural Resource Extraction

A. Description, Intent and Purpose.

1. These ~~Planned Mineral Removal~~ Natural Resource Extraction ("NRE~~PMR~~") provisions are adopted for the purpose of authorizing the removal of mineral material on mining sites from specified lands within the Township, through the Uses Subject to Special ~~Exception Use~~ ~~(SEU)~~ approval process ("SUP"), subjec Township Board approval, and also for the purpose of authorizing resulting land uses, after the completion of natural resource extraction ~~planned mineral removal~~ operations, in accordance with an approved site rehabilitation plan. Under the terms of any NRE~~PMR~~ permit, mineral removal is required to be accomplished without serious adverse consequences ~~(as identified by the factors listed in Section 12.18.F.9.c)~~ to other lands and other land uses in the vicinity and elsewhere in the Township.

B. Definitions. The following words and phrases used in this Section shall have the following respective meanings:

1. "Mineral material" or "Natural Resources" means soil, dirt, earth, sand, gravel, coal, gypsum, limestone, or any of them, or any combination thereof, or other solid minerals.

2. "Mineral removal" is the mining, extracting, excavating for, processing, removal and transport of mineral material from any property in the Township, or any of such activities, and other operations and activities for the purpose of removal of mineral material and the restoration, reclamation and improvement of the lands thereafter.

3. "Natural Resource Extraction ~~Planned Mineral Removal~~" ("NRE~~PMR~~") is the mining, extracting, excavating for, processing, removal and transport of mineral material to and/or from any property in the Township, and other operations and activities for the purpose of removal of mineral material and the restoration, reclamation and improvement of lands thereafter, and where the same are accomplished in accordance with a plan submitted, considered and approved by the Township Board~~,~~ as a ~~special exception land use~~ use subject to special approval , in accordance with this section and other applicable sections of the Banks Township Zoning Ordinance, and providing for the design, review and approval of mineral removal activities and operations; the restoration, reclamation and improvement of the lands thereafter; and the use of such lands for permitted resulting uses.

C. Natural Resource Extraction ~~Planned Mineral Removal~~ and Other Permitted NRE~~PMR~~ Uses.

1. Land, including the buildings and structures thereon, that is subject to a NRE~~PMR~~ permit may be used only for planned mineral removal and/or for the uses permitted and as regulated in the underlying zoning district. Natural Resource ~~Planned mineral~~ removal shall take place only in accordance with the provisions of this section. Any resulting use, following mineral removal activities and operations, shall conform to the Township Master Plan. Proposed NRE~~PMR~~ uses shall be considered for approval under this section only if all of the conditions for eligibility and requirements for permit applications are complied with, as set forth in this section.

~~2. No land shall be considered for a PMR permit unless it is located in the R-AG Rural Agricultural zoning district.~~

~~3. No material from off-site may be brought on site for any processing as part of a PMR permit.~~

2. The requirements of this section shall not apply under the following circumstances:

a. If the removal of mineral materials is carried on for the installation of the foundation and/or basement of any use permitted in the applicable zoning district, as regulated by the Banks Township Zoning Ordinance, and covered by an active building permit. Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and other applicable ordinances and law, shall be exempted for the provisions of this section.

b. If the removal of mineral materials meets all of the following conditions:

(1) Total amount of material removed from the site is less than 2,000 yards; and

(2) Removal is not visible from a public roadway or waterway.

D. Application for NRE~~PMR~~ Permit. Application for NRE~~PMR~~ permit shall be in the names of both the operator and the landowner as a joint applicant. Applicants proposing an eligible NRE~~PMR~~ use shall submit an application for a NRE~~PMR~~ permit, together with the required application fee, to the Township Zoning Administrator, for a determination of whether the application is administratively complete, prior to Planning Commission review. The application shall be accompanied by any required deposit into an escrow account for reimbursement of Township expenses in the matter according to the requirements of this Zoning Ordinance and/or the Township's General Ordinances, and shall include the following:

1. A legal description of the lands proposed for the NRE~~PMR~~ use.

2. One (1) large-scale (24" x 36"), hard copy and one (1) electronic copy of the NRE~~PMR~~ plan, drawn and sealed by a registered civil engineer, which is subject to initial review by the Zoning Administrator for administrative completeness, in conjunction with the Zoning Administrator's initial review of all other required components of the NRE~~PMR~~ application. After the Zoning Administrator has made a determination of administrative completeness, the applicant shall submit ten (10) large-scale hard copies and one (1) electronic copy of the NRE~~PMR~~ plan, drawn and sealed by a registered civil engineer, and which incorporates all revisions and/or additions required by the Zoning Administrator in accordance with this section. All NRE~~PMR~~ plans shall include the following:

   a. Name and address of owner(s) of the lands upon which planned mineral removal will take place.

   b. Name address and telephone number of the person, firm, or corporation who will be conducting the actual planned mineral removal.

   c. A north arrow, scale and date.

   d. Local, size and legal description of the total site area upon which planned mineral removal is proposed to take place.

   e. Shading or other marking showing the lands on which mineral removal operations and activities will take place.

   f. The location, width and grade of all easements or rights-of-way on or abutting the lands.

   g. The location, size and nature of all structures on the lands.

   h. The identification, location and direction of all watersheds, streams and other water courses whether on or off the removal site and storm water drainage areas and flow ways on the lands, and also all water courses and storm water drainage areas or flow ways on other lands which may be affected by the mineral removal operations within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ site boundary.

   i. Existing elevations of the lands at contour intervals of not more than five (5) feet.

   j. Copies of logs of all existing public water supply wells on the mineral removal lands and on all adjacent lands within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ site boundary. [Township attorney review—include non-public?]

   k. Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material located in or on the lands, and the groundwater table.

   l. Mineral processing and storage areas; and areas for stockpiling mineral material.

   m. Proposed fencing, gates, parking areas and signs.

   n. Roads for ingress to and egress from the lands, including onsite roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust, dirt and other debris generated by mineral removal activities and movement of vehicles.

o. A map showing access routes between the subject lands and the nearest major streets, and also showing the streets and routes proposed to be used for the hauling of mineral material and the return of trucks to the site.

p. Areas if any to be used for ponding or other accumulation of water.

3. A narrative description and explanation of the following:

a. The proposed mineral removal operations and activities including a narrative description and explanation of the proposed mineral removal operations and activities, including the date of commencement, proposed hours and days of operation, estimated type and quantity of mineral material to be removed, annual and project total, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to insure compliance with the provisions of this section.

A description of the type, quality and amount of the mineral material at the site and of the current and potential market for the mineral material to be removed. [Township attorney review—is this necessary?]

b. A detailed listing and description of the potential serious adverse consequences ~~(as identified by the factors listed in Section 12.18.F.9.c)~~ that may result from the proposed mineral removal operations and activities that includes a risk and probability of occurrence analysis with mitigation measures identified for the avoidance of the identified risk and avoidance of the adverse consequences.

4. A plan for mineral removal for the total project, which shall include the following:

a. Pre-mining soil survey indicating soil depths and types for future reclamation of the site.

b. Surface overburden and topsoil stripping and stockpiling plans indicating erosion and runoff control measures, distance from property lines, length of storage time, and pile heights.

c. Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.

~~d. The estimated quantity of product in place and to be mined, an overall phasing plan and an approximate timetable for the facility.~~

de. The location and detailed description of the types of noise and vibration mitigation measures including earth berms, fences, vegetation in and within the required setbacks and other features.

e~~f~~. The location and types of dust mitigation measures to be used and a description of when the mitigation measures will be implemented/utilized.

g. ~~Phasing plan illustrating the portions of the site to be worked and an approximate schedule for opening, operation and closing of each phase.~~

f~~h~~. The portions of the site (if any) that may be used for ongoing operations, such as equipment staging, crew areas or other uses.

~~g. [Add requirement for pile height/or pile control?]~~

5. A feasible and detailed site rehabilitation plan including the following:

a. A narrative description of the restoration, reclamation and improvement of the lands, inclusive of all removal phases, if any, and the proposed resulting uses for the lands after mineral removal activities have ended, including any phasing of proposed site rehabilitation and the timing thereof.

b. A site rehabilitation plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds or lakes, if any; landscaping and plantings; areas of cut and fill; and all land features, improvements, streets and other aspects of the proposed uses

for the lands after completion of mineral removal operations. ~~The site rehabilitation plan shall otherwise comply with each of the requirements of subsection E.8.~~

c. A description of all adverse effects, whether anticipated or reasonably possible, on the groundwater table and other underground sources of water supply, together with copies of reports or studies analyzing the effect, if any, of the mineral removal operations on the underground water supply of the subject land and adjacent and nearby lands.

d. A description of proposed methods or features which will assure that the resulting uses are feasible and will comply with all applicable requirements of the Township Zoning Ordinances.

~~e. [Add process to amend rehabilitation plan?]~~

6. Other studies required to be included with the application and permits required prior to commencement of activities, including:

a. A soil erosion and sedimentation control permit from the Antrim~~Barry~~ County Drain Commission must be on file prior to commencement of activities.

b. If applicable, a permit from the state of Michigan under part 301 of the Natural Resources and Environmental Protection Act to create an inland lake.

c. Any required National Pollution Discharge Elimination System (NPDES) permits.

d. Any required Environmental Protection Agency (EPA) permits.

e. Wetlands assessments (as determined by a professional wetlands scientist (PWS) or wetland professional in training (WPIT) as certified by the Society of Wetland Scientists or the Michigan Department of Environmental Quality.

f. Any required storm water permit required under any County or Township storm water ordinance provision, and the site rehabilitation plan shall comply with any County or Township storm water ordinance provision.

g. Any other permits required by law.

7. The following studies, reports and assessments shall be submitted:

a. The applicant shall provide information related to the identification and abatement of any adverse impacts created by the mining operation. Toward this end, an environmental impact analysis shall be submitted at the time of application that includes both base information on the site prior to such activity and the anticipated impact of such operations on the site, surrounding area and the community as a whole. The required studies, obtained at the applicants sole cost and expense, ~~which~~ shall be undertaken by professionals whose education, certification and experience are consistent with the credentials needed to conduct the studies and analyze the results, ~~are~~ as follows:

i. Hydrogeological Study: This shall include a complete assessment of the potential impacts on any water resources both on-site and off-site within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ boundary. It shall identify the location in relation to watersheds and floodplain areas and identify natural site drainage and impact on wetlands within the area. It shall also identify the depth of groundwater and aquifers within the area of the operation and provide data on water quality for all such resources. Where the applicant proposes the development of a lake or where ponds or basins may exceed five (5) or more acres, such studies shall include the use of monitoring wells in order to estimate the impact on other surface water or ground water resources in the area. The studies shall also include the applicant's approach to spill containment (containment and spill response plans) from any vehicles and equipment utilizing or located on the site. The study shall include a description of all adverse effects, whether anticipated or reasonably possible, on the groundwater table, aquifer flow direction, or other underground sources of water supply,

together with copies of reports or studies analyzing the effect, if any, of the mineral removal operations on the underground water supply of the subject land and adjacent and nearby lands within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ boundary.

ii. Topographic and Geological Analysis: This shall include a current aerial photograph, at scale of not less than one hundred (100) feet to one (1) inch, displaying the lands proposed for a NRE~~PMR~~ permit and all lands within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ boundary, and also show the location of current land uses, types and extent of existing natural features, topography, soils, vegetation, and other items or land features noted in the overall environmental impact analysis. ~~Identify existing contours and proposed contours consistent with application requirements of 12.18.D.2.~~ Earth changes proposed throughout the term of the operation shall be presented with estimates of the type, quantity and quality of the material to be extracted, including overburden. Soil borings shall be taken to a depth equal to the depth of the proposed extraction, with frequency of spacing sufficient to allow for reasonable interpretation and verification of such quantity and quality of the material. ~~The Planning Commission may request that additional borings be taken where additional interpretation or verification is needed.~~ Final contours shall be included within the required Rehabilitation Plan, but interim earth change data will also be required as part of the annual review in order to evaluate the consistency of the activity with this initial analysis. This analysis shall include mitigation measures related to erosion, filling and potential sedimentation of any basins created by such activities. A description of the type and extent of significant vegetation on the lands proposed for a NRE~~PMR~~ permit, including trees and endangered plant species. A detailed description of any known, anticipated or possible detrimental effects upon any aspect or element of the environment, including lands proposed for NRE~~PMR~~ permit and adjacent and nearby lands within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ boundary.

iii. Noise/Vibration Study: This shall include data on existing noise levels and sources of vibration in and around the site prior to any such operation and the anticipated impacts of such activity on any adjacent and nearby lands within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ boundary. A complete listing of all proposed equipment to be utilized within the operation shall be submitted with information on the proposed location and noise/vibration impacts of the proposed equipment. ~~The Planning Commission may require that equipment, such as crushers, be located in an enclosed building to further reduce such noise and vibration impacts depending on the supporting analysis for noise and vibration levels at the PMR boundary.~~

iv. Traffic Impact Study: The study shall include a complete analysis of the existing road system and the proposed truck haul routes for the operation. The study shall include all state and local roads and the efforts made by the applicant to control use of such roadways that are not designated as part of the haul route. Information shall include traffic counts and level of service capabilities of the roadways to support such increased loads. Noise and vibration impacts related to such hauling shall also be included within the study. The traffic impact study will be reviewed in consultation with the County Road Commission, and also in conjunction with the Michigan Department of Transportation, if impacts on the state trunk line highways are anticipated.

v. Air Quality Analysis/Dust Control Study: This shall include a complete analysis of the impacts associated with particulate matter generated by the operation and the techniques to be utilized to mitigate such release. The analysis shall identify each measure to be used and a description of when the mitigation measure will be implemented/utilized.

vi. Endangered Species Impact Analysis: The analysis shall include a complete listing of all threatened and endangered wildlife (plants and animals) and wildlife habitat that may be impacted by NRE~~PMR~~ operation including lands proposed for NRE~~PMR~~ permit and adjacent

and nearby lands within one thousand three hundred twenty (1,320) feet of the NRE~~PMR~~ boundary.

~~vii. Economic Analysis/Studies: This shall include economic studies related to impacts upon the adjacent properties including properties within one thousand three hundred twenty (1,320) feet of the PMR boundary, one thousand three hundred twenty (1,320) feet of the proposed haul routes for the operation, and the community, including residential property valuation and the compatibility with, or negative impacts to, other land uses, including agriculture. A site-specific property valuation study, for the purpose of showing the impact of the proposed PMR operations will have on the value of the adjacent properties including properties within one thousand three hundred twenty (1,320) feet of the PMR boundary. This analysis shall include a study on the market demand and availability of mineral material supply, and other relevant factors and conditions, which determine relative value of the mineral material, benefit and need for the mineral material by the applicant or the market served by the applicant from the proposed removal operations and activities. The analysis shall include a listing of known existing mineral removal operations within the Township, within fifteen (15) miles of the proposed PMR site, and within two (2) miles of the proposed haul routes including estimated quantity and type of mineral material available for removal and other aspects of such operations. The analysis shall include the anticipated revenue and the basis of reasonably expecting to operate at a profit for the proposed removal operations and activities.~~

viii~~i~~. Such other reports, studies or information that may be requested by the Planning Commission with respect to the proposed NRE~~PMR~~ operations.

E. At its option, the Planning Commission may contract with independent, third-party experts to prepare any or all of the above types of studies and reports, and/or to evaluate the studies and reports submitted by the applicant, in which case the applicant shall make sufficient deposits into its escrow account to reimburse the Township for the cost of such experts' work, including, without limitation, preparation or evaluation of studies and reports, appearances at Planning Commission meetings, or such other actions in furtherance of reviewing and advising on the NRE~~PMR~~ application.

F. Standards of Review for NRE~~PMR~~ Permits. The Planning Commission shall review each NRE~~PMR~~ permit application. In such review, the Planning Commission shall consider, among other matters, the intent and purpose of this section and all other applicable sections of the Zoning Ordinance. The Planning Commission shall consider a NRE~~PMR~~ permit application for a recommendation of approval only if all of the following standards, conditions and requirements are satisfied by the application, the NRE~~PMR~~ plan, the Site Rehabilitation Plan and the other materials required to be submitted under the terms of this section.

1. Operations and activities for mining, extracting, excavating for, processing, removal and transport of mineral materials shall be ~~located only as follows~~allowed in all Zoning Districts, subject to the requirements of this Section and Article VIII, Sections 8.01 and 8.02.~~:~~

   a. They shall not be closer than one thousand (1,000) feet from any occupied dwelling.

   b. ~~They shall not be closer than one thousand (1,000) feet from any RSF, RLF, GLRLF, SR, RR, RMF, or MHC zoning district, or Residential PUD district.~~

   c. Excavation below the existing grade of adjacent roads or property lines shall not take place within two hundred (200) feet from the adjacent road right-of-way or adjacent property line.

   d. Provided, however, that the above operations and activities may be located without any setback from a boundary line of adjacent lands ~~zoned R-AG~~ for which a NRE~~PMR~~ permit has been granted if such adjacent lands are owned by the owner of the subject lands, and if such zero-setback is approved, or if some other setback is approved, by the Township Board ~~Planning Commission~~ as a provision in the NRE~~PMR~~ permit.

e. Additional setbacks from any stream, pond, lake, waterway, or wetland may be required dependent upon the impact studies submitted with the application.

2. There shall be not more than one (1) combined entrance/exit on the site of NREPMR operations, from and to a public street, unless additional entrances or exits are approved as a part of the NREPMR permit. Entrances shall have a staging area to accommodate a minimum of three (3) gravel trucks, but ensure enough to accommodate all trucks requiring staging at the entry of the site. There shall be no staging of trucks on the public roads. Any such entrance and exit shall be subject to the approval of the AntrimBarry County Road Commission. The location of the entrance and exit shall, if reasonably feasible, be placed so that the travel of mineral transport vehicles over primarily residential streets shall be avoided. The exit path shall include a tire wash pit, a wheel wash system or other mechanism to sufficiently prevent tracking sediment onto the public roads.

3. Not more than fifteen (15) acres of land shall be authorized for PMR operations or activities at any one (1) time. Of this number or some lesser number of acres, not more than one-third (⅓) thereof shall at any one (1) time be used for site preparation; not more than one-third (⅓) thereof shall at any one (1) time be used for removal of mineral material; and not less than one-third (⅓) thereof shall at any one (1) time be used for site reclamation, in accordance with an approved site rehabilitation plan. [Unless Township attorney determines necessary]

34. The maximum height of stockpiles of mineral materials shall be as determined by the Planning Commission with consideration given to the proximity to and location of adjacent properties., in consideration of the standards of subsection F.9. Stockpiles may not be located within any required yard area.

45. There shall be an inspection by the Township Zoning Administrator, or their representative, of each completed phase, so as to verify compliance with the terms of this subsection.

6. Upon the completion of each phase, the PMR permit holder shall notify the Township that the phase is ready for inspection. Until such inspection is made, and until approval of the completed phase has been given by the Township, the PMR permit holder shall not commence work on any subsequent phase.

7. Any work or other action undertaken by the PMR permit holder in or with respect to a subsequent phase, before the Township inspection and approval of the previous phase, shall be a violation of the PMR permit and a violation of the Zoning Ordinance. In the event of such a violation, the Township may take all appropriate enforcement measures, including issuance of an order for the stopping of all work within the PMR lands, until all required inspections have been made and Township approvals given.

58. Site Rehabilitation Plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:

a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the resulting uses do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed resulting use. The plan shall indicate any phasing of site rehabilitation. TIf site rehabilitation is to be phased, topsoil shall be replaced and slopes shall be graded, stabilized, and seeded before mineral removal operations are commenced in another area of the NREPMR site. The placing of top soil and the grading, stabilization and seeding of slopes shall take place not only at the end of NREPMR operations at the site, but also upon the conclusion of each mineral removal phase, as described in subparagraph E.3 of this section.

b. Final slopes shall have a ratio of not greater than one (1) foot of elevation within each three (3) feet of horizontal distance, at the conclusion of NREPMR operations at the site and also at the conclusion of each individual phase of mineral removal, as described in subparagraph E.3 of this section. Side slopes around the perimeter of the site and the banks adjacent to ponded water shall not have a slope exceeding one vertical foot for each three (3) horizontal feet. The slope extending into the water shall not exceed one (1) vertical foot for each five (5) horizontal feet from the edge of the water out to a depth of five (5) feet.

c. Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to avoid adverse effects on adjacent or nearby lands as a result of storm water runoff, erosion or other damage to the lands, at the end of NRE~~PMR~~ operations at the site ~~and also at the conclusion of each mineral removal phase, as described in subparagraph F.3 of this section~~. The applicant shall apply for any required storm water permit under any County or Township Storm Water Ordinance provisions, and the site rehabilitation plan shall comply with any County or Township Storm Water Ordinance provisions.

d. Plantings/Landscaping.

i. Plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, and enhance the natural beauty of the site, and for the screening of view from other lands.

ii. Landscaping shall be planted and maintained, and, where appropriate, earthen berms shall be constructed, in order to screen less attractive areas or resulting uses. In addition, landscaping and/or earthen berms may be required in order to screen NRE~~PMR~~ operations and activities from view from other lands and to moderate noise levels from operations of equipment and vehicles.

iii. Trees and shrubbery shall be of such height when planted and shall be planted sufficiently close together so as to serve as effective screening of the view from adjacent lands and to moderate noise levels from operations. Dead or diseased trees and other vegetation shall be promptly removed and replaced, so as to assure the continuance and effectiveness of any landscaped screening.

e. The site rehabilitation plan ~~, both at the end of PMR operations at the site, and with respect to each mineral removal phase,~~ shall not include the storage or dumping of stumps, concrete, asphalt, discarded materials or any other 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 NRE~~PMR~~ operations, unless authorized in the NRE~~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 recommend approval of ~~e~~ an application for a NRE~~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. After receiving an approval recommendation from the Planning Commission, t~~T~~he Township Board ~~Planning Commission~~ may~~shall~~ approve a NRE~~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. [Note: elaborate on approval process/Planning Commission recommendation and Township Board approval]

c. In determining whether very serious adverse consequences or serious environmental impact would result from the removal operations and activities, the Planning Commission and Township Board 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 recommendation of approval of any NRE~~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 [add provisions for administrative approval of renewals?].

~~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.~~

1~~2~~. Mineral removal, processing and transport operations and activities shall commence not earlier than 6~~7~~:00 a.m. to 5:30 p.m. Monday through Friday. No operations shall be conducted on ~~Saturdays,~~ Sundays, or legal holidays: New Year's 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 Township Board~~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 NRE~~PMR~~ site is located. Under emergency, unanticipated, or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed fourteen (14) days if requested to ~~the Planning Commission~~ and approved by the Zoning Administrator~~Planning Commission by a special vote~~.

2~~3~~. Equipment for the processing of mineral material which emits noise louder than eighty (80) dBA, measured at a distance of fifty (50) feet from said equipment when operating, shall not be located closer than one thousand three hundred twenty (1,320) feet from the nearest occupied dwelling, unless the Township Board~~Planning Commission~~ authorizes other noise emission requirements in the NRE~~PMR~~ permit. In no case shall the noise from a NRE~~PMR~~ site exceed sixty-five (65) dBA at any exterior property line or road right-of-way line. Noise from operations shall be limited to sixty-five (65) decibels at the NRE~~PMR~~ boundary line ~~as monitored using a sound pressure meter ANSI 81.4 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 Z~~z~~oning A~~a~~dministrator or representative.

34. The NRE~~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 Township Board~~Planning Commission~~ in the NRE~~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 (1) year or for the duration of any mineral material removal operations below the static water level, which ever period of monitoring is longer. The Township Board ~~Planning Commission~~ shall retain jurisdiction over the terms of the NRE~~PMR~~ permit to require continued monitoring and reporting, beyond one (1) 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.

45. 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 NRE~~PMR~~ Plan or by such other routes as may be specified by the Township~~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 NRE~~PMR~~ permit. ~~Notwithstanding the foregoing, Church and Main Streets shall not be used under any NRE plan.~~

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 (1) foot of elevation for each two (2) 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 (4) 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.~~

57. All entrance and exit roads and other routes into or from the NRE~~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 NRE~~PMR~~ operations are not occurring. The placement of any such gates shall be at such locations as will prevent unauthorized vehicles from entering the NRE~~PMR~~ lands.

68. 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 NRE~~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 NRE~~PMR~~ permit.

79. 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.~~

8~~11~~. Any processing plant and all equipment for sorting, crushing, loading, weighing, and other operations, shall not be located closer than two hundred (150~~200~~) feet from any property line, three hundred (50~~300~~) feet from a public road right-of-way, measured from a centerline, and one thousand (1,320~~1000~~) feet from any existing dwelling or one thousand (1,320~~1,000~~) feet of a residential zoning district ~~as identified in paragraph F.1 of this section~~.

9~~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.

10~~3~~. Before the commencement of mineral extraction,

a. A 10/47 type fence six (6) feet tall (standard six-foot farm-type fence) or six-foot-tall chain link fence (or suitable substitute approved by the Township Board~~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 eight (8) to eleven (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 one (1) foot vertical to three (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 exempts from the stockpile restrictions in setback areas.

11~~4~~. ~~The Planning Commission shall require t~~The posting of "Keep Out - Danger" or similar signs, placed every one hundred (2~~1~~00) feet along the entire perimeter fence shall be required.

12~~5~~. No blasting shall be allowed at any time as part of any mineral removal activities.

13~~6~~. The Township ~~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.

14~~7~~. 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 NRE~~PMR~~ permit, the Zoning Administrator shall require amended operation and reclamation plans describing the special or unusual circumstances that have caused such departure to be submitted by ~~that the~~the applicant ~~submit,~~ within ninety (90) days of being ~~so~~ notified by the Zoning Administrator.~~,~~ The amended operation and reclamation plans ~~an amended PMR application pursuant to this Section which~~ shall be reviewed by the Planning Commission as if submitted with ~~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.

15~~8~~. Within twelve (12) months of cessation of NRE~~PMR~~ operations, all plant structures, buildings, stockpiles, berms, 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 NRE~~PMR~~ permit shall be granted unless and until a public hearing is conducted by the Planning Commission in accordance with the requirements of Section 8.02 of this Zoning Ordinance ~~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 NRE~~PMR~~ Permit. After the public hearing as required above, the Planning Commission shall make a recommendation to either approve, deny, or approve with conditions any application for a NRE~~PMR~~ permit.

1. Issuance of Permit. Based on the approval recommendation of the Planning Commission, and subject to any conditions, t~~T~~he Township Board ~~Zoning Administrator~~ may~~shall~~ issue a NRE~~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 Article IX, Section 904 of this Zoning Ordinance ~~subsections H.2 and H.3~~.

2. Performance Bond.

   a. An applicant for a NRE~~PMR~~ permit shall submit a performance bond, with an approved surety, in an amount approved by the Township Board~~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 NRE~~PMR~~ plan and the NRE~~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 NRE ~~PMR~~ premises, the Township Board ~~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 sixty (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 NRE~~PMR~~ permit. The Township Board~~Planning Commission~~ shall not thereafter reinstate or approve the renewal of the NRE~~PMR~~ permit, until such bond has been satisfactorily reinstated.

3. Insurance. Prior to the issuance of a NRE~~PMR~~ permit, the applicant shall file with the Zoning Administrator a site-specific liability insurance policy of not less than two million dollars ($2,000,000.00) 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 NRE~~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 Township Board ~~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 Township Board~~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 NRE ~~PMR~~ permit shall be commenced not later than one (1) year after issuance of such permit and shall be diligently pursued thereafter, unless the NRE~~PMR~~ permit provides otherwise. In the absence of timely commencement and diligent prosecution of such operations and activities, the NRE~~PMR~~ permit shall be of no further force or effect. Mineral removal activities or operations shall not thereafter be commenced unless a new NRE~~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 NRE~~PMR~~ permit has been denied, in whole or in part, by the Township Board ~~Planning Commission~~ shall not re-submit an application covering the same lands, or substantially the same lands, within eighteen (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 Township Board ~~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 for natural resource extraction which have been previously issued under this Zoning 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 NRE~~PMR~~ permit has been obtained pursuant to the procedures set forth in this section.

N. Application Fee.

1. An applicant for a NRE~~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 ten thousand dollars ($10,000.00) in the established escrow account to defray the Township's cost of administration, surveillance and enforcement of the NRE~~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 NRE~~PMR~~ permit, based on the actual costs the Township incurs in the administration, surveillance and enforcement of the NRE ~~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 NRE~~PMR~~ Permits.

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

2. If renewal of a NRE ~~PMR~~ permit is desired, an applicant shall apply to the Planning Commission for such renewal at least one hundred twenty (120) days before the expiration of the existing NRE~~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 NRE~~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 NRE~~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 Township Board ~~Planning Commission~~ in its discretion votes by majority vote of those present to temporarily extend an expiring NRE~~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 NRE~~PMR~~ permit, if the permit is renewed, NRE~~PMR~~ operations may be resumed if and to the extent covered by the NRE~~PMR~~ permit as renewed.

3. An application for NRE~~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 NRE~~PMR~~ permit, with an addendum updating the information from the original application and supplying any information missing from the original application.

   c. A revised NRE~~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 NRE ~~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 NRE~~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 recommend the approval ~~e~~ of a renewal of the NRE~~PMR~~ permit.

5. In making decisions regarding renewal, the Planning Commission and Township Board shall apply the standards for approval applicable to new permits under this section~~Ordinance~~, taking into consideration

current conditions in the vicinity, the operational history under the previous NRE~~PMR~~ Permit, any complaints or comments about the NRE~~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 NRE~~PMR~~ Site Plan. The NRE~~PMR~~ site plan may be modified at any time by mutual consent of the operator and the Township Board ~~Planning Commission~~ to adjust to changed conditions, technology, or to correct an oversight, provided that the change otherwise complies with this section. The Township Board ~~Planning Commission~~ shall require the modification of the NRE~~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 NRE~~PMR~~ permit may be directed against the NRE~~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 NRE~~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 NRE~~PMR~~ permit, the Township may avail itself of all procedures and remedies described in Article IX ~~XXI~~ of this Zoning Ordinance and all other remedies provided by law.
3. The Zoning Administrator or other designated Township representative shall act as the agent of the Township Board ~~Planning Commission~~ in the administration, supervision and enforcement of NRE~~PMR~~ permits.
    a. The Zoning Administrator or other designated Township representative shall be entitled to access to the applicant's NRE~~PMR~~ lands during reasonable business hours, for the purpose of verifying compliance with the NRE~~PMR~~ permit requirements and requirements of this Ordinance.
    b. When activities on or the use of the NRE~~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 NRE~~PMR~~ operations, the Zoning Administrator shall give the operator written notice of their intention to declare the NRE~~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 NRE~~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 NRE~~PMR~~ operator shall have no further right or privilege to continue or to conduct any NRE~~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 NRE~~PMR~~ permit shall result in the immediate revocation of the NRE~~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 Township or 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 NRE~~PMR~~ site shall be in compliance with the provisions of Article IV, Section 4.21 ~~Article XVII~~ of this Zoning Ordinance.
2. All off-street parking on a NRE ~~PMR~~ site shall be in compliance with Township ordinances.
3. Landscaping on a NRE~~PMR~~ site shall be provided in accordance with Township ordinances.
4. All exterior lighting on a NRE~~PMR~~ site shall be in accordance with Township ordinances, including Article IV, Section 4.20 of the Zoning Ordinance.

ADD REPEALER SECTION WITH LANGUAGE FROM TOWNSHIP ATTORNEY

Section 6.01 Agricultural (A)

The following provisions shall apply to the Agricultural District (A).

Section 6.01.2 Permitted Uses

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

1. Single-family dwellings.
2. Two-family dwellings
3. Child or adult daycare facilities serving six (6) or fewer clients.
4. Agriculture, including both general and specialized farming, tree farms and forestry.
5. Agricultural warehouses and non-animal agricultural processing plants.
6. Plant nurseries and greenhouses.
7. Home occupations conducted completely inside the residence, subject to the provisions of Section 4.12.1 Home Business.
8. Agricultural Tourism.
9. Accessory buildings and uses customarily incidental to the above permitted uses.
10. Child or adult daycare facilities serving more than six (6) clients.
11. Economy Efficiency Units
12. Accessory Dwelling Units
13. Roadside stands for the sale of farm products, 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. [alt language: "significant source of income"]
14. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.

Section 6.01.3 Uses Subject to Special Approval

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

1. Clustered residential development, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
2. Public buildings and facilities.
3. Churches and related religious buildings.
4. Cemeteries.
5. Golf courses and country clubs.
6. Public and private campgrounds.
7. Private airports and landing strips.
8. Fire control structures.
9. Kennels, veterinary clinics, and animal hospitals.
10. Non-domestic furbearing animals when confined in cages not less than two hundred (200) feet from any property line.

11. Animal processing facilities, subject to United States Department of Agriculture and local District Health Department regulations.
12. Planned Unit Developments.
13. Additional farm employee dwellings, provided the property is at least 20 acres in size. The additional dwellings must be sited such that the property could be split in the future with all setbacks met for all parcels created.
14. Migratory labor dwellings, provided the property is at least 20 acres in size and subject to the provisions of Section 8.03 Supplemental Site Development Standards.
15. Forest product processing and sales.
16. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
17. ~~Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.~~
18. Agricultural Assembly Space.
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. Firearms Training Facility.

Section 6.02 Conservation / Recreation (C/R)

The following provisions shall apply to the Conservation / Recreation District (C/R).

Section 6.02.2 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. Bed and breakfast facilities.
3. Child or adult daycare facilities serving six (6) fewer clients.
4. Agriculture, including both general and specialized farming, tree farms and forestry.
5. Public or non-commercial private parks, playgrounds, and recreation areas. Hunting and fishing.
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.
10. Accessory Dwelling Units.
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.

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. Firearms Training Facility.

Section 6.03 Low Density Residential (R-1)

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

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.
9. Accessory Dwelling Units.
10. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.

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.

Section 6.05 Mobile Home Park District (MH)

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

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.
8. Accessory Dwelling Units.
9. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.

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.

Section 6.06 Village District (V)

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

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 products, 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.
24. Accessory Dwelling Units.
25. Cottage industries conducted outside the residence in the yard, garage or accessory structure, subject to the provisions of Section 4.12.2 Home Business.
26. Residential dwellings on the second floor of commercial structures.
27. Carpentry, plumbing and electrical sales, services and contracting offices.

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.

Section 6.07 Manufacturing District (M)

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

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.~~

1. Carpentry, plumbing and electrical sales, services and contracting offices.
2. Outdoor storage facilities, including self-storage facilities.

Section 6.07.3 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. Building materials sales.
2. ~~Carpentry, plumbing and electrical sales, services and contracting offices.~~
3. Machine shop.
4. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases.
5. Production, processing, assembly, manufacturing or packaging of goods or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical, or any similar nuisances. Such facilities may include testing, repair, storage, distribution and sale of such products.
6. ~~Outdoor storage facilities, including self-storage facilities.~~
7. Sexually Oriented Businesses, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
8. Gas and Oil Processing Facilities, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
9. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
10. Accessory buildings and uses customarily incidental to above special approval uses.
11. Telecommunication Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.

Section 6.08 Village Manufacturing District (VM)

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

6.08.2 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. Retail sales, within an enclosed building, and without a drive through window.
2. Banks and financial services, except facilities with drive-through windows. Business and personal services.
3. Professional offices.
4. Public utility buildings without storage yards.
5. Public buildings and facilities.
6. Plant Agriculture.
7. Accessory buildings and uses customarily incidental to the above permitted uses.
8. Carpentry, plumbing and electrical sales, services and contracting offices.
9. Outdoor storage facilities, including self-storage facilities.

Section 6.08.3 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. Building materials sales.
2. ~~Carpentry, plumbing and electrical sales, services and contracting offices.~~
3. Machine shop.
4. Warehouses and storage buildings.
5. Production, processing, assembly, manufacturing or packaging of goods or materials which, do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical, or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sale of such products.
6. Gasoline / Service Station.
7. Sale of motor vehicles.
8. Outdoor sales facilities.
9. Any use permitted in the "Village Manufacturing" district with a drive-through window.
10. ~~Outdoor storage facilities, including self-storage facilities.~~
11. Commercial Wind Turbine Generator and Anemometer Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards
12. Transmission and Communication Towers, subject to the provisions of Section 8.03 Supplemental Site Development Standards.
13. Accessory buildings and uses customarily incidental to above special approval uses.

WATERFRONT OVERLAY DISTRICT

Purpose.

The Waterfront Overlay District is enacted to implement a protection strategy for Banks Township waterfront resources. The purpose and intent of the Waterfront Overlay District is based on the recognition that:

A. The economic and environmental well-being of Banks Township is predicated on the preservation of its waterfront resources.

B. Waterfront properties have unique physical, economic and social attributes.

C. The existing viewsheds of waterfront property owners should be preserved.

D. Many of the landscape features found in the waterfront district are susceptible to wind and wave erosion and should be protected from adverse human impact.

E. Future land development and redevelopment should not be conducted at the expense of Banks Township's natural features.

F. The natural features of the waterfront district should be preserved and maintained for all Banks Township residents.

Areas Affected.

The areas affected by the requirements of the Waterfront Overlay District are designated on the Township Zoning Map, and include properties adjacent to Lake Michigan, Little Torch Lake, and the Elk River Chain of Lakes Watershed, which includes Lake Ellsworth, Lake Sinclair, and Wilson Lake within Banks Township. Only the portion of a property which is within the Waterfront Overlay District is affected by these requirements.

Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in the "Table of Permitted and Special Land Uses" for the Conservation/Recreation (CR) ~~underlying~~ zoning district and shall be subject to all other applicable provisions of this Ordinance.

Development Standards.

The following development standards are required within the Waterfront Overlay District. In the event that regulations imposed by this Section are in conflict with the underlying zoning district, the regulations imposed by this overlay district shall prevail to the extent of such conflict and no further.

A. Natural Vegetation.

1. Consistent with the applicable requirements of Section 4.11 of this Ordinance, t~~T~~o minimize erosion, stabilize the coast, protect water quality, preserve wildlife habitat and maintain aesthetic values, a natural vegetation strip shall be maintained ~~, to the maximum extent possible,~~ between the ordinary high water mark and the landscape predominated by forest vegetation.

2. To preserve the fragile and transient nature of the beach/dune landscape, whenever possible, the lakeshore side of all structures, except water-related structures listed in subsection B below, shall be located within the landscape predominated by forest vegetation rather than within the beach/dune landscape. Natural ground cover shall be preserved to the fullest extent feasible and where removed, it shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. Attempts should be made to incorporate existing mature trees into the design, with trimming for filtered views whenever possible.

   For purposes of this section, "Forest vegetation" is defined by woody plants with a diameter at breast height (dbh) of three (3) inches or more. For purposes of this section, "Beach/dune landscape" is defined as those areas where dune vegetation predominates, some of which include: Beach grass (Ammophila Breviligulata), Pea grass (Lathyrus Japonicus), Bearberry (Arctstaphylos Uva-uris), Creeping juniper (Juniperus Horizontalis), Common milkweed (Asclepias Syriaca), Willow (Salix sp) and Beach wormwood (Artemisia Campertris).

B. Setbacks.

   All structures within the Waterfront Overlay District shall be set back according to the requirements below, except for the following water related uses: recreational docks, boardwalks, pump houses, beach decks, management, enhancement, or stabilization protection structures, stormwater and erosion control devices, and similar facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing viewsheds or water resource uses.

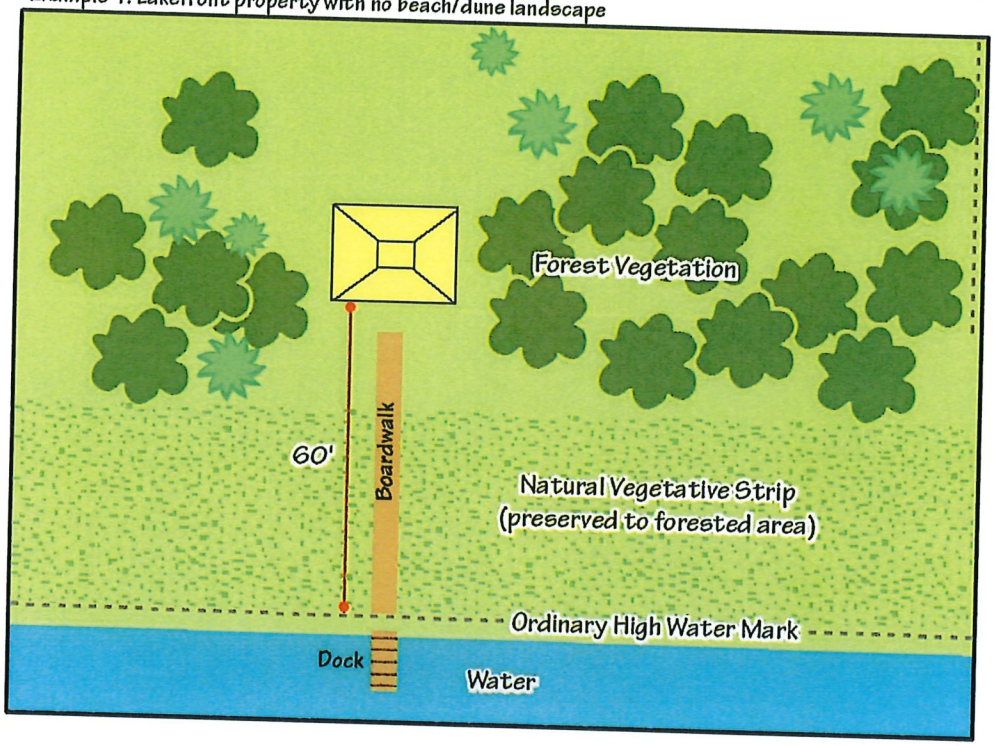
1. All structures shall be a minimum of fifty (50) ~~sixty (60)~~ feet from the 1986 ordinary high water mark for Lake Michigan as documented by the U.S. Army Corps of Engineers, said mark being 581.99 feet above sea level. If the beach/dune environment extends a distance greater than fifty (50) ~~sixty (60)~~ feet landward from the 1986 ordinary high water mark, then structures shall be placed in a fashion as described in subsection A above [add height and lot coverage limitations?].

   Add OHWM for other Lakes: working to obtain that information.

2. Structures listed as exceptions above shall require zoning permits before construction. The maximum height (including railings) shall be three (3) feet.
3. A setback of fifty (50) ~~sixty (60)~~ feet will be maintained from other water features such as streams, lakes and ponds.
4. Waterfront development shall maintain, to the maximum extent possible, open and unobstructed views to the waterfront from adjacent properties, roadways and pedestrian ways.
5. Add tent requirements?

DRAFT

Example 1: Lakefront property with no beach/dune landscape



EGLE

Identifying the Ordinary High Water Mark on Inland Lakes and Streams and the Great Lakes

PART 325: The OHWM for each Great Lake is an elevation set by Part 325 and is referenced upon the baseline datum set called International Great Lakes Datum 1985 (IGLD 85). See the EGLE Great Lakes OHWM website for information on Part 325 OHWM elevations. In addition, the US Army Corps of Engineers (USACE) has jurisdiction over these areas and also has OHWM elevations; see USACE website for more accurate daily information on Great Lakes Water Level Data. When looking up daily data, use the Daily Lake wide Average Water Levels tables to select the closest date elevation. If you are using the IGLD 85 datum as the OHWM reference, this is the elevation you enter on the Joint Permit Application for Great Lakes Observed Water Elevation. You may also use a relative reference that is based on measurements in relation to a benchmark or point location identified in the field (such as a water level or base of a tree). The OHWM elevation can be converted based on this onsite observed data. See example drawings.

Part 301: OHWM for inland lakes is the line between upland and bottomland identified by the presence of a distinct change in character of the land caused by successive changes in water levels. This line is identified in the field based on observed physical characteristics and may be reported by referencing either land survey elevation information or a relative benchmark such as observed water level or the base of a tree. A surveyed elevation is typically referenced to the National Geodetic Vertical Datum (NGVD 29 or NAVD 88). If the actual land elevation is not known (i.e., no land survey is done), then use a relative reference elevation such as 0 for an observed water level or a static benchmark. The OHWM elevation to report on the JPA will be the vertical distance from that benchmark to the physical line observed in the field. If using a water level as the benchmark, report the date of observation. The OHWM is used for calculating impacts from the proposed activities so the actual surveyed elevation itself is not necessary in many cases. The necessary information is where the OHWM lies vertically and horizontally in relation to the existing and proposed features on site (e.g., water levels, bottom of stream, dock dimensions, etc.). See EGLE's YouTube Series for OHWM video tutorials, and the sample OHWM drawings for more information. Some inland lakes have a legally established OHWM elevation (Legal Lake Level). For

information, see EGLE's YouTube video describing Legal Lake Levels. Contact your County Drain Commissioner for established Legal Lake Levels in your area.

EGLE

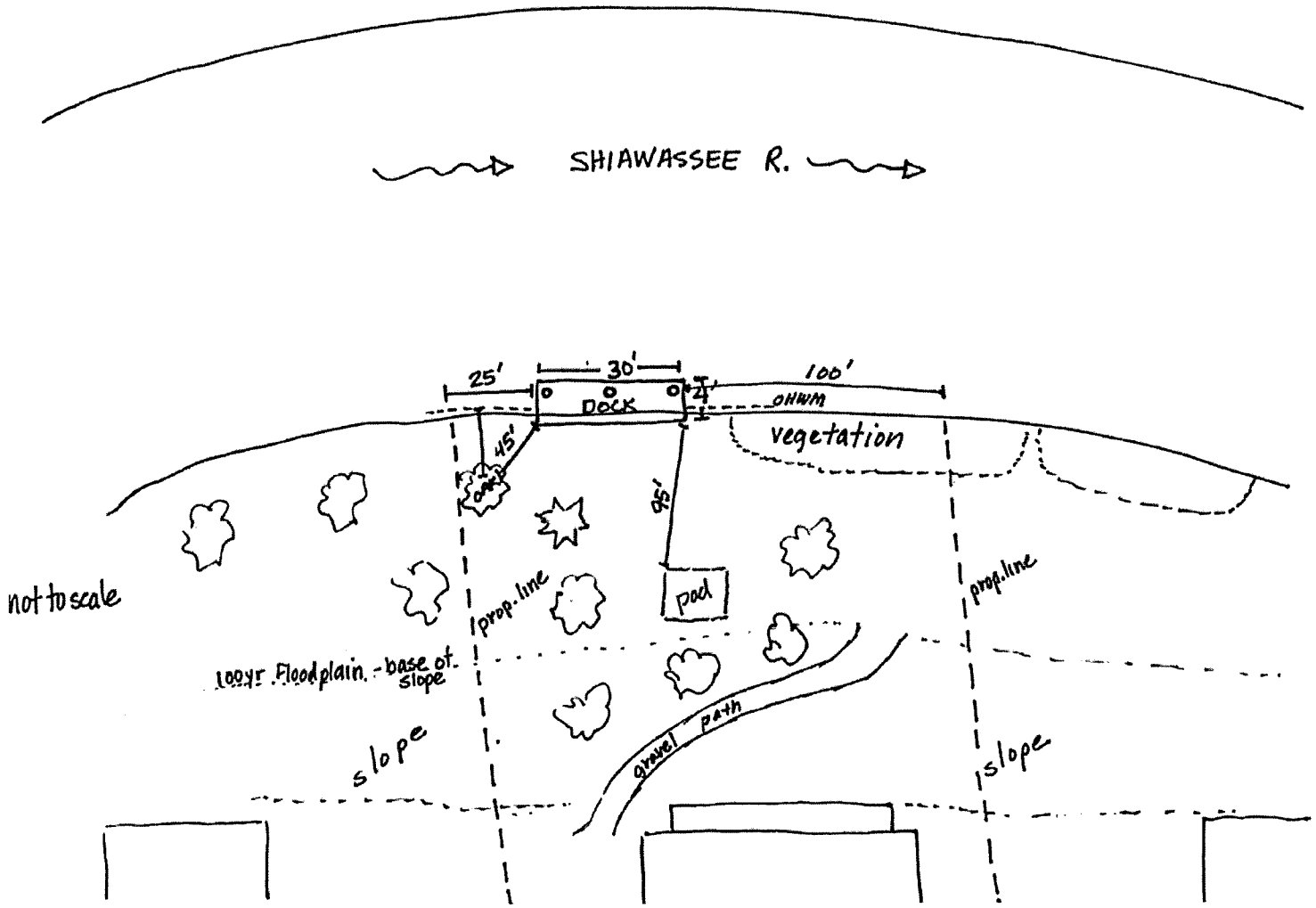
Identifying the Ordinary High Water Mark on Inland Lakes and Streams and the Great Lakes

Copyright State of Michigan

JOINT PERMIT APPLICATION SAMPLE DRAWINGS

ORDINARY HIGH WATER MARK

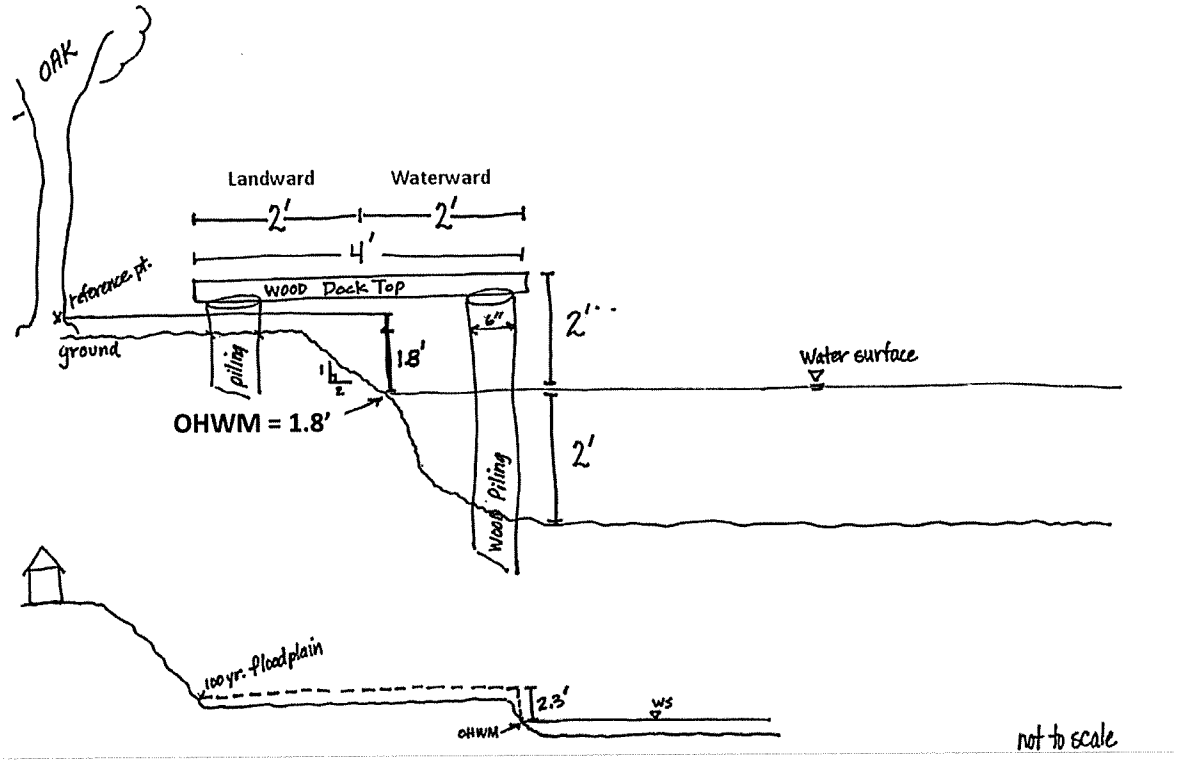
Plan View



JOINT PERMIT APPLICATION SAMPLE DRAWINGS

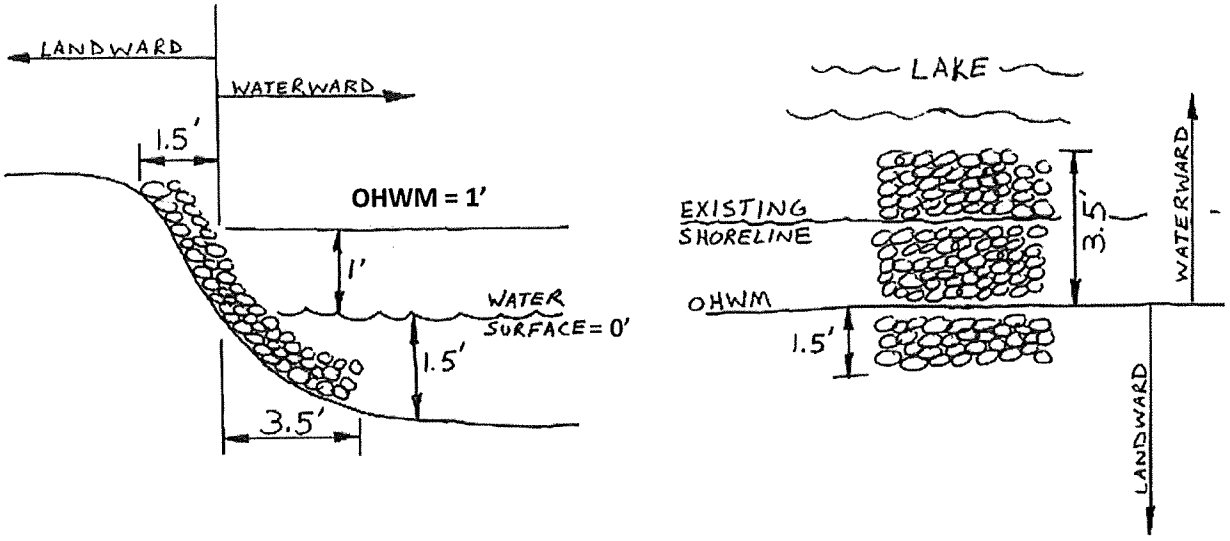
ORDINARY HIGH WATER MARK

Measured Relative to a Benchmark



ORDINARY HIGH WATER MARK

Measured Relative to Standing Water



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 without an existing single-family dwelling, the unoccupied storage of one (1) Recreational Vehicle shall be allowed from May 15 through December 1 each calendar year, if no Township Ordinance violations or civil infractions have occurred on the property during the past twelve (12) months. ~~On lots three (3) acres or larger in any zoning district, without an existing single-family dwelling, the unoccupied storage of one (1) Recreational Vehicle 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 from May 15 through December 1 each calendar year ~~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.
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.

Banks Township

Ordinance Number #____ of 2026

An Ordinance to amend 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.

THE TOWNSHIP OF BANKS HEREBY ORDAINS:

SECTION 1. AMENDMENT OF ARTICLE VI

Article VI: District Regulations, Section 6.09, is hereby amended as follows:

Section 6.09 Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure (l)		Minimum Yard Setbacks			Min. D. U. Width	Max % of Lot Coverage
		Area sf	Width	Stories	Feet	Front	Side	Rear		
A	Agricultural	20,000 (a)(f)	150' (m) (n)	2.5	35' (i)	20' (b) (g)	20'	20'	14'	20%
C/R	Conservation / Recreation	20,000 (f)	150'	2.5	35' (i)	20' (b) (g)	20' (h)	30'	20'	30%
R-1	Low Density Residential	20,000 (c) (f)	100'	2.5	35' (i)	20~~30~~' (b)(g)	10'	20'	20'	35%
MH	Mobile Home District	12,000	100'	2.5	35'	20'	10'	15'	14'	35%
V	Village	10,000 (c)	-----	2.5	35' (i)	20' (b)	5' (d)	10' (e)	20'	35%
M	Manufacturing	S.I. 2 ac I.P. 40 ac	150'	2.5	35'	50'	15'	20'	--	--
VM	Village Manufacturing	-----	150'	2.5	35'	20'	15'	20'	--	--

Footnotes to Schedule of Regulations:

a. The maximum density shall be two (2) lots per twenty (20) acres. Thus the maximum number of lots that may be created from the lot of record, as of the effective date of this provision, shall be equal to the total acres divided by ten (10). Fractions of lots resulting from this computation shall be rounded up to the next whole number.

l. The project density of a clustered residential development or planned unit development shall not exceed one unit/lot per ten (10) acres, based on gross parcel area.

b. For lots which border a lake or a stream, the minimum structure setback on the waterfront side shall be fifty (50) feet from the ordinary high water mark.

c. The following Minimum Lot Area shall be required for residential uses in the "A", "R-1", and "V" Districts:

One Family	As provided for in the Schedule of Regulations Table (Section 6.09)
Two Family	7,000 square feet for each dwelling unit.
Multiple Family	8,000 square feet for the first dwelling unit, plus 5,000 square feet additional for each additional 3 or more bedroom units and 4,000 square feet additional for each additional two-bedroom unit and 3,000 square feet for each additional one-bedroom or efficiency unit. Lot sizes subject to Section 4.14 Water Supply and Sewage Disposal Facilities.
Tourist or Lodging Houses	10,000 square feet, plus an additional 500 square feet for each nonresident person accommodated.

d. Side yards shall be increased in the Village District (V), where adjacent to any Conservation/Recreation or Residential District. In such cases, the adjacent District regulations will apply.

e. Rear yards shall be increased in the Village District (V), where a rear lot abuts any Conservation/Recreation or Residential District. In such cases, the adjacent District regulations will apply.

f. The minimum lot size shall be used as the basis for determining the density for clustered residential developments and planned unit developments. The allowable density for clustered residential development and planned unit developments shall be calculated by dividing the parcel size by the minimum lot area allowed in the specific zoning district. The resulting number shall be rounded down to the whole number for the maximum number of dwelling units allowed.

g. Clustered Residential developments located on a major thoroughfare or collector road shall be setback at least seventy (70) feet from the road right-of-way.

h. For lots of record, less than one hundred fifty (150) feet wide, the side yard setback shall be reduced to ten (10) feet.

i. Exceptions to height standards for agricultural-related uses. The maximum height of permitted agricultural related accessory structures that are essential and customarily used in agricultural operations shall be forty-five (45) feet, except that the maximum height of silos, similar agricultural storage structures and agricultural-related structures shall be one hundred (100) feet, provided that all such accessory structures shall be located at least one hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory structures are located.

j. Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 8.03.13.m of this ordinance.

k. Commercial Wind Turbine Generators or Anemometer Towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 8.03.14.c of this ordinance.

l. Non-Commercial Wind Turbine Generators and associated anemometer towers shall not be subject to height regulations of this section, but shall be regulated pursuant to section 4.06 of this ordinance.
m. Each lot shall have a depth of not more than four (4) times its width.
n. A waterfront lot shall have a minimum lot width of one hundred (100) feet.

SECTION 2: SEVERABILITY

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

SECTION 3: SAVING CLAUSE

The Banks Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 4: EFFECTIVE DATE

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

Township of Banks

By: _____ By: _____

Alex Busman, Supervisor Julie Chellis, Clerk

Adoption date:
Publication date:
Effective date:

B R i
Beckett&Raeder

Landscape Architecture
Planning, Engineering &
Environmental Services

Planning Report

Serving & Planning Communities Throughout Michigan September 2026

Top Story

Michigan Affordability and Responsible Growth Pledge

"We've seen how data centers can go wrong in other states, which is why on my watch, we've ensured Michiganders never see a rate increase and can rely on some of the strongest environmental protections for people and communities" Governor Gretchen Whitmer

In July, Governor Gretchen Whitmer announced that six artificial intelligence and data center companies (Anthropic, Google, Microsoft, OpenAI, Verrus, and Oracle) have signed the Michigan Affordability and Responsible Growth Pledge. The first state-level pledge in the nation, this pledge calls on these companies to invest in the electric grid, use clean energy, hire Michiganders, safeguard natural resources, and pay the full cost of data center construction and operation. Of equal importance, the Michigan Affordability and Responsible Growth Action Plan asks members of the legislature to adopt the Michigan Public Service Commission data center safeguards into state law including minimum billing demand, contract termination fees, credit and collateral requirements, minimum contract terms, and other efforts to ensure data centers pay the full costs they impose on the system. On top of these changes, data centers will have to comply with Michigan's 100% clean energy standard that was signed into law in 2023.

Governor's Office. 1. *https://www.michigan.gov/whitmer/news/press-releases/2026/07/16/whitmer-secures-six-company-commitments-to-michigan-affordability-and-responsible-growth-pledge.* 2. *https://content.govdelivery.com/attachments/MIEOG/2026/07/16/file_attachments/3717043/Michigan_Affordability_and_Responsible_Growth_Pledge_FINAL%20%281%29.pdf*

Governance

Are the Townships Alright?

"We're meeting our responsibilities, but it's a mess," Linda Paradiso, Houghton Township Clerk

According to a survey by the Center for Local, State and Urban Policy at the University of Michigan, more than three-quarters of Michigan townships and villages struggle to fill elected or appointed offices. Even when someone is on the ballot, he/she often run uncontested. Interviews with dozens of community leaders across Michigan cited reasons for lacking participation: looser social connections; positions that once took a few hours a month require more time but don't pay more; online harassment; and the growing distrust of government based on partisan national politics. Furthermore, Michigan township officials have far more responsibilities than those in other states. The state's 1,240 townships (most established before statehood) assess property values, collect property taxes, run elections, and provide other services compared to Ohio townships that maintain local roads and manage cemeteries, for example.

With limited leadership stepping up and so many responsibilities, running a small rural township has become an inefficient form of governance. One solution could be to merge with surrounding municipalities, however, each merging township must vote to approve the merger. Then, the merger must be approved by the county commissioners. Other Midwestern township are collaborating to limit their power, while at the state level, Illinois and Iowa are considering criteria for eliminating townships altogether.

Bridge Magazine. 1 https://bridgemi.com/michigan-government/rural-michigan-in-crisis-too-many-governments-that-too-few-want-to-lead/. 2. https://bridgemi.com/michigan-government/other-states-shrink-local-governments-michigan-law-preserves-archaic-mess/

Legal

Expanded Brownfield Development Program

Three bipartisan bills were passed this summer to expand local abatement and transformational brownfield programs that will allow more businesses and communities to rehabilitate and redevelop blighted sites. These bills extend development opportunities across Michigan to help build thriving communities and expand housing opportunity.

Senate Bill 723 expands the transformational brownfield program, increases transparency and reporting requirements, requires approved projects to include annual milestones, emphasizes affordable housing projects in residential developments, and streamlines the redevelopment process.

Senate Bill 721 and 722 extend the sunsets on the Commercial Redevelopment and Commercial Rehabilitation acts to allow both important programs to continue to operate. Both bills incentivize the refurbishing and development of commercial properties at local discretion.

Governor's Office. https://www.michigan.gov/whitmer/news/press-releases/2026/07/22/whitmer-expands-brownfield-development-program-growing-michigans-economy

Events

CEDAM Real Estate Development Boot Camp

September 14-18, Gaylord, MI

More information: https://app.glueup.com/event/rural-real-estate-development-boot-camp-2026-183166/?pk_campaign=widget-event-list

2026 Integrated Infrastructure Conference

September 23-24, Livonia, MI

More information: https://www.michigan.gov/mic/integrated-infrastructure-conference

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/