

Zoning Ordinance
Charter Township of Portage,
Houghton County, MI
November, 2015

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SECTION 1 - INTRODUCTION

1.1 AUTHORITY

Whereas, the Township Board, Charter Township of Portage, Houghton County, Michigan, deems it necessary, in order to conserve the value of property in the Township and to the end that building development may be directed to the best advantage of the entire Township, and may otherwise be promoted in accordance with a well considered plan for the use and development of all property throughout the Township,

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF PORTAGE, HOUGHTON COUNTY, MICHIGAN, UNDER AUTHORITY OF THE MICHIGAN ZONING ENABLING ACT 110 OF 2006 AS AMENDED.

1.2 PURPOSE

This Ordinance is based on the Charter Township of Portage *Master Plan* and is designed:

1. To promote and protect the public health, safety, and general welfare of the people;
2. To divide the Township into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residential, business and manufacturing and other specified uses;
3. To protect the character and the stability of the residential, business, and manufacturing areas within the Township, and to promote the orderly and beneficial development of such area(s) in accord with sound development policies;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and to protect the public health;
6. To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses with such areas;
7. To fix reasonable standards to which buildings or structures shall conform;
8. To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
9. To prevent additions, alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
 - A. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading or unloading of commercial vehicles;
 - B. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;

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- C. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
- D. To conserve the taxable value of land and buildings throughout the Township;
- E. To provide for the control of nonconforming use of land, buildings and structures which are adversely affecting the character and value of desirable development in each district, and;
- F. To define and limit the powers and duties of the administrative officers and bodies as provided herein.

1.3 INTENT

An Ordinance dividing the Charter Township of Portage, Houghton County, Michigan into districts for the purpose of classifying, regulating and restricting the location of trades, industries and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses; regulating and limiting the height and bulk of buildings hereafter erected; of classifying, regulating and determining the area of front, rear and side yards, courts, and other open spaces about buildings; regulating and limiting the intensity of the use of land and lot areas within the Township; creating a **Zoning** Board of Appeals; providing for administration, enforcement, and amendment of such regulations; defining certain terms used in said Ordinance; providing penalties for its violation; and designating the time when the Ordinance shall take effect.

It is further the intent of this Ordinance to comply with 2001 Public Act No. 177, MCL 125.282, et seq, with respect to open space preservation, and shall be so interpreted when and where applicable in the Charter Township of Portage.

1.4 ABROGATION AND GREATER RESTRICTIONS

1. Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings, or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or any other law, Ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
2. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

1.5 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

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1.6 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.7 TITLE

This Ordinance shall be known, cited, and referred to as the "**Charter Township of Portage Zoning Ordinance**"

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SECTION 2 - GENERAL PROVISIONS

2.1 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated areas of the Charter Township of Portage. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

2.2 USE RESTRICTIONS

1. Principal Uses - Only those principal uses specified for a zoning district, their essential services, and the following uses shall be permitted in that district.

A. Accessory Uses and Structures - Accessory uses and structures are permitted in any district, but not until their principal structure is under construction.

B. Temporary Dwellings - No structure shall be used for dwelling purposes that does not comply with the requirements of this Ordinance or any applicable Building Codes. No garage or other accessory building, basement, partial or temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary permit by the Zoning Administrator and satisfying all of the conditions thereof. However, temporary usage of lots of record, either with or without dwellings may be permitted for wheeled vehicles designed for sleeping or camping by temporary permit from the Zoning Administrator.

C. Mobile Home Dwellings - Shall be treated as single family dwellings provided said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.

D. Special Uses - Special uses and their accessory uses are permitted in districts as specified, but only according to the special use procedure in Section 10.

E. Unclassified or Unspecified Uses - In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Zoning Board of Appeals for an interpretation.

F. Temporary Uses - Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.

2.3 SITE RESTRICTIONS

1. Soil Conditions - No land shall be used or structure erected where the land is unsuitable for such use of structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or

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any other feature likely to be harmful to the health, safety, and general welfare of the Township. The Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence supporting suitability, if desired. Thereafter, the Planning Commission may affirm, modify, or withdraw the determination of unsuitability.

2. All lots shall abut upon a right-of-way with at least forty (40) feet of frontage.

3. Any lot of record created prior to the effective date of this Ordinance without any frontage on a public street or right-of-way shall not be occupied unless access to a street be provided by an easement or other right-of-way no less than twenty (20) feet in width.

4. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that does not inconvenience or damage adjacent properties. Previously developed property with existing grades shall have priority.

5. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premise declared unsafe or unhealthy.

6. Reduction of Joint Use - No lot, yard, parking area, building area, or other space shall be reduced in area or dimension, so as to not meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

7. Substandard Lots - Any lot in a single ownership, which ownership was of record at the time of the adoption of this Ordinance, that does not meet the requirements of this Ordinance for yards, courts, or other area of open space may be utilized for a single family dwelling, provided the requirements for such yard or court area, width, depth, or open space is within seventy-five percent (75%) of that required by terms of this Ordinance and further provided that satisfactory arrangements can be made of sewage disposal and water supply. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

2.4 ACCESSORY USES

In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same lot provided, however, that such accessory uses shall not involve the conduct of any business trade or industry.

2.5 ACCESSORY BUILDINGS

1. In any zoning district, accessory buildings may be erected, either detached from the permitted principal building or as an integral part of the permitted principal building. The architectural character of all accessory buildings shall be substantially compatible with that of the principal building.

2. No accessory building or structure shall include residential or living quarters for human beings.

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2.6 GARAGES OCCUPIED AS DWELLING UNITS

Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it also complies with all the provisions of this Ordinance relating to buildings for residence purposes.

2.7 COMMERCIAL AND INDUSTRIAL USES PROHIBITED IN RESIDENTIAL STRUCTURES

Residential structures or buildings accessory thereto and additions to the same shall not be used for commercial or industrial purposes, except as otherwise permitted as home occupations.

2.8 DOUBLE FRONTAGE LOTS

Buildings on lots having frontage on two (2) intersecting or nonintersecting streets shall comply with front yard requirements on both such streets where practical.

2.9 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO MAJOR STREETS

Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major street by the Houghton County Road Commission, as shall be amended from time to time, unless the following minimum building setbacks measured from the right-of-way line are maintained:

1. State and Federal Trunk-lines and Primary Roads—sixty-six (66) feet.
2. Secondary Roads—sixty-six (66) feet.

2.10 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE AND VIBRATION

Every use shall be so conducted and operated that it does not create a nuisance and so that it is not dangerous by reason of heat, glare, fumes, dust, noise or vibration beyond the lot on which the use is located.

2.11 TRANSITION ZONING

The following transitional uses are permitted on premises in a Residential District where the side yard adjoins a Business, Mixed Use or Manufacturing District:

1. The first such lot or lots in single ownership or the first one hundred fifty (150) feet thereof, whichever is the lesser, may be utilized in accordance with the next less restricted zone requirements.
2. The first one hundred fifty (150) feet thereof may be utilized for off-street parking.
3. Any single principal structure located or built completely upon the first one hundred fifty (150) feet thereof may be used for homes or business provided:
 - A. Yards must meet the district requirements in which such lot is located.
 - B. The building shall conform to the residential character of the neighborhood.

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2.12 TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION

1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

2.13 GENERAL LIGHTING AND SCREENING REQUIREMENTS

1. All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises.

2. Except as otherwise provided in this Zoning Ordinance, all premises used for commercial or industrial purpose shall be screened from adjoining premises by either of the following:

A. A natural compact planting area of deciduous or evergreen trees which maintain their density and screening effect throughout the calendar year, not less than five (5) feet in height in one growing season and maintained in a neat and attractive manner.

B. An artificial wall or fence of sufficient density or compactness to screen the activities of the business or industry from the view of occupants of adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner.

C. No such planting area, wall or fence shall be closer than ten (10) feet from any adjoining street right-of-way line.

3. In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purposes sought to be accomplished hereby.

2.14 WATERFRONT LOTS IN RESIDENTIAL DISTRICTS

The provisions of this Article apply in addition to all the provisions of the underlying zoning districts and other applicable general standards of this Ordinance. In the event that regulations imposed by this Article conflict with regulations of an underlying zoning district, the regulations established by this Article shall prevail to the extent of the conflict and no further.

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1. Setbacks

For properties adjacent to a river, lake, or stream, the following setback requirements shall apply (this does not apply to pump houses, recreational docks, saunas, stormwater and erosion control devices, picnic tables, benches, recreational watercraft, wooden stairways, and unpaved walkways):

- A. No principal structure shall be allowed within seventy-five (75) feet of the ordinary high water mark.
- B. On lots with a line of mature forested vegetation within one-hundred (100) feet of the ordinary high water mark, the lakeshore side of the principal structure shall be set back at least twenty (20) feet landward from the edge of predominantly forested vegetation.
- C. On lots lacking forested vegetation within one-hundred (100) feet of the ordinary high water mark, all structures except those specifically exempted above shall be set back one-hundred (100) feet from the high water mark.
- D. On lots with a steep bluff which begins within one-hundred (100) feet of the high water mark, all structures shall be set back at least fifty (50) feet from the top of the bluff.
- E. If a greater setback is required under the provisions of any state or federal law than is required by this section, then such greater setback requirement shall apply.
- G. Where the imposition of the setbacks above precludes the location of a dwelling or other primary structure, the applicant may request a variance; however, no variance shall be granted for any use or structure in violation of the intent and purpose of this Article.

2.15 UNLISTED PROPERTY USES

When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or zoning administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the Charter Township of Portage Master Plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.

2.16 OUTDOOR WOOD BURNING BOILERS AND APPLIANCES

- 1. An outdoor wood burning boiler is permitted as an accessory structure/building only in the rural residential, farm forest, and manufacturing Districts and providing the following standards are met:
 - A. Minimum set back from property boundary and/or public or multiple use private road R.O.W. is 50 feet. The outdoor wood-fired boiler shall be located at least 100 feet from the nearest residential dwelling which is not on the same property as the outdoor wood-fired boiler.

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B. The outdoor furnace shall be built and operated in accordance with manufacturer's instruction and with applicable state and local codes, including fire codes, so that it, or its chimney emissions, does not produce an unusual fire hazard and/or does not produce materially deleterious health, safety, and/or quality of life effects for either occupants, neighbors, or people driving on nearby roads.

C. The minimum permitted chimney height is fifteen (15) feet above the top of the burn chamber of the Outdoor Furnace unless the Outdoor Furnace is at least three hundred (300) feet from any boundary line of the parcel it is placed on.

D. A mechanical permit is required to be obtained through the Houghton County Building Department prior to installation of an outdoor wood burning boiler.

E. The wood burning boiler must be EPA certified.

2.17 SEXUALLY ORIENTED BUSINESS

In any zoning district where a sexually oriented business is allowed as a Special Use, the following conditions will be required to be met:

1. No person shall reside in or on, or permit a person to reside in or on, a building or property occupied by a sexually oriented business.

2. No sexually oriented business shall be established on a parcel which is within one-thousand (1,000) feet of any parcel in a residential or mixed-use zone.

3. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any of the following, as measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the uses which follow:

- A. Dwelling unit
- B. Any residential lot line
- C. Any residential zoning district
- D. Any residential planned unit development
- E. Licensed residential care facility
- F. Licensed foster family group home
- G. Nursing home
- H. School
- I. Child care organization
- J. Place of worship

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K. Public park

L. Public library

M. Other sexually oriented business.

4. The proposed use shall conform to all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.

5. Any sign or signs proposed for the sexually oriented business (whether on-site or off-site, including but not limited to billboards) shall not include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination, and otherwise shall conform to the requirements of this Ordinance.

6. Entrance signs to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that say:

A. Persons under the age of 18 are not permitted to enter the premises, and

B. No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.

7. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.

8. Hours of operation shall be limited to 10:00 AM to 11:00 PM., Monday through Saturday.

9. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:

A. Be handicap accessible to the extent required by the Americans With Disabilities Act

B. Be unobstructed by any door, lock or other entrance and exit control device

C. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant

D. Be illuminated by a light bulb of wattage of no less than 25 watts incandescent or equivalent

E. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.

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2.18 WIND ENERGY CONVERSION SYSTEMS (WECS) CONDITIONS FOR APPROVAL IN SPECIFIED DISTRICTS WITHIN THE CHARTER TOWNSHIP OF PORTAGE

1. SMALL OR INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS (WECS): Small Wind Energy Conversion Systems are a Special Use (see Section 10) in all Zoning Districts in the Charter Township of Portage, subject to the following conditions:

A. The proposed Small WECS will not unreasonably block, interfere, or otherwise impair a scenic vista, corridor, or the view of a neighboring residential structure.

B. The primary purpose Small WECS will be to provide power for the principal use of the property. The purpose shall not be the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a WECS designed to meet the energy needs of the principal use.

C. The WECS and its location on said properties shall be the best location so it produces the least noise as possible to adjacent properties. Additional side and rear yard setbacks from the required structure zoning ordinance setbacks shall be determined by the Planning Commission and shall be based upon the height of the proposed WECS.

D. No variance shall be granted in connection with a proposed WECS to permit a height greater than 175 feet or such that the placement of a WECS is so close to a property line so that any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, will overhang, cross, or otherwise extend beyond the property line.

E. The Planning Commission may add additional reasonable conditions.

F. A grant of zoning compliance permit constitutes an agreement between the land owner and the Charter Township of Portage and infers that the Zoning Administrator may enter the property, at any reasonable time, for the purpose of inspection to determine compliance with above conditions.

G. No WECS shall be erected until final site plan approval has been granted by the Planning Commission and permits issued by all government agencies involved. The site plan, in addition to the above, shall also show:

1. Location of tower on-site and tower height, including blades,
2. Underground utility lines within a radius equal to the proposed tower height, including blades,
3. Dimensional drawings, installation, and operation instructions,
4. Design date indicating the basis of design, including manufacturer's dimensional drawings, installation, and operation instructions,
5. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes,

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6. Any other information that the Zoning Administrator or the Planning Commission deems necessary.

2. LARGE WIND ENERGY CONVERSION SYSTEMS (LWECS)

A. STATEMENT OF FINDINGS:

Wind energy is an abundant, renewable, and nonpolluting energy resource. Wind energy's conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

B. PURPOSE:

To protect public health and safety, The Charter Township of Portage has included Large Wind Energy Conversion System Regulations into its Zoning Ordinance to regulate and provide guidance, approval, and denial processes for requests for installation of Large Wind Energy Conversion Systems (LWECS).

C. APPLICABILITY:

The Charter Township of Portage Large Wind Energy Conversion System regulations apply to all lands within the boundaries of Charter Township of Portage.

D. DEFINITIONS:

Applicant: The person or persons, or entity applying for installation of a Large Wind Energy Conversion System.

Decommissioning: Removal of a Large Wind Energy Conversion System or Met or SCADA Tower due to in-operation for a continuous period of 12 months, or because the Large Wind Energy System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.

Flicker or Shadow Flicker: The effect that results when the shadow cast by the rotating blade of a Large Wind Energy System moves across a fixed point.

Met or SCADA (Supervisory Control and Data Acquisition) Tower: A tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Large Wind Energy Conversion System.

Owner: The person or persons, or entity that owns or proposes to own a Large Wind Energy System or Met or SCADA Tower and the property on which the Large Wind Energy System or Met or SCADA Tower is or proposes to be located.

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Large Wind Energy Conversion System (LWECS): A Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 175 feet or more, or both.

Nonparticipating Property: Real property on which either there is no Large Wind Energy System, or there is a Large Wind Energy System that is in a different Wind Farm System than another Large Wind Energy System.

Participating Property: Real property on which a Large Wind System is located and that is in the same Wind Farm System as another Large Wind Energy System.

Special Use Permit: A permit for the installation of a Large Wind Energy System, as described in Section 10, Special Land Uses, of the Charter Township of Portage Zoning Ordinance.

Total Height: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower: Either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a Met or SCADA Tower.

Township: The Charter Township of Portage.

Wind Energy Conversion System: Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

Wind Generator: The mechanical and electrical conversion components mounted on or near the Tower.

Wind Farm System: A Large Wind Energy System that includes more than one Tower.

E. STANDARDS

The following standards shall be met before consideration by the Township of an application for a Large Wind Energy System, or a Met or SCADA Tower.

1. Zoning and Setbacks

a. A Large Wind Energy Conversion System may only be located in areas in the Charter Township of Portage that are zoned Farm and Forest (FF), Rural Residential (RUR) and General Manufacturing (M-1).

b. A tower must be set back:

1. At least 1.5 times its total height from the property line of a participating property
2. At least 1.5 times its total height from any public road or power line right-of-way

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3. At least 1,000 feet from the property line of a Nonparticipating Property unless the owner of the Nonparticipating Property grants an easement for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback that is less than 1.5 times the total height of the Large Energy Wind System.

4. Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and Township Board.

2. Spacing and Density

A Large Wind Energy System must be separated from every other Tower by a sufficient distance so it does not interfere with any other Tower.

3. Structure

A Large Wind Energy Conversion System must be a monopole construction to the extent practical. If monopole construction is not practical, a Large Wind Energy System must be of free-standing construction to the extent practical. If monopole or free-standing construction is not practical, a Large Wind Energy System must be guyed.

4. Height

The total height of a tower and blade of a Large Wind Energy System must be 500 feet or less.

5. Noise

The noise generated by the operation of a Large Wind Energy System shall not exceed 55dB(A) at the property line closest to the Large Wind Energy Conversion System. Exceptions for neighboring property are allowed with the written consent of those property owners.

6. Blade Clearance

The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least seventy-five (75) feet.

7. Access

A Large Wind Energy System, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

8. Electrical Wires and Equipment

All electrical wires associated with a Large Wind Energy Conversion System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines,

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must be located underground. Any electrical equipment associated with a Large Wind Energy Conversion System must be located under the sweep area of a blade assembly.

9. Lighting

A Large Wind Energy System may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

10. Appearance, Color, and Finish

The exterior surface of any visible components of a Large Wind Energy Conversion System must be a non-reflective, neutral color. Towers and turbines in a Wind Farm System that are located within one mile of each other must be of uniform design, including Tower type, color, number of blades, and direction of blade rotation.

11. Signs

No wind turbine, Tower, building or other structure associated with a Large Wind Energy Conversion System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, Tower, building, or other structure associated with a Large Wind Energy Conversion System.

12. Code Compliance

A Large Wind Energy System must comply with all applicable federal, state, and local construction and electrical codes. A Large Wind Energy Conversion System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner must provide written certification from a state licensed inspector showing that the Large Wind Energy System complies with all applicable codes before placing the Large Wind Energy Conversion System into operation.

13. Signal Interference

The owner of a Large Wind Energy Conversion System must filter, ground, and shield the Tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

14. Utility Interconnection

A Large Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

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15. Environmental Impacts

A Large Wind Energy System shall comply with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.

16. Flicker or Shadow Flicker

The owner of a Large Wind Energy Conversion System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Shadow Flicker on any occupied structure on a Nonparticipating Property.

F. APPLICATION PROCESS:

Requests for Large Wind Energy Conversion Systems shall be submitted for review, approval, or denial in accordance with Section 10 (Special Land Uses), and in conformance with section 6 (Site Plan Review), and Section 11 (Zoning Board of Appeals) of the Township's Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval or denial of a request for a Large Wind Energy Conversion System.

If a Special Land Use Permit (Permit) is granted, it will expire if the Large Wind Energy System is not installed and functioning within two (2) years from the date the Permit is issued. The applicant may file for an extension of up to one year due to unforeseen circumstances.

In addition to the information required in the aforementioned section, the applicant shall provide the following in writing:

1. The applicant and landowner's name and contact information. If the applicant is a business entity, the applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID.
2. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site).
3. A survey map which clearly delineates the proposed location of the Large Energy Wind Conversion System, existing or planned access roads, boundaries of the parcel, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries, or other structures to a distance one-half mile.
4. A survey map which clearly delineates any federal, state, county or local parks, recognized historic or heritage sites, state-identified wetlands, inland lakes or streams, or shore land.

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5. Number, description, design, and manufacturer's specifications of each Large Wind energy System and Met or SCADA Tower, including the manufacturer, model, capacity, blade length, lighting, and total height of any Large Wind Energy Conversion System.
6. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any Tower and Tower foundation, including certification showing compliance with all applicable electrical and building codes.
7. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
8. Proposal for landscaping and screening.
9. A completed environmental assessment, demonstrating compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shoreland Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.
10. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project.
11. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
12. Location of any overhead utility lines adjacent to the property.
13. Written documentation demonstrating compliance with all requirements set forth in the Township's Large Wind Energy Conversion Regulations.
14. Written statement that the owner will construct and operate the Large Wind Energy Conversion System, Met or SCADA Tower, or Wind Farm System in compliance with all applicable local, state and federal codes, laws, orders, regulations, and rules.
15. Written statement that the owner will install and operate the Large Wind Energy System, Met or SCADA Tower, in compliance with manufacturer's specifications.
16. Proof of financial assurance in form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this Ordinance for Large Wind Energy Conversion Systems.
17. Written statement signed by the landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by Article G of this Section, and that any removal and reclamation costs incurred by the Township will become a lien on the property and may be collected from the landowner in the same manner as property taxes. In this regard, the owner must provide a performance bond, completion bond, or other financial assurance satisfactory to the Township of at least

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\$20,000 for each Large Wind Energy Conversion System to guarantee the performance of the removal and reclamation requirements stated in Section G of this Article.

G. DECOMMISSIONING

For a Large Wind Energy Conversion System or Met or SCADA Tower that is out-of-service for a continuous period of 12 months, or is deemed unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator may issue a Decommissioning Notice (Notice) to the owner. If within thirty (30) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator will withdraw the Notice.

If the owner does not provide sufficient evidence that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance, within 120 days of receipt of the Notice, the owner must cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower and reclamation of the site. All foundations, pads, and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower within 120 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

H. ENFORCEMENT

The Zoning Administrator may enter any property for which a Special Land Use Permit has been issued under this Ordinance to conduct an inspection to determine whether there is any violation of this Ordinance, or whether the conditions stated in the Permit have been met. The Zoning Administrator, or the Sheriff or Sheriff's designee at the request of the Zoning Administrator may issue a citation for any violation of this Ordinance. Any person who fails to comply with any provision of this Ordinance or conditions stated in the Permit shall, upon conviction, be fined not less than \$500 or more than \$1,000 for each offense, together with costs of prosecution for each violation.

I. PRECEDENCE

If any conflicts exist between this Section and any other sections of the Charter Township of Portage Zoning Ordinance, this Section shall take precedence.

2.19 AGRICULTURAL LAND USES

With respect to the Statement of Intent contained in Section 1.3 of this Ordinance, the Charter Township of Portage recognizes the diverse nature of the zoning districts under this legislation. As permitted under the Michigan Commission of Agriculture and Rural Development 2014 update of the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities(Site Selection GAAMP) , it shall be a violation of this Ordinance

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to engage in the care, raising or possession, for profit or not for profit, of farm animals, such as cows, horses, sheep, goats, pigs, fowl, or the like, in zoning districts Residential Resort and Small Business District (LAR), and Residential Districts (R-1, R-2, R-3, and R-4), unless the same are confined within a licensed veterinary clinic for medical treatment or boarding in a zoning district authorizing the same, or as otherwise authorized herein.

2.20 REMOVAL AND PROCESSING OF SAND, GRAVEL, OR OTHER SUCH MINERALS.

Mining, gravel and sand and other such minerals is a Special Use in the Farm and Forest (FF), Rural Residential (RR), Mixed Use (MU) and General Manufacturing (M-1) Districts and subject to the provisions and the process outlined in Section 10 of this ordinance. In considering an application for a Special Use Permit, the Planning Commission shall consider the following standards:

1. Ordinary hours of operation shall be Monday through Friday, 7:30 a.m. to 5:00 p.m., including equipment engine warm-up. Applicants may operate the quarry six Saturdays per year, between the hours of 7:30 a.m. and 12:00 p.m., without seeking advance permission from the Township. If it is necessary to operate the quarry more than six Saturdays in a year, the applicant must provide written notice to the Township within three calendar days in advance, seeking from the Township permission to operate on additional Saturdays. If permission is not provided, applicants may not operate the quarry on the days requested. The Township shall not unreasonably withhold permission.

Additionally, applicants may, at any time seek from the Township Board permission to operate beyond the hours of the operation set forth above, stating in writing the necessity for doing so. Without such permission, applicants may not operate beyond the hours set forth above. This does not affect any existing Consent Orders related to the removal of sand, gravel, or other minerals.

2. Compliance with Laws, Rules, and Regulations. All applicants have the strict obligation to comply with all governing laws, rules, and regulations pursuant to federal, state, and local law. This includes without limitation, the obligation to obtain, comply and or secure required permits regarding the following:

A. Soil erosion and sedimentation control from the Houghton County Drain Commission.

B. Storm water compliance certificates of coverage from the Michigan Department of Environmental Quality.

C. Certificates of coverage and/or related permits to operate pursuant to the Natural Resources Economic Protection Act ("NREPA").

D. Certificates of coverage and/or related permits to operate pursuant to the Natural Pollutant Discharge Elimination System ("NPDES").

E. Storm water pollution prevention plans ("SWPPP").

F. All air pollution control provisions of NREPA.

G. Forest management plans to be updated on no less than a four-year basis.

H. Sound and noise suppression plans to be updated on an annual basis.

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- I. All state, federal, or local laws regulating mining and/or quarry operations.
 - J. All provisions of the Township zoning or other ordinances.
 - K. All applicable provision of the Occupational Safety and Health Administration Act (OSHA).
 - L. All applicable provisions of the Michigan Occupational Safety and Health Administration (MIOSHA).
 - M. Any and all such other laws, rules, or regulations that may apply to the operation. The fact that any law, rule, or regulation that may apply to the operation is not specifically identified above does not entitle an applicant to operate in violation of those laws, rules, or regulations.
 - N. All regulations of the Western Upper Peninsula Health Department.
 - O. Applicants have the strict obligation to submit proof that the above obligations are being satisfied on an annual basis by providing in writing to the Township sworn certifications to that effect. For purposes of ensuring compliance with all laws, rules, and regulations, the Township Supervisor, Zoning Administrator or his/her qualified representative(s) may make reasonable inspections during hours of operation. Any failure to comply with any applicable laws, rules, or regulations shall entitle the Township to immediate injunctive relief to stop all work at the operation until all operations are brought in compliance with all such laws, rules, and regulations.
3. Insurance. Applicants shall maintain general liability insurance of no less than \$1,000,000/occurrence and \$2,000,000 aggregate. Applicants shall maintain with the Township updated certificates of liability insurance setting forth the required policy limits.
4. Berms. Prior to beginning operation, applicants must construct earthen berms large enough to substantially assist in reducing noise.
5. Perimeter Buffers. The perimeter of the area to be excavated shall be to the extent reasonable, buffered in compliance with customary and reasonable practices.
6. Roads. All roads accessing the site shall be in compliance with all relevant laws, regulations, and standards, including those of the Houghton County Road Commission and Michigan Department of Transportation. Where reasonably necessary, as found by the Township Board of Trustees or its designee, the Township may require Applicants to relocate an access road or construct or improve existing roads to provide a safe truck access point onto a primary road in order to accommodate truck travel necessitated by the operations.
7. Noise suppression. To the extent reasonably possible, noise, including without limitation background nuisance noise, and vibrations shall be minimized, particularly as they may affect nearby residential properties. Without limitations, this includes the obligation of applicants to utilize adequate soundproof equipment, including motion detectors rather than back-up beepers where permitted; use buildings that are located and designed to accomplish such minimization: and properly use of earth and berm, walls, low topographic positioning, stock piled material placement and natural and planted tree/shrub screens. Applicants should maintain a 75 dB(A) peak level during work hours as measured to any abutting residential property line as the maximum peak noise level. If this is not being

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maintained, then applicants shall provide to the Township a plan designed to lower the peak dB(A) level and bring applicants into compliance with this provision in accordance with customary industry standards. Applicant's trucks will avoid compression braking except as necessary for safety. All noise suppression activities measures shall comply with any other Township ordinances and state laws related to noise.

8. Dust Control. In addition to using the same or similar methods set forth above regarding noise suppression, applicants shall plant an appropriate number of the trees to help control dust. Interior and adjoining roads used in the operation shall have their surfaces treated to minimize earth deposits on paved roads and to lessen dust creation which would create a wind-borne, off-site nuisance which could constitute a health hazard. Applicants shall comply with part 55 Air Pollution Control of the NREPA of 1994 PA 451.

9. Fencing/Lighting. Any dangerous excavations, dangerous pits, dangerous pond edge areas, dangerous banks, or dangerous slopes shall be adequately leveled, guarded or fenced and posted with signs around the perimeter thereto to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible. Security lighting may be permitted by the Planning Commission or its designee, but shall be aligned so that no part of the illumination shall fall on any adjoining residential property, and the height, location and type of lighting shall be such that lights do not cause glare on to adjoining properties.

10. Storm Water Operator. Applicants shall maintain a full-time employee as a "certified operator" for its Storm Water Prevention Plan. The reports created by the designated Stormwater Operator shall be made available to the Township Supervisor upon reasonable request. The Stormwater Operator shall comply with any applicable requirements, through oversight by the DEQ and County Drain Commissioner.

11. Reclamation of Mined Areas.

A. Reclamation or rehabilitation of mined areas shall be accomplished as provided for in the DEQ certification of coverage permits following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion or reclamation rehabilitation shall be effected within two years after termination of mining or excavation activity. Inactivity for a 12 month consecutive period shall constitute, for this purpose, termination of the mining activity.

B. To the extent the DEQ certification of coverage permits do not apply, the following standards shall control reclamation rehabilitation:

1) All excavations shall be either to a water producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded and backfilled with nontoxic, nonflammable, nonorganic and noncombustible solids. The reclamation plan shall identify to the reasonable satisfaction of the Planning Commission or its qualified designee the kinds of earthen and plant materials to be used in reclamation activities.

2) Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.

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- 3) Any surface that is not permanently submerged shall be graded and backfilled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and that will be generally compatible with and grade naturally into the adjoining undisturbed land areas.
- 4) The banks of all excavations shall be sloped to the water line in a waterproducing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal. Some mining within the setback areas may occur only during the construction of the berms subject to the review and approval by the Planning Commission or its designee. Water-producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holds.
- 5) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water after the termination of mining or excavation operations. When used, soil shall be applied to a minimum depth of 4 inches and supplied with sufficient additives based on soil tests such as fertilizer, lime, etc. to assure a successful re-vegetation of the reclaimed site.
- 6) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize wind and water erosion. The Planning Commission or its qualified designee will require the seeding and plantings to conform to the standards and specifications adopted by either the County Extension Agent or the USDA-NRCS Office servicing the Houghton/Keweenaw County Soil Conservation District.
- 7) Upon cessation of mining operations by abandonment or otherwise, applicants, within a reasonable period of time, not to exceed 12 months thereafter, shall remove all structures associated with the earlier enterprise.

12. Financial Guarantee. Applicants shall furnish the Township a financial guarantee ensuring the proper rehabilitation or reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000.00 per acre of the area proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this division in the applicant's filed plan.

Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than 1 foot vertical to 3 feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Township Zoning Administrator or such other official as may be designated by the Township Board of Trustees. Such financial guarantee may be in the form of cash, certified check, a revocable bank letter of credit, or corporate bond of a licensed insurance company.

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13. Formal Planting Plan. Applicants shall provide a formal plan indicating where trees and shrubs will be planted.

14. Notifications, Complaints and Dispute Resolution. The Township will make every effort to identify by name, phone number, and email address if available, those residents nearest to the quarry that are most likely to be impacted by the operation of the quarry. Those residents must be contacted first if any changes to such things as time of operation, blasting, noise, or dust issues are to be reasonably anticipated. The operator will send an email when available or contact by phone individuals on this list who wish to be notified of 24 hour advance notice of any blasting at the operation. In the event of any complaint lodged by any resident or other individual concerning the operations, the complaint should first be addressed with the applicant by the Township Supervisor or other Township representative as designated by the Supervisor or Township Board in an effort to resolve the complaint without further actions. If the complaint cannot be resolved in that way, the parties may agree upon a neutral third party to consider the complaint and the proposed response by applicants and make nonbinding recommendations.

2.21 OUTDOOR LIGHTING

All outdoor lighting luminaries other than decorative residential lighting such as porch, low level lawn lights, special seasonal lights such as Christmas lights and public street lighting, including, but not limited to, pole mounted, residential pole mounted, and building mounted yard lights, shall be subject to the following regulations. Lighting shall be designed and constructed in such a manner to insure:

1. That direct or directly reflected light unless part of a street lighting or access road lighting scheme is confined to the development site.
2. That all light sources and light lenses are shielded.
3. That any point light sources are not directly visible from beyond the boundary of the site (no light trespass).
4. That lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. That is, the light rays may not be emitted by the luminaire at angles above the above-described horizontal plane,.

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SECTION 3 - ZONING DISTRICTS

3.1 ESTABLISHMENT

For the purpose of this Ordinance, the Charter Township of Portage is hereby divided into the following zoning districts:

FF FARM AND FOREST DISTRICT

RUR RURAL RESIDENTIAL DISTRICT

RER RESORT RESIDENTIAL DISTRICT

LAR LAKESHORE RESIDENTIAL DISTRICT

R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

R-2 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

R-3 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

R-4 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

B-1 NEIGHBORHOOD BUSINESS DISTRICT

B-2 GENERAL BUSINESS DISTRICT

M-1 GENERAL MANUFACTURING DISTRICT

MU MIXED USE DISTRICT

3.2 DISTRICT BOUNDARIES

Boundaries of these districts are hereby established as shown on the maps entitled "Official Zoning Map" which accompanies and is hereby declared to be a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.

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4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of four hundred (400) feet from the front lot line.

6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

3.3 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a district on the zoning map, such land shall be in the FF (Farm and Forest District).

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If the vacated street or alley adjoins two different zones, the center line of the vacated street or alley shall constitute the zone boundary.

3.4 FF FARM AND FOREST DISTRICT

1. Purpose

The Farm and Forest District is established as a zone in which agriculture, forestry, and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture and forestry through preventing the mixture of urban uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural and forestry lands to help pay for urban services, and contributes to the premature termination of agricultural and forestry pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

2. Permitted Uses

A. Agricultural and forestry uses, including but not limited to, horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming, and the operation of any machinery or vehicles and other uses customarily incidental thereto, but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.

B. Agricultural supply outlets.

C. One and two family dwellings.

D. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, and similar uses.

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- E. Signs as permitted in Section 5 of this Ordinance.
- F. Home occupations and neighborhood related services in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- G. Living quarters for hired help such as a tenant house, mobile home, apartment, or room for persons employed on the premises.
- H. Barns and other bona fide farm buildings or structures.
- I. Greenhouses.
- J. Roadside stands with adequate parking, as regulated in Section 4.
- K. Kennels.
- L. Riding stables.
- M. Seasonal camps, cabins, hunting shelters

N. Storage buildings on vacant property (subject to the following conditions)

- 1) Property size must be at least 10 acres.
- 2) The ancillary building must not exceed 1,200 square feet.
- 3) The ancillary building cannot be used for human habitation.
- 4) The minimum setback for ancillary buildings is 20', the same as other buildings in the township.
- 5) Ancillary buildings larger than 1,200 square feet would be permitted, as long as the parcel it is located on is 40 acres or larger.
- 6) If the property containing the ancillary building is divided in the future, the parcel containing the structure must remain a minimum of 10 acres for the 1,200 square foot building, or a minimum of 40 acres for the larger building.
- 7) The ancillary building is for personal use only, and may not be leased in whole or in part.

3. Special Uses:

- A. Removal and processing of sand, gravel, or other such minerals. In considering such authorization, the Planning Commission shall consider the standards found in Section 2.20.
- B. Junkyards, subject to the provisions of Township Ordinance No. 111, regulating the "Open Storage of Junk", or any amendments thereto, which shall be applicable to any junkyard or area used for the storage of motor vehicles or parts thereof.
- C. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, communications towers, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses.
- D. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.
- E. Small and Large Wind Energy Conversion Systems (WECS).

4. Bulk Requirements:

- A. Minimum Lot Area: 1 acre
- B. Minimum Frontage: 125 feet

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C. Minimum Yards:

Front 30 feet

Side 20 feet

Rear 30 feet

D. Minimum Floor Area

Single/Two Family Dwelling 500 square feet per dwelling unit

E. Maximum Height 35 feet

3.5 RUR RURAL RESIDENTIAL DISTRICT

1. Purpose - The Rural Residential District is established to permit a controlled mixture of dwellings in an area without public sewer and water services. This district is intended to provide an orderly transition between the Farm and Forest District and higher density urban areas.

2. Permitted Uses

A. Dwelling, single, two-family and multi-family .

B. Agriculture and forestry.

C. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. (Also see Section 9 of this Ordinance).

D. Signs as permitted in Section 5 of this Ordinance.

E. Home occupations and neighborhood related services in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

F. Living quarters for hired help such as a tenant house, mobile home, apartment, or room for persons employed on the premises.

G. Barns and other bona fide farm buildings or structures.

H. Greenhouses.

I. Roadside stands with adequate parking, and parking as regulated in Section 4.

J. Riding stables.

K. Seasonal camps, cabins, hunting shelters.

L. Kennels.

M. Storage buildings on vacant property (Same as in FF).

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3. Special Uses

- A. Public utility and service uses such as electric substations, regular stations, telephone transmission structure, communication towers, radio-television-microwave relay towers, water reservoirs or pumping stations, government buildings, transportation facilities and similar uses. (See Section 9, Special Uses)
- B. Removal and processing of sand, gravel, or other such minerals. In considering such authorization, the Planning Commission shall consider the standards found in Section 2.20.
- C. Small and Large Wind Energy Conversion Systems (WECS)
- D. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.
- F. Land divisions according to Condominium Act of 1978.

4. Bulk Requirements

- A. Minimum Lot Area: 1 acre
- B. Minimum Frontage: 125 feet
- C. Minimum Yards:
 - Front 30 feet
 - Side 20 feet
 - Rear 30 feet
- D. Minimum Building Floor Area:
 - Single/Two Family Dwelling 500 square feet per dwelling unit
- E. Maximum Height: 35 feet

3.6 RER RESORT RESIDENTIAL DISTRICT

- 1. Purpose - The purpose of this District is to accommodate a compatible mixture of seasonal and year-round housing types along with controlled expansion of seasonal units around Otter Lake.
- 2. Permitted Uses
 - A. Single-family dwellings.

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- B. Dwelling units for seasonal occupancy.
- C. Agricultural and forestry activities as regulated by Section 2.19.
- D. Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- E. Private garages.
- F. Roadside stands located at least twenty-five (25) feet from the front property line and parking as regulated in Section 4.

3. Special Uses

- A. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. (Also see Section 10 of this Ordinance.)
- B. Public utility and services uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs or pumping stations, government buildings, transportation facilities and similar uses. (See Section 9, Special Uses.)
- C. Public boat landings, docks or access points for pleasure or fishing boats and buildings for storage of boats.
- D. Commercial boat landings and related facilities.
- E. Small Wind Energy Conversion Systems (WECS)
- F. Removal and Processing Of Sand, Gravel, Or Other Such Minerals.
- G. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.

4. Bulk Requirements

A. Minimum Lot Area

Single family and seasonal dwellings 40,000 square feet

B. Minimum Frontage: 150 feet

C. Minimum Yards:

Front 30 feet

Side 20 feet

Rear 30 feet

D. Minimum Floor Area 500 square feet

E. Maximum Height 35 feet

3.7 LAR - RESIDENTIAL, RESORT & SMALL BUSINESS DISTRICT

1. Purpose - The purpose of this district is to accommodate a compatible mixture of residential uses, year round and seasonal rental units, and neighborhood convenience shopping which would provide services and supply commodities to meet the daily needs of the neighborhood.

2. Permitted Uses

A. One and two family dwellings.

B. Cabins, cottages, efficiency units, motels for year round and/or seasonal living.

C. Small businesses, specifically:

1. Baked goods stores.

2. Banks, loan, or finance offices.

3. Barber or beauty shops.

4. Gift shops.

5. Candy, soda or ice cream shops.

6. Delicatessens.

7. Grocery stores and meat markets.

8. Liquor stores including beer and wine.

9. Professional & business offices.

10. Restaurants or cafes.

11. Car sales.

12. Farm produce stands.

13. Any other business or establishment determined by the Planning Commission to be of the same general character as the preceding permitted uses.

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3. Special Uses (see Section 10)

- A. Public or private community facilities such as churches, parks, and recreational facilities.
- B. Public boat landings, docks or access points for pleasure or fishing boats.
- C. Small and Large Wind Energy Conversion System (WECS).
- D. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.
- F. Public utility and services uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs or pumping stations, government buildings, transportation facilities and similar uses. (See Section 9, Special Uses.)

4. Bulk Requirements

A. Minimum Lot Area

Single family dwellings 12,000 square feet

Rental cottages, cabins and

similar dwelling units for seasonal

occupancy, including motels 1,500 square feet/dwelling unit –

minimum 20,000 square feet

Other Uses 20,000 square feet

B. Minimum Frontage: 100 feet

C. Minimum Yards:

Front 25 feet

Side 10 feet

Rear 25 feet

D. Minimum Floor Area 500 Square Feet

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Dwellings intended for
seasonal occupancy 500 square feet
Rental cottages, cabins and
similar dwelling units for seasonal
occupancy, including motels 500 square feet per dwelling unit
E. Maximum Height 35 feet

3.8 R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

1. Purpose – The R-1 Low Density Single Family Residential Districts are established to provide the full range of residential housing types in a lower density but urban environment, where most of the facilities for urban living, including community sewer and water facilities, are available or can be made available in the future.

2 Permitted Uses

A. Single family dwellings.

3. Special Uses (see Section 10)

A. Public or private community facilities such as schools, churches, cemeteries, libraries, parks and recreational facilities.

B. Small Wind Energy Conversion Systems (WECS)

C. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.

E. Public utility and services uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs or pumping stations, government buildings, transportation facilities and similar uses. (See Section 9, Special Uses.)

4. Bulk Requirements

A. Minimum Lot Area: 12,000 square feet with public water and sewer

B. Minimum Frontage: 100 feet with public water and sewer

Note: The minimum lot area and frontage for lots not served with public water and sewer shall be fifteen thousand (15,000) square feet and one hundred twenty-five (125) feet, respectively.

C. Minimum Yard

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Front 30 feet

Side 10 feet

Rear 30 feet

D. Minimum Floor Area 1,400 square feet

E. Maximum Height 35 feet

3.9 R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

1. Purpose – The R-2 Medium Density Single Family Residential District is intended to reflect the existing older, developed neighborhoods not served by public water and sewer systems.

2. Permitted Uses

A. Single and two-family dwellings.

B. Home occupations in a single family dwelling provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.

3. Special Uses (see Section 10)

A. Public or private community facilities such as schools, churches, cemeteries, libraries, parks and recreational facilities.

B. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs, or pumping stations and government buildings.

C. Small Wind Energy Conversion Systems (WECS).

D. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.

4. Bulk Requirements

A. Minimum Lot Area

Single family dwellings 10,000 square feet

Two family dwellings 20,000 square feet

B. Minimum Frontage

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Single family dwellings 80 feet

Two family dwellings 100 feet

Note: The minimum lot area and frontage for single family lots not served with public water and sewer shall be twelve thousand (12,000) square feet and one hundred (100) feet, respectively. For two family lots, the minimum lot area and frontage shall be twenty-four thousand (24,000) square feet and one hundred twenty (120) feet, respectively.

C. Minimum Yards:

Front 30 feet

Side 10 feet

Rear 30 feet

D. Minimum Floor Area

Single family dwellings 500 square feet

Two family dwellings 750 square feet per dwelling unit

E. Maximum Height 35 feet

3.10 R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

1. Purpose – The R-3 High Density Single Family Residential District is intended to reflect the existing older, developed neighborhoods served by public water and sewer systems.

2. Permitted Uses

A. Single family dwellings

B. Two family dwellings

C. Home occupations in a single family dwelling provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.

3. Special Uses (see Section 10)

A. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, and recreational facilities.

B. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, **communication towers**, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings and transportation facilities.

C. Small Wind Energy Conversion Systems (WECS).

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D. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.

4. Bulk Requirements

A. Minimum Lot Area

Single family dwellings 7,500 Square feet

Two family dwellings 15,000 square feet

B. Minimum Frontage

Single family dwellings 75 feet

Two family dwellings 100 feet

The minimum lot area and frontage for single family lots not served with public water and sewer shall be twelve thousand (12,000) square feet and one hundred (100) feet, respectively. For two family dwellings, the minimum lot area and frontage shall be twenty-four thousand (24,000) square feet and one hundred twenty (120) feet, respectively.

C. Minimum Yards:

Front 30 feet

Side 10 feet

Rear 30 feet

D. Minimum Floor Area

Single family dwelling 900 square feet

Dwellings less than 900 square feet are permitted on substandard lots

Two family dwelling 750 square feet per dwelling unit

3.11 R-4 MEDIUM DENSITY MULTI FAMILY RESIDENTIAL DISTRICT

1. Purpose – The R-4 Medium Density Residential District is intended to provide an area for multi- family dwellings in an area served by public water and sewer.

2. Permitted Uses

A. Single family dwellings.

B. Two family dwellings.

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C. Multi-family dwellings.

3. Special Uses (See Section 10).

A. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities and hospitals. (Also see Section 9 of this Ordinance.)

B. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings and transportation facilities.

C. Mobile home parks shall be regulated pursuant to the Mobile Home Commission Act, Public Acts 1987, No. 96, MCL 125.2301, et seq, as amended, and the applicable rules and regulations under the Michigan Administrative Code, Rule 125.1101, et seq, as amended.

D. Small Wind Energy Conversion Systems (WECS)

E. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.

4. Bulk Requirements

A. Minimum Lot Area

Single family dwellings Same as R-3

Two family dwellings Same as R-3

Multi-family dwellings 4,500 square feet per dwelling unit

B. Minimum Frontage

Single family dwellings Same as R-3

Two family dwellings Same as R-3

Multi-family dwellings 100 feet

The minimum lot area for multiple family dwellings not served with public water and sewer shall be ten thousand (10,000) square feet per dwelling unit.

C. Minimum Yards:

Front

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Single family dwelling Same as R-3

Two family dwelling Same as R-3

Multi-family dwelling 30 feet

Side

Single family dwelling Same as R-3

Two family dwelling Same as R-3

Multi-family dwelling Same as R-3

Rear

Single family dwelling Same as R-3

Two family dwelling Same as R-3

Multi-family dwelling 30 feet

D. Minimum Floor Area

Single family dwelling Same as R-2

Two family dwelling Same as R-3

Each multiple family dwelling unit shall have minimum floor area as follows: One bedroom unit, six hundred (600) square feet per unit; two bedroom unit, seven hundred fifty (750) square feet per unit; three bedroom unit, nine hundred (900) square feet per unit; additional bedrooms shall require an additional one hundred (100) square feet of floor area for each additional bedroom.

Maximum Height 45 feet

3.12 B-1 NEIGHBORHOOD BUSINESS DISTRICT.

1. Purpose - The B-1 Business District is established to provide neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

2. Permitted Uses

A. Those uses which are permitted in the Residential Districts, subject, except as specifically provided otherwise in that Section, to the same conditions, restrictions and requirements as are provided in the Residential Districts.

B. Baked goods store.

C. Banks, loan, and finance offices.

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- D. Barber or beauty shop.
- E. Book, stationery, or gift stores.
- F. Candy store, soda fountain, and ice cream store.
- G. Clothes cleaning and/or laundry pick-up station.
- H. Clothing and dry goods store.
- I. Community facilities such as churches, libraries, art galleries, parks, hospitals, institutions and government buildings.
- J. Convenience stores.
- K. Delicatessen store.
- L. Dress shop.
- M. Drug store.
- N. Florist and gift shop without nursery.
- O. Funeral home.
- P. Grocery store, meat and produce market.
- Q. Hardware store.
- R. Household appliance store.
- S. Jewelry store.
- T. Laundromats.
- U. Liquor store, including beer and wine sales.
- V. Nursery school and day nurseries.
- W. Paint and wallpaper store.
- X. Photographer.
- Y. Professional and business offices.
- (aa) Radio and television store.
- (bb) Restaurants and/or cafes without dancing, floor shows or drive-in service.
- (cc) Service stations, including minor auto repairs.
- (dd) Shoe repair shop.

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(ee) Tailor and/or dress maker.

(ff) Variety store, including notions and "five and ten" store.

(gg) Signs as regulated in Section 5 of this Ordinance.

(hh) Any other business or establishment determined by the Planning Commission to be of the same general character as the preceding permitted uses.

3. Special Uses (See Section 10)

A. Service Stations.

B. Small Wind Energy Conversion Systems (WECS).

C. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings and transportation facilities.

4. Special Regulations

A. All sales, services, processing, storage and display shall take place within a completely enclosed building.

5. Bulk Requirements

A. Minimum Lot Area

The minimum lot area shall be fifteen thousand (15,000) square feet provided that all private sewage disposal systems not connected to a public sewer must be approved by the Western Upper Peninsula District Health Department.

B. Minimum Frontage 100 feet

C. Minimum Yards:

Front - Where all the frontage on the same side of a street between two intersecting streets is located in B-1 District and where a setback has been established by fifty percent (50%) of said frontage, then this established setback shall determine the required front yard. In all other cases there shall be a front yard of not less than fifty (50) feet.

Side

1. Where the side of a lot in a B-1 District abuts upon the side of a lot in any FF, RUR, RER, LAR or R District, each side yard shall be not less than twenty-five (25) feet.

2. There shall be a side yard of not less than forty (40) feet on the street side of a corner lot.

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3. No side yard shall be required when directly abutting other commercial uses or land included in a B District.

Rear

1. Where the rear of a lot in a B-1 District abuts upon the side yard of a lot in any FF, RUR, RER, LAR or R District there shall be rear yard of not less than thirty-five (35) feet.

2. In all other cases, there shall be a rear yard of not less than ten (10) feet.

3. No accessory building shall be allowed closer than five (5) feet from the rear lot line.

D. Screening

Side yards and rear yards adjoining any lot in an FF, RUR, RER, LAR, or R District shall be screened by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season or a solid wall or tight board fence six (6) feet in height.

E. Buildings:

Maximum Height 35 feet

3.13 B-2 GENERAL BUSINESS DISTRICT

1. Purpose - The B-2 Business District is established for the retailing and wholesaling of goods, warehousing facilities, trucking facilities, and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

2. Permitted Uses

A. All uses permitted in the B-1 District.

B. Amusement enterprises.

C. Antique shop, provided all articles for sale are displayed or stored within the shop.

D. Automobile and other vehicle sales.

E. Automobile repair shop or garage, including major repair operations.

F. Bank, loan, and finance offices, including drive-in branches.

G. Bowling alley, including bars and restaurants.

H. Bus station and travel agency.

I. Business or trade school.

J. Car wash.

K. Campground and travel trailer parks.

L. Catering service, delicatessen, and confectionery store.

M. Clinic - dental and medical, including laboratory.

N. Contractor (plumbing, heating, electrical etc.) provided all operations and storage are completely enclosed in a building.

O. Crating and packing service.

P. Dance studio and photographic studio.

Q. Diaper, linen, and towel supply service.
R. Dry cleaning and laundry - custom and self-service.
S. Eating place - bar, grill, and cocktail lounge including "drive-in".
T. Electrical supplies - wholesale and storage.
U. Exterminator service.
V. Factory and mill supplies.
W. Florist and gift shop, including nursery.
X. Frozen food locker.
Y. Funeral home and ambulance service.
Z. Hotels, motels, motor inns, and rental cottages.
AA. Juke box and vending machine service and distribution.
BB. Laboratory - medical or dental.
CC. Landing and take-off areas for roto craft.
DD. Liquor store.
EE. Locksmiths.
FF. Lodge hall, private clubs, veterans' clubs.
GG. Malt beverage, liquor, and wine distribution.
HH. Marinas.
II. Offices.
JJ. Office machines, sales and service.
KK. Office supply store.
LL. Ornamental iron work and fence services.
MM. Parcel delivery station.
NN. Pet shop, including treatment or boarding of animals.
OO. Printing and publishing including processes related thereto.
PP. Professional studio.
QQ. Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.
RR. Radio and television sales, repair, and broadcasting studios and towers.
SS. Resale shops including "auction houses".
TT. Resorts including cabins.
UU. Service stations.
VV. Shoe repair.
WW. Sign painting and servicing shops, provided all operations and storage are completely enclosed in a building.
XX. Special tools and gauges - checking and service.
YY. Taxidermist.
ZZ. Theater.
AAA. Theater - drive-in.
BBB. Trade schools.
CCC. Travel agencies.
DDD. Warehousing and storage structures.
EEE. Wholesale sales - roadside stands.
FFF. Signs as regulated in Section 5 of this Ordinance.
GGG. Any other business or establishment determined by the Planning Commission to be of the same general character as the preceding permitted uses.

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3. Special Uses (See Section 10)

A. Regional and community shopping centers.

B. Small Wind Energy Conversion Systems (WECS)

C. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings and transportation facilities.

4. Bulk Requirements

A. Minimum Lot Area Same as B-1

B. Minimum Frontage Same as B-1

C. Minimum Yards:

Front Same as B-1

Side Same as B-1

Rear Same as B-1

D. Buildings:

Maximum Height Same as B-1

3.14 M-1 GENERAL MANUFACTURING DISTRICT

1. Purpose - This District permits compounding, assembling, or treatment of articles or materials; this district also allows as a special use heavy manufacturing, extraction, processing of raw materials, and other similar industrial uses.

2. Permitted Uses

A. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.

B. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, copper, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semiprecious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.

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- C. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
- D. Petroleum storage located at least five hundred (500) feet from any residentially zoned property.
- E. Auto repair shops.
- F. Auto wash.
- G. Bottling plants and dairies.
- H. Contractor yards.
- I. Crating and packing service.
- J. Dry cleaning and laundry.
- K. Junkyard.
- L. Machine shop.
- M. Printing shop.
- N. Sign painting and servicing shop.
- O. Taxidermist.
- P. Warehouses and storage.
- Q. Wholesale sales.

The above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six (6) feet in height, provided that no goods, materials, or objects shall be stacked higher than the fence or wall, and provided that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to affect adjoining residential properties adversely.

- R. Landing and takeoff areas for roto-craft and airports.
- S. Parking lots.
- T. Radio and television towers.
- U. Signs as regulated in Section 5 of this Ordinance.
- V. Any other business or establishment determined by the Planning Commission to be of the same general character as the preceding permitted uses.

3. Special Uses (See Section 10)

- A. Any other industrial uses of a similar nature to the above permitted uses, when authorized by the Planning Commission through the Special Use and Site Plan Review process. In considering such authorization, the Planning Commission shall make written findings certifying

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that satisfactory provision and arrangement has been made concerning the following where applicable.

1. Ingress and egress to the lot and the proposed buildings and structures thereon with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe
2. Off-street parking and loading areas where required with particular attention to the items in subparagraph (a) above, and with attention to the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood
3. Refuse and service areas with particular reference to the items in subparagraphs (1) and (2) above
4. Utilities with reference to locations, availability, and compatibility
5. Screening and buffering with reference to type, dimensions, and character
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties
7. Required yards and other open spaces
8. General compatibility with adjacent properties and the surrounding neighborhood.

B. Small Wind Energy Conversion Systems (WECS)

C. Sexually Oriented Business (see Section 2.17)

D. Churches.

E. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, communication towers, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings and transportation facilities.

4. Bulk Requirements

A. Lot:

Minimum Area 15,000 square feet

Minimum Frontage 100 feet

B. Minimum Yard:

Front 50 feet

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Side

(1) Where the side yard of a lot abuts the side of a lot in the Manufacturing District, there shall be a side yard of not less than ten (10) feet.

(2) In all other cases, there shall be a side yard of not less than thirty-five (35) feet.

Rear 50 feet

C. Buildings:

Maximum Height 45 feet

3.15 MU MIXED USE DISTRICT

1. Purpose

Purpose - The Mixed-Use District is located on the west side of the Township, adjacent to M-26. It is intended to provide a mix of commercial, light industry and some residential development. If access to the businesses is from the highway, access management principles should be applied.

2. Permitted Uses

A. All uses permitted in the B-1 and B-2 Districts.

B. Single and Two Family Dwellings

C. Agricultural and forestry uses, including but not limited to horticulture, forestry, crop and tree farming, gardening; dairy, stock and poultry farming, and the operation of any machinery or vehicles and other uses customarily incidental to farming, but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter

D. Signs as permitted in Section 5 of this Ordinance

E. Home occupations and neighborhood related services in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

F. Any other business or establishment determined by the Planning Commission to be of the same general character as the preceding permitted uses.

3. Special Uses

A. Public utility and service uses such as electric substations, regular stations, telephone transmission structure, communication towers, radio-television-microwave relay towers, water reservoirs or pumping stations, government buildings, transportation facilities and similar uses. (See Section 9, Special Uses)

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B. Removal and processing of sand, gravel, or other such minerals. In considering such authorization, the Planning Commission shall consider the standards found in Section 2.20.

C. Small Wind Energy Conversion Systems (WECS)

D. Accessory Dwelling Units or ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.

4. Bulk Requirements

A. Minimum Lot Area Same as B-1

B. Minimum Frontage Same as B-1

C. Minimum Yards:

Front Same as B-1

Side Same as B-1

Rear Same as B-1

D. Buildings:

Maximum Height Same as B-1

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SECTION 4 - PARKING, LOADING, TRAFFIC, ACCESS

4.1 PARKING AND LOADING

The off-street parking and loading provisions of this Ordinance shall apply as follows:

1. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if a building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.
3. Existing Parking and Loading Facilities - Accessory off-street parking or loading facilities which were in existence on the effective date shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this Ordinance for a similar new building or use.
4. Permissive Parking and Loading Facilities - Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of contiguous off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.
5. Control of Off-Site Parking Facilities - Parking facilities may be provided on land other than the lot on which the building or use served by such facilities is located. They shall be and shall remain in the same possession or ownership as the lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized, and no permit shall be issued where the plans call for parking facilities other than on the same lot until and unless the **Planning Commission** has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue, and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

4.2 ADDITIONAL REGULATIONS, PARKING

1. Except as otherwise indicated, required off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
2. Collective Provision - Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are met.
3. Size - Each parking space shall not be less than two hundred (200) square feet exclusive of the space required for ingress and egress and shall be a minimum of ten (10) feet in width.

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4. Access - Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

5. Design and Maintenance.

a. Surfacing and Bumper Guards - All open off-street parking areas except parking spaces accessory to a single family dwelling shall be improved with an all-weather, dustless material, and shall have appropriate guards where needed.

b. Lighting - Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.

6. Mixed Uses - When two or more uses are located on the same lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the *Planning Commission*.

7. Other Uses - For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this Ordinance, or as varied due to unique circumstances by the Board of Appeals.

8. Parking Requirement Deferment- Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, subject to the following requirements:

A. An area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six (6) months of receipt of a written response to the request by the Zoning Administrator.

B. The site plan shall note the area where parking is being deferred, including dimensions and parking lot layout.

C. Proof of an approved stormwater management plan for the amount required by the this ordinance, including any deferred spaces, must be submitted.

4.3 ADDITIONAL REGULATIONS - OFF-STREET LOADING

1. Location - All required loading berths shall be located on the same lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty (50) feet to any property in a Residential District unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height.

2. Access - Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the County Road Commission Engineer.

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3. Surfacing - All open off-street loading berths shall be improved with an approved base not less than seven (7) inches thick, and surfaced with an all-weather dustless material.
4. Each loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.
5. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
6. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the Board of Appeals, shall be provided.

4.4 SCHEDULE OF OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS

Off-street parking and off-street loading and unloading facilities shall be provided in accordance with the following schedule:

USE NUMBER OF PARKING SPACES REQUIRED

Single Family Two per dwelling unit

Two Family Two per dwelling unit

Multi-family One and one half per dwelling unit

In those cases where multi-family dwelling units are intended for occupancy by more than two (2) adults, the required parking spaces shall be increased at a rate of 1-1/2 spaces for each two (2) additional adults.

Motels, hotels, lodging houses One per lodging unit, plus one stall for each 100 sq. ft. of retail sales or dining area

Commercial (except as One per 200 sq. ft. of gross floor area specifically provided below)

Furniture, appliance One per 400 sq. ft. of gross floor area stores, machinery

sales, wholesale storage

Offices, banks, or One per 400 sq. ft. of gross floor area public administration

Manufacturing, warehousing One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise

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Churches, theaters, One per five seating spaces
auditoriums, and other places
of assembly

Hospitals, rest homes, One per three employees, plus one per
nursing homes, etc. three beds

For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, or uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition, off-street loading spaces in relation to floor area as follows:

(a) Up to twenty thousand (20,000) square feet - one (1) space

(b) Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet - two (2) spaces

(c) One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

4.5 TRAFFIC VISIBILITY

No sight obstruction such as structures, parking, or vegetation shall be permitted in any district above the plane through the mean curb-grade within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of twenty (20) feet from their intersection.

4.6 DRIVEWAYS

All driveways installed, altered changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

1. Openings for vehicular ingress and egress shall meet Houghton County Road Commission and MDOT requirements.
2. Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations, garages, or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

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SECTION 5 – SIGNS

5.1 PURPOSE OF SIGNS

It is the general intent of this Ordinance to prohibit signs of a commercial nature from districts in which commercial activities are barred; to limit subject matter on signs in business districts to products, accommodations, services, or activities on the premises and control the number, type and area of signs in business areas and certain other districts; and to limit billboards to certain districts. Governmental signs shall conform to this Ordinance; however, those signs used for traffic markings shall be exempt. All signs and billboards along State or United States highways shall be approved by the State of Michigan Department of Transportation (MDOT) or such other agency having jurisdiction.

5.2 MEASUREMENT STANDARDS

1. Determining Sign Area and Dimensions:

A. For a wall sign which is framed or has a background for the sign display, the area and dimensions shall include the entire portion within the background or frame.

B. For a wall sign comprised of individual letters, figures or elements on a wall of a building or structure, the area and dimensions of the sign shall encompass a regular geometric shape or a combination of regular geometric shapes, which form or approximate the perimeter of all elements in the display, the frame and any applied background that is not part of the architecture of the building. This ensures that air space or background wall is generally not included in area measurements so that uniquely shaped sign elements do not constitute a penalty and so that architectural components of historic buildings are not obscured. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas as above, but including the space between different elements. Minor appendages to a particular regular shape, as determined by the Zoning Administrator, shall not be included in the total area of a sign.

C. For a Freestanding sign, the sign area shall include the frame (if any) but shall not include:

1. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed to constitute a display device or a part of a display device.

2. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general. D. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When a sign has more than two display surfaces, the sign area is the area of the largest display surface that is visible from any single direction.

E. In the event of a dispute in calculating the area or dimensions of any sign, a negative decision of the Zoning Administrator may be appealed by formal submission of an application to the Zoning Board of Appeals for review.

2. Determining Sign Height:

A. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, or that is located in a depression below the adjacent street grade, shall be measured from the grade of the nearest pavement to the highest point of the sign.

B. Vertical clearance shall be measured as the smallest distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.

3. Determining Building Frontages and Frontage Lengths

A. The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.

B. The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units. 1. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

2. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection (1) above.

C. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Zoning Administrator as clearly unrelated to the frontage criteria.

D. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.

E. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

5.3 PERMITS

1. A separate permit shall be required for the erection of signs regulated in this Ordinance except that no permit shall be required for 5.4.1. and 5.4.4. below.

2. Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination, the exact location of

the sign in relation to the building and property, and the details and specifications of construction. A fee, as set by a resolution of the Charter Township of Portage Board of Trustees, shall accompany each application for a sign permit to be issued by the Zoning Administrator.

5.4 RESIDENTIAL DISTRICTS

Signs shall be permitted in the R-1, R-2, R-3, and R-4 as follows:

1. One non-illuminated name plate not exceeding three (3) square feet in area for each dwelling unit indicating only name, address, and occupation.
 2. One non-illuminated identification sign for multi-family dwellings not exceeding five (5) square feet in area indicating only name, address, management name, and management address.
 3. One non-illuminated identification sign at each entrance to a subdivision not exceeding thirty-two (32) square feet.
 4. One non-illuminated "For Sale" or "For Rent" sign per lot not exceeding twelve (12) square feet in area, nor closer than ten (10) feet to adjacent lots.
 5. One non-illuminated sign designating each entrance to or exit from a parking area, not exceeding five (5) square feet in area and indicating conditions of use.
 6. One non-flashing school or church bulletin board sign, area not exceeding twenty (20) square feet.
- The preceding signs shall be permitted providing they do not project into the public right-of-way, and that on a corner lot, two signs - one facing each street - shall be permitted for 2, 4 and 6 of 5.4.

5.5 BUSINESS DISTRICTS

Signs visible from the public way shall be permitted only when subject to the following conditions:

1. B-1 and B-2 Business Districts - The gross area in square feet of all signs of a business shall not exceed two times the lot frontage in lineal feet, nor exceed thirty percent (30%) of the area of the front wall of the building whichever is less. Such signs shall restrict subject matter to products, accommodations, services, or activities on the premises. The top of the signs shall not be higher than twenty (20) feet above curb level. Such signs shall be non-flashing.
2. All illuminated signs shall be shielded from residential districts and shall not be located within fifty (50) feet of a residential district.
3. Billboards are permitted on unoccupied parcels in any B District as follows:
 - A. Such billboard shall have not more than one hundred (100) square feet of area for each one hundred (100) feet of frontage.
 - B. No billboard shall exceed three hundred (300) square feet of area.
 - C. No billboard shall be erected on a parcel with less than one hundred (100) feet of frontage.

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D. Such billboards shall comply with all yard requirements in the district.

5.6 M-1 GENERAL MANUFACTURING DISTRICT

Signs visible from the public way in the M-1 District shall be permitted only when subject to the following conditions:

1. The gross area, in square feet of all signs on a lot, shall not exceed two (2) times the lot frontage in lineal feet or three hundred (300) square feet, whichever is less. No firm shall have more than two (2) signs.
2. All illuminated signs shall be shielded from residential districts and shall not be located within fifty (50) feet of a residential district.
3. Billboards are permitted in the M-1 District as follows:
 - A. All billboards shall have not more than one hundred (100) square feet of area for each one hundred (100) feet of frontage.
 - B. No billboard shall exceed three hundred (300) square feet of area.
 - C. No billboard shall be erected on a parcel with less than one hundred (100) feet of frontage.
 - D. All billboards shall comply with all yard requirements in the district.

5.7 OTHER DISTRICTS

Signs and billboards are permitted in the FF, RUR, RER, and LAR Districts as follows:

1. In the FF District signs shall be permitted as regulated in Section 5.3. Billboards are permitted on unoccupied parcels as follows:
 - A. They are located a minimum of two hundred (200) feet from adjacent property lines.
 - B. They are located a minimum of three hundred (300) feet from other freestanding signs, billboards, and residential structures.
 - C. They are located a minimum of ten (10) feet from the road right-of-way.
 - D. They shall not exceed three hundred (300) square feet in area.
2. In the RUR District signs and billboards are permitted as regulated in Section 5.6, 1. above. In addition, non-residential users shall be permitted one sign not exceeding one hundred (100) square feet in area.
3. In the LAR District signs and billboards are permitted as regulated in Section 5.3 and 5.4 of this Ordinance.

SECTION 6 - SITE PLAN REVIEW

6.1 PURPOSE

The purpose of this Section is to provide for consultation between the applicant, the Planning Commission, and the Township Zoning Administrator to review an applicant's planned objectives in the utilization of land within the regulations of this Zoning Ordinance.

6.2 USES SUBJECT TO SITE PLAN REVIEW

1. A Zoning Compliance Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Final Site Plan has been reviewed and approved under the following procedure:
2. A site plan shall be submitted for review and approval to the Township Planning Commission for the following uses:
 - A. An apartment building containing three (3) or more dwelling units.
 - B. More than one multiple-family building on a lot, parcel or tract of land, or a combination of lots under single ownership.
 - C. Mobile Home Park
 - D. Subdivision or site condominium consisting of four or more dwellings.
 - E. Any commercial, office, industrial, business, recreational or institutional structures/uses including any changes in exterior material and new additions to buildings.
 - F. All other uses requiring site plan review and approval as required by this Ordinance.
 - G. Any earthwork greater than one (1) acre.

6.3 APPLICATION PROCEDURE.

1. An application for site plan review shall be made to the Zoning Administrator, along with a fee as required. The application shall, at a minimum, contain the following information:
 - A. The applicant's name, address, phone number and signature.
 - B. The property owner's address, phone number and signature.
 - C. The project address and parcel number.
 - D. Project description.

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The Zoning Administrator, upon receipt of the application and related materials, drawings, other necessary data, and payment of required fee, shall review the application to determine whether it is in proper form, contains all the required information, shows compliance with this and all other ordinances of the Township. Requests for site plan review shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition to the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval, or denial of a request for site plan approval (see Section 12.3).

Following this initial review, the Zoning Administrator shall transmit the copies to the Planning Commission.

6.4 SITE PLAN CONTENT

1. Site plans should be submitted on both 24" x 36" and 11" x 17" plan sheets.
2. Site Plans submitted for review shall be drawn at a scale of 1 inch = 200 feet or greater and shall contain the following information:
 - A. Vicinity map illustrating the location of the site within the Township.
 - B. Date site plan was prepared.
 - C. Name, address, of preparer. Professional seal of preparer if available.
 - D. North arrow.
 - E. Legal description based upon most current survey.
 - F. Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site.
 - G. Direction of storm water drainage and how storm water runoff will be handled.
 - H. Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
 - I. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet of the site.
 - J. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drain fields and utility easements.
 - K. Location of all sidewalks, bike paths, and other walkways.
 - L. Location and size of any walls, fences, or other screening provisions.
 - M. Location of all proposed landscape materials, including size and type of planting.

- N. Location of significant trees and other important natural landscape features on the site.
- O. Location of all proposed accessory structures, including light poles or fixtures, flagpoles, storage sheds, transformers, dumpsters and recycle areas, signs, and existing and proposed utility poles.
- P. Proposed parking areas and access drives showing number and size of spaces and aisles, and loading areas.
- Q. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, and wetlands.
- R. Statement of FEMA floodplain map of flood hazard to include FEMA Flood insurance rate map number.
- S. Zoning of the site.
- T. Zoning of adjacent sites.
- U. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, hazardous materials as well as any containment structures or clear zones required by this Ordinance or any other state or federal agencies.

6.5 STANDARDS

1. The Planning Commission shall review each site plan according to the standards for site plan review and any other applicable regulations of this Ordinance. In addition, the Planning Commission is empowered to seek the review and recommendations of appropriate county, state or federal agencies, Houghton County Sheriff's Office, Portage Township Fire Department, other Township officials, other professionals, consultants, or agencies, as the Planning Commission deems necessary to assist it in its review in establishing a safe, orderly and beneficial development pattern. Additional costs to the Township associated with site plan review, such as obtaining professional review assistance from planners, engineers, scientists, attorneys, and other experts, will be at the expense of the applicant.
2. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be developed to not impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
3. The Planning Commission shall review the site plan for compliance with the requirements of this ordinance and conformance with the following general standards:
 - A. Electric, telephone, and cable television lines on site shall be underground where practicable. Any utility installations remaining aboveground shall be located so as to have a harmonious relationship to neighboring properties and the site.

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- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications that result in greatest harmony with adjacent areas.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located herein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.
- F. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.
- G. There shall be provided a pedestrian circulation system that is separated as completely as reasonably possible from vehicular circulation system.
- H. All loading and unloading areas and outside storage areas including areas for the storage of trash shall be screened by a vertical buffer consisting of structural and/or plant materials no less than six (6) feet in height.
- I. Exterior lighting shall be designed and constructed in such a manner to insure that all glare and lighting is confined to the development site, and ensure that any point light sources are not directly visible from beyond the boundary of the site.
- J. All streets shall be constructed in accordance with the requirements and specifications of the Houghton County Road Commission.
- K. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary State and Federal permits before final approval is granted.
- L. Site plans shall conform to the Charter Township of Portage Master Plan.

6.6 EXPIRATION OF SITE PLAN

The site plan/building permit approval shall expire and be terminated one year after the building permit is issued. The Planning Commission shall have discretion to extend the site plan/building permit for an additional six months.

6.7 REVOCATION OF SITE PLAN APPROVAL

The Planning Commission may, upon notice and hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation,

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work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Administrator to issue a stop work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not resume until the Planning Commission approves an amended site plan.

6.8 AMENDMENT OF AN APPROVED SITE PLAN

Amendments to an approved site plan shall be permitted only under the following circumstances:

1. The owner of property for which a site plan has been approved shall notify the zoning administrator of any desired change to the approved site plan. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

A. Reduction of the size of any building and/or sign.

B. Movement of buildings and/or signs by no more than ten (10) feet.

C. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

D. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of any required parking.

E. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

2. All amendments to a site plan approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

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SECTION 7 - RULES AND DEFINITIONS

7.1 RULES OF CONSTRUCTION

1. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular, where the context requires.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece," "parcel," and "tract"; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for".
5. All measured distances shall be to the nearest foot.
6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.
7. The words and terms set forth herein under "Definitions" wherever they occur in this Ordinance shall be interpreted as herein defined.

7.2 DEFINITIONS

Access Management

The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Accessory Use or Structure

A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use.

Accessory Dwelling Unit

A separate and complete dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, either within the same structure as the principal dwelling unit or in an accessory structure on the same lot.

Agriculture

Means the production, harvesting, and storage of plants, plant products, and animals useful to humans, including but not limited to biomass crops, forages and sod crops, grains, feed crops, field crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing of cattle, swine, captive non-domesticated animals, and similar animals, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Alterations, Structural

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Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

Applicant

A person who submits an application under one of the procedures set forth in this Ordinance.

Automobile Recycling (Wrecking) Yard

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. Also, the presence of two or more motor vehicles of any kind incapable of being operated and not currently licensed.

Automobile Repair - Major

General repair, rebuilding, or reconditioning of engines or vehicles, collision service (including body repair and frame straightening), painting or upholstering, or vehicle steam cleaning and undercoating.

Automobile Repair - Minor

Minor repair, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two (2) tons capacity provided, however, any repair or work included in the definition of "Automobile Repair - Major" is excluded.

Basement

That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. A cellar is a basement. However, any walk-out basement, regardless of average grade, shall be considered a story.

Bed and Breakfast

A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests (transient here defined as lodging for less than thirty consecutive days) are provided a sleeping room in return for compensation. Meals also may be provided.

Boarding House (Rooming or Lodging House)

A residential building, or portion thereof other than a motel, apartment hotel, or hotel, containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, at a definite prearranged price.

Board of Appeals

The Charter Township of Portage **Zoning** Board of Appeals.

Board of Trustees Approval

A legal vote of a quorum of the Township Board.

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Buffer

A strip or area of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

Building

Any structure, including a mobile home, having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel hip and pitch roofs; or to the deck line of mansard roofs.

Building Setback

The measurement of the property line to the nearest point of the main wall of the building or structure. Steps may be located within the building setbacks. Porches are considered as part of the building or structure and may not be located within the building setback.

Campground

Defined per the Public Health Code P.A. 368 of 1978, MCL 333.12501, as amended as a parcel or tract of land under the control of a person, in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or temporary sleeping quarters of any kind. A campground does not include a seasonal mobile home park, mobile home park, or manufactured housing community licensed under the Mobile Home Commission Act, P.A. 96 of 1987, as amended.

Camps

Tracts of land of a character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

Cluster Development

An approach to designing a site that maximizes the conservation of open space by placing dwelling units and other structures in closer proximity than usual while retaining the remaining land for recreation, open space, or preservation of sensitive land features.

Communication Tower

A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae or dish, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

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Community Garden

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Conservation Easement

The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Conservation Easement means that term, as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended, when applied to a cluster development or open space development as follows: an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

Deck

An unroofed structure built as an aboveground platform either freestanding or attached to a building and supported by pillars or posts.

District

A geographic area within the Township within which certain regulations and requirements or various combinations thereof apply uniformly under the provisions of this Ordinance. The terms "district" and "zone" are synonymous.

Dock

A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

Drive-Through Establishment

An establishment that dispenses products or services to patrons who remain in vehicles.

Dwelling

Any building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins, or boarding or lodging houses.

1. Dwelling, Single Family - A building designed for use and occupancy by one (1) family only.
2. Dwelling, Two Family - A building designed for use and occupancy by two (2) families only.
3. Dwelling, Multi-family - A building designed for use and occupancy by three (3) or more families.

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Dwelling Unit

One or more rooms connected together but structurally divided from all other rooms in the same structure, constituting a separate, independent housekeeping establishment and containing independent kitchen, bathroom and sleeping facilities.

Earthwork

The removal or addition of earth materials, clearing of vegetation, mass grading, or re-grading of a site.

ECHO (Elderly Cottage Housing Opportunity) Housing or ECHO Unit

A temporary accessory structure and use on a single residential lot for occupancy only by immediate family members of the occupiers of the principal structure on the lot.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings.

Extractive Industries

Industries engaged in excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.

Family

1. An individual, or group of two or more persons related by blood, marriage or adoption, together with not more than one (1) additional unrelated person, who are domiciled together as a single housekeeping unit in a dwelling unit, or

2. A collective number of individuals living together in one dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit

A Family does not include any society, club, fraternity, sorority, association, lodge, co-op, organization, or group of students or other individuals where the common living arrangements or where the basis for the establishment of the housekeeping unit is temporary or for an anticipated limited period.

Farm

The land, plants, animals, buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, per the Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472,

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as amended.

Farm Operation

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products as outlined in the Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.

Farm Product

Those plants and animals useful to human being produced by agriculture including, but is not limited to, biomass crops, forages and sod crops, grains, feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, trees and tree products, mushrooms, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture. Per the Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended.

Farm Stand

A building or structure used for the retail sales of agricultural produce.

Farmer's Market

An occasional or periodic market held in an open area or in a structure where individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages.

Fence

A structure of definite height and location to serve as an enclosure in carrying out the requirements of this Ordinance or a barrier designed to bound an area.

Fence, Height

The average distance between the top element in the fence and the adjacent grade along any unbroken run of fence.

Fence, Living

A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy, or mark a boundary for all or any part of a lot.

Fence, Privacy

A solid fence erected or constructed to prevent views across the fence line.

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Floor Area

The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities. For the purposes of computing minimum floor area as required by this Ordinance, the term "usable floor area" shall be used and taken to mean the floor area of a dwelling exclusive of garages, porches, basement or utility areas.

Fraternity or Sorority House

A building occupied and maintained exclusively for students affiliated with and formally recognized as a group by an academic or professional college or university or other recognized institution of higher learning.

Frontage (as pertains to sign regulation)

A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way.

Garage, Private

An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles and no more than one (1) three-quarter ton or lesser sized truck.

Generally Accepted Agricultural and Management Practices (GAAMP)

Those practices as defined by the Michigan Commission of Agriculture.

Glare

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade

The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenhouse

A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Home Occupation

A commercial activity, whether for profit or otherwise, carried on by an occupant of a dwelling unit as a secondary use which is clearly subordinate and incidental to the use of the dwelling unit as a residence, and does not alter the exterior of the property or affect the residential character of the neighborhood.

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Hotel

An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

Industry

The manufacture, fabrication, processing, assembly, reduction, or destruction of any article, substance, or commodity in such a manner as to change the form, character, or appearance thereof, and may include associated warehousing and/or storage facilities.

Industry, Heavy

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions with significant external effects.

Industry, Light

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing or the presence of hazardous or nuisance materials.

Junk

Any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles and parts, construction material, household wastes including garbage and discarded appliances, and yard debris, which is collected, stored for salvage, destruction, or conversion to some use.

Junkyard

A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete

Kennel

Any premises where domestic animals, such as dogs and cats, are confined, boarded, trained, treated, or groomed for compensation or bred or raised for sale purposes.

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

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Lodging Room

A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

Lot and Lot Width

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. Lot width shall be measured at the front building line. Lot area cannot include any part of a public right-of-way.

Lot, Corner

A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.

Lot Lines and Area

The peripheral boundaries of a parcel of land and the total area lying within such boundaries, excluding public street right-of-ways.

Lot, Interior

A lot other than a corner lot.

Lot of Record

A lot which is part of a plat or a lot or parcel described by metes and bounds recorded in the Office of the County Register of Deeds at the time of adoption of this Ordinance.

Manufactured Home

Factory-built, single-family dwelling unit prefabricated in part or total which meet the HUD Code 42 USC Sec 5401 (Federal Manufactured Home Construction and Safety Standards Act), transportable in one or more sections, built on a permanent chassis, and used as a place of human habitation, but not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Map

The official Zoning Map of the Charter Township of Portage being a part of this Ordinance.

Master Plan

A compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development, both public and private, of the community, and complying with the standards of the Michigan Planning Enabling Act, P.A. 33 of 2008.

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Mobile Home

A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

1. Single Wide - a mobile home with a longitudinal width of no greater than fourteen (14) feet for its full length.
2. Double Wide - a combination of two (2) mobile homes designed and constructed to be connected along the longitudinal axis, thus providing double living space of a conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

Mobile Home Commission Act

Public Acts 1987, No. 96, MCL 125.2301, et seq.

Motel

An establishment consisting of a group of lodging rooms each with individual bathrooms designed for use by transient guests. A motel furnishes customary hotel services such as maid service, laundering of linen used in the lodging rooms, telephone, secretarial, desk service, and the use and upkeep of furniture.

Nonconforming Structure

A structure which lawfully occupies a building site or land at the time of adoption of this Ordinance, and which does not conform with the regulations of the district in which it is located.

Nonconforming Use

A use which lawfully occupies a building or land at the time of adoption of this Ordinance, and which does not conform with the use regulations of the district in which it is located.

Nuisance

Any condition, or conduct that annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance.

Nursing Home or Rest Home

A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation or otherwise, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

Open Space

Any unoccupied, at-grade area open to the sky and not covered by structures or devoted to vehicular use on the same lot with a building, as well as any parcel or area of land or water essentially unimproved

and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open Space Preservation

A condition where land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the Zoning Ordinance, as long as a percentage of the land area will remain perpetually in an undeveloped state.

Outdoor Sales

The outdoor display and sales of goods or services in parking areas, sidewalks, and other locations outside of an enclosed building (does not apply to farmer's markets, produce stands, or yard sales as defined in this Ordinance).

Outdoor Storage

Keeping of personal or business property in an area outside of a building (does not apply to junk/salvage operations and yards or auto recycling centers as defined in this Ordinance).

Owner

An individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity who owns or holds title to real property; a mortgagee or vendee in possession; an assignee of rents; one who has control as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

Parcel (same as Lot)

Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on an approved private road or approved access easement.

Parking Bay

A hard surface area adjacent and connected to, but distinct from, a street, intended for parking motor vehicles.

Pier

Concrete posts embedded in the ground to a depth below the frost line at regular intervals along the longitudinal distance of a mobile home and intended to serve as a base for supporting the frame of the mobile home.

Planning Commission

The Charter Township of Portage Planning Commission

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Porch

A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Practical Difficulty

The circumstances that may prevent a property owner from conforming with the strict letter of the Ordinance and from which a dimensional variance may be granted provided that doing so will not be contrary with the intent and purpose of the Ordinance, will not cause a substantially adverse effect upon adjacent properties, will not essentially alter the character of the surrounding area, will not increase hazards or traffic congestion, and provided, however, that the plight of the owner is due to unique circumstances of the property and is not self-created.

Principal or Main Use

The primary or predominant use of a lot.

Parking Space

A graded all-weather surface area of not less than two hundred (200) square feet in area, either enclosed or open for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Recreational Equipment

Includes travel trailers, pickup coach campers, motorized homes, tent trailers or tent campers, boats and boat trailers and the like, tents, snowmobiles, horse trailers, aircraft of any kind, houseboats, docks, rafts, float boats, dune buggies, automotive units primarily intended for recreational purposes, and any other similar equipment which evolves over time.

Recreational Structure

A cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of residency.

Recreational Vehicle

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle per the Mobile Home Commission Act P.A. 96 of 1987, MCL 125.2302, as amended.

Relatives

Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents.

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Resort

A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.

Retail Sales

Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Right-of-Way (R.O.W.)

A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries, and is dedicated or deeded to the public for public use and under the control of a public agency.

Roadside Stand

A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

Salvage

Any article or material that is to be or intended to be reclaimed or saved from destruction.

Salvage Yard

Any lot or parcel, or part thereof, including automobile graveyards, auto recycling centers, automobile wrecking yards, where any salvage materials, including a salvage vehicle or parts thereof, are located or stored for the purposes of resale, exchange, handling, or processing as parts or parts as salvage only.

Sauna

An accessory structure or room utilizing a steam bath or dry heat used for the purpose of bathing, relaxation, or reducing.

Service Station, Filling Station, Gas Station

Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. Open storage shall be limited to no more than four (4) vehicles stored for minor repair bearing current license plates. Such storage shall not exceed seventy-two (72) hours duration and shall not permit the storage of wrecked vehicles.

Shopping Centers: Regional

The regional shopping center is generally designed to serve the "one-stop" customer. The customer may park their car once and travel to various store destinations and purchase almost anything. The regional shopping center normally contains a major department store where a large variety of goods and services

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are offered. The center also usually contains professional offices, specialty shops, restaurants, and perhaps amusement facilities. A maximum trade area population of approximately 100,000 persons is necessary to adequately support a regional center.

Shopping Centers: Community

The community shopping center is generally designed and constructed to serve a population of approximately 40,000 to 80,000 people. The facilities usually present in this type of center are a junior department store, branch banks, apparel shops, supermarkets, and personal service enterprises such as beauty shops, barber shops, and dry cleaners.

Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product, and which are visible from any public street, highway or pedestrian way.

Sign, Billboard

A sign which directs attention to business, commodity, service, or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located or to which it is affixed.

Sign, Business

A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, Gross Area of

The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single-face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double-face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square foot area, be considered and measured as a single face sign; otherwise, each display surface of a sign shall be considered a single sign.

Street

A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

Structure

Anything except a building, constructed or erected, the use of which requires permanent location on the ground.

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Tiny House

A dwelling of less than 500 square feet that is used on a seasonal or year round basis, and that otherwise meets all zoning, sanitary and occupancy codes.

Township Board

The Charter Township of Portage Board.

Township

Charter Township of Portage, Houghton County, Michigan.

Travel Trailer

A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

Use

The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory

A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use.

Use, Permitted

A use which may be lawfully established in a particular district or districts provided it conforms with all requirements and regulations of such district.

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines and support structures, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Wind Energy Conversion System

Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

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Wind Energy System (Small or Individual)

A Wind Energy System designed for small, individual properties or applications.

Wind Energy Conversion System (Large)

A Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 175 feet or more, or both.

Yard

A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof at or above the general ground level of the lot upward provided that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard – Front

A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

Yard - Rear

A yard, unoccupied except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

Yard - Side

A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

Zoning Act

Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Zoning Administrator

The Charter Township of Portage Zoning Administrator.

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SECTION 8 - MODIFICATIONS AND EXCEPTIONS

8.1 HEIGHT

1. The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:
 - A. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Ordinance.
 - B. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, mining equipment and structures, cooling towers, fire towers, substations and smoke stacks are exempt from the height limitations of this Ordinance.
 - C. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
 - D. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.
 - E. Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.
 - F. Public or semipublic facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

8.2 YARDS

1. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:
 - A. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet, and not closer than three (3) feet to any lot line.
 - B. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two (2) feet.
 - C. Residential and privacy fences are permitted on the property lines in residential districts, but shall not exceed 10 feet in height, and shall not be closer than two (2) feet to any public right-of-way.
 - D. Security fences are permitted on the property lines in all districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

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E. Essential services, utilities, electric power and communications transmission lines are exempt from the yard and distance requirements of this Ordinance.

F. Landscaping and vegetation are exempt from the yard and height requirements of this Ordinance.

8.3 ADDITIONS

Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on abutting lots or parcels.

8.4 LOTS NOT PLATTED AT TIME OF ORDINANCE ADOPTION

In the Charter Township of Portage, those residential structures occupying lands that are platted prior to Ordinance adoption shall be regarded as conforming uses. Vacant lands not previously platted, void of structures, shall conform to the provisions of this Ordinance.

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SECTION 9 - CONTINUANCE OF EXISTING NONCONFORMING USES, STRUCTURES AND LOT DIMENSIONS

9.1 EXISTING NON-CONFORMING USES

1. A nonconforming use may continue in existence provided that it is neither enlarged or extended so as to occupy additional land area on the same or any other lot or parcel.
2. A nonconforming structure may continue in existence, provided that it does not, subsequent to the effective date of this ordinance, become more nonconforming.
3. The provisions of this ordinance shall not apply to prevent the use of any lot, building, or structure for any purpose prohibited by this ordinance if such lot, building or structure was lawfully used for such purpose on the date of passing of this ordinance, so long as it continued to be used for that purpose.
4. Nonconforming lot dimension may continue in existence, provided that they do not, subsequent to the effective date of this ordinance, become more nonconforming.
5. Nothing in this ordinance shall prevent the use of any lot, building or structure for any purpose prohibited by this ordinance provided such lot, building or structure was lawfully used for such purpose prior to the date of passing of this ordinance.
6. A lawful structure that exists at the effective date of adoption or amendment of this ordinance, that could not be built under the terms of this ordinance because of restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. Such structure may be enlarged or altered provided that such enlargement or alteration does not increase the structure's nonconformity.
 - B. Should such structure be moved for any reason, it must conform to the regulations for the district in which it is located after it is moved.

9.2 ABANDONMENT OF NONCONFORMING USE OR STRUCTURE

1. If a property owner abandons a nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance.
2. When determining the intent of the property owner to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

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- A. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- B. Whether the property, buildings, and grounds have fallen into disrepair.
- C. Whether signs or other indications of the existence of the nonconforming use have been removed.
- D. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

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SECTION 10 – SPECIAL LAND USES

10.01 - PURPOSE

This Ordinance is based on the division of the Township into districts in each of which certain uses are permitted by right. In addition there are certain other uses that are appropriate and compatible with the uses permitted by right, but not at every or any location, without conditions being imposed to secure compatibility with neighboring properties. These uses are identified as special land uses.

This Ordinance therefore requires approval of uses listed in the each zoning district as special land uses and specifies in this section the procedures and standards to be followed in considering and approving permits for such uses. If compliance with the procedures and standards for a special land use is found, the right to a special land use permit shall exist, subject to conditions that may be imposed. No special land use shall commence until a special use permit is issued in accordance with this Ordinance.

10.02 - AUTHORITY TO GRANT PERMITS

The Charter Township of Portage Planning Commission shall have the authority to grant special use permits, subject to such conditions of design and operation, and safeguards as it may determine, for all conditions and uses specified in the various district provisions of this ordinance.

10.03 - DATA, EXHIBITS, AND INFORMATION REQUIRED IN AN APPLICATION

An application for a special land use permit shall contain the following:

- A. Applicant's name, address, and phone number
- B. Names and addresses of all record and known owners and proof of ownership.
- C. Legal description, address and tax parcel number of the property.
- D. A detailed description of the proposed use.
- E. A Site Plan meeting the requirements of Section 6.

10.04 - PUBLIC HEARING

The Planning Commission shall hold a public hearing upon any application for a special use permit, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days preceding the date of said hearing.

- A. Notice of hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question

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B. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to the occupants of all structures within 300 feet of the boundary of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

C. The notice shall do all of the following:

1. Describe the nature of the request.

2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the request will be considered.

4. Indicate when and where written comments will be received concerning the request.

10.05 - REQUIRED STANDARDS AND FINDINGS FOR MAKING DECISIONS

The Planning Commission shall approve, or approve with conditions, an application for a special use only upon a finding that the proposed special use complies with all of the following general standards:

A. The property subject to the application is located in a zoning district in which the proposed special use is allowed.

B. The proposed special use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.

C. The proposed special use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

D. The proposed special use will not place demands on public fire and police resources in excess of current capacity.

E. The proposed special use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

F. The proposed special use complies with all specific standards required under this Ordinance applicable to it.

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10.06 - ADDITIONAL DEVELOPMENT REQUIREMENTS

No application for a special land use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid, or except if the Township attorney by a written opinion states that in the attorney's professional opinion, the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous.

10.07 – CONDITIONS

In approving a special land use, the Planning Commission may impose conditions it deems necessary to achieve the purposes and standards of this Ordinance. Failure to comply with any such conditions shall be a violation of this Ordinance.

An approved special land use permit, including all conditions, shall run with the land and shall be binding upon all successors in the property. The conditions shall remain unchanged except upon mutual consent of the Planning Commission and landowner. Any such changes shall be entered into the minutes of the Commission meeting at which the action is taken. A public hearing shall be held on any proposed change, as required for an original application. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

10.08 - SITE PLAN APPROVAL OF SPECIAL LAND USES

Any approval of a special land use shall require site plan review.

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SECTION 11 – ZONING BOARD OF APPEALS

11.1 CREATION, MEMBERSHIP, TERM OF OFFICE, OFFICERS, RULES

1. There is hereby created a Zoning Board of Appeals consisting of five (5) members; the first member of such Board shall be the Chairman of the Planning Commission; the second member shall be a member of the Township Board appointed by the Board of Trustees; and the remaining three (3) members shall be selected and appointed by the Township Board from among the electors from differing zoning districts of the Township provided that no elected officer of the Township nor any employee of the Township Board shall serve simultaneously as one of the remaining three (3) members of or as an employee of the **Zoning** Board of Appeals, nor shall an additional member of the Planning Commission serve as one of the remaining three (3) members of or as an employee of the Zoning Board of Appeals.
2. Initially, one member of the Board shall be appointed for a term of three (3) years; two (2) members shall be appointed for a term of two (2) years each; and two (2) members shall be appointed for a term of one (1) year each. Thereafter, each member, when appointed, shall have a term of three (3) years.
3. The Zoning Board of Appeals shall elect one (1) of its members as its Chairman and one (1) of its members as Secretary, and shall follow Robert's Rules of Order for the conduct of its affairs. Copies of the rules shall be made available to the public at the Office of the Township Clerk. If a procedural rule adopted or present in Robert's Rules shall conflict with this Ordinance, then this Ordinance shall prevail.
4. All members of the former Zoning Board of Appeals shall continue to hold such office upon any amendment of this Ordinance for the remainder of their term.

11.2 POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this chapter which are more particularly specified as follows:

1. Interpretation - Upon appeal from a decision by an administrative official or the Zoning Administrator to decide any question involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
2. Variances – The Zoning Board of Appeals may grant variances from the dimensional provisions of this ordinance under certain circumstances as described below in Sections 11.3 and 11.4

11.3 VARIANCES

A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's economic difficulty.

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2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning.

11.4 CONDITIONS OF APPROVAL

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to conditions necessary to insure the public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy. This will insure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
3. Be necessary to meet the intent, spirit, and purpose of the zoning ordinance.

11.5 COMPENSATION

Each member shall receive a reasonable sum as determined by the Township Board for his or her services in attending each regular or special meeting of said Board; sums to pay said compensation and the expenses of the Board shall be budgeted annually in advance by the Township Board.

11.6 REMOVAL

Members of the Board of Appeals may be removed by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

11.7 MEETINGS: RECORDS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman or, in his or her absence, by call of the majority of the Board. The Chairman or, in his or her absence, the acting

Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be a public record.

11.8 PROCEDURE

1. The presence of three (3) members shall constitute a quorum, but the concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which the ZBA is required to rule under this Ordinance or to effect any variation in such Ordinance.

2. Applications or appeals shall be taken within thirty (30) days of the decision appealed from by filing with the Zoning Administrator and with the Zoning Board of Appeals of a notice of application or appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record from which the application or appeal was taken.

3. When an application or appeal has been filed specifying the basis of the application or appeal and with the required date, the Secretary of the Board shall place said application or appeal on the calendar for hearing at the next Board meeting and cause notices stating the time, place and object of the hearing to be served, as follows:

A. For an appeal of an administrative decision, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person filing the appeal and to the zoning administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing.

B. For a request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation no less than fifteen (15) days before the public hearing.

C. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing. In addition, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.

4. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In

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the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.

5. Upon the hearing, any party may be heard in person or by agent or attorney.

6. The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

7. The decision of the Board shall not be final until seven (7) days after it is made and any person having an interest affected by any such decision shall have the right to appeal to the Circuit Court on questions of law and fact during said period.

8. Each appeal or application for variance shall be accompanied by a filing fee as required, which shall be deposited by the Zoning Administrator with the Township Treasurer. In addition, the filing fee stated herein may be adjusted and increased annually for inflation. The party, person, firm or other entity filing the appeal or application shall be responsible for the actual cost of newspaper publication, and shall deposit such sum in advance with the Zoning Administrator for delivery to the Township Treasurer.

11.9 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Administrator, and on good cause shown.

11.10 TIME LIMIT ON VARIANCES

Any variance granted by the *Zoning* Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the applicant shall have taken substantial steps toward effecting the special use or variance within said period provided that the Zoning Board of Appeals may extend such period for a further period of time not exceeding one (1) year upon application, the showing of good cause, and without further notice.

11.11 VARIANCES PROHIBITED

No variance in the provisions or requirements of this Ordinance shall be affected by the Zoning Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or of the public health, safety and welfare, and further that at least two (2) of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone.

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2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance.

3. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this Zoning Ordinance.

11.12 SPECIAL CONDITIONS

In considering any application, the Zoning Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values or psychological effects. For such purpose the Board may require the appellant to enlist experts, technicians and consultants. The Board may impose such additional requirements and conditions necessary to preserve the intent of this Ordinance as provided in Section 10.8.

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SECTION 12 - ADMINISTRATION, PERMIT PROCEDURE, AND ENFORCEMENT

12.1 ADMINISTRATION AND ADMINISTRATOR

1. The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Township Zoning Act, Public Acts of 1943, No. 184, as amended.

2. The Township Board shall employ a Zoning Administrator to act as its officer to insure and effect the proper administration of this Ordinance. The individual selected, the terms of employment, the limits to and the extent of his authority to enforce this Ordinance, and the rate of compensation shall be established by the Township Board.

3. Duties - The Zoning Administrator shall:

A. Review all applications for zoning permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.

B. Receive all applications for special use permits; conduct field inspections, investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Zoning Board of Appeals with recommendations and notify the applicant in writing of any decision of the Zoning Board of Appeals.

C. Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, investigations, prepare maps, charts and other pictorial materials and otherwise process applications so as to formulate recommendations; and refer such applications with recommendations to the Zoning Board of Appeals for determination.

D. Receive all applications for amendments to this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials and otherwise process applications so as to formulate recommendations; and report to the Planning Commission all such applications together with recommendations.

E. Maintain a map or maps showing the current zoning classifications of all land in the Township.

F. Maintain written records of all actions taken by the Zoning Administrator.

G. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, or Zoning Board of Appeals, as required by this Ordinance, and be responsible for what information is necessary on such forms for the effective administration of this Ordinance subject to the general policies of the Planning Commission and Zoning Board of Appeals.

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12.2 ZONING PERMITS

1. All structures to be constructed, moved or enlarged, including farm buildings, shall require a zoning permit.
2. Requirements for - Excavation for any building or structure shall not be commenced, the erection of, addition to, alteration of, repair of, or moving of any building or structure shall not be undertaken, and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator. Except upon a written order of the Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
3. Permit Applications - Applications for a permit shall be made in triplicate to the Zoning Administrator on forms furnished by the Zoning Administrator, and shall include the following where applicable:
 - A. Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - B. Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; and, the zoning district within which the subject site lies.
 - C. Plat of survey prepared area by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures, existing and proposed easements, streets, and other public ways, off-street parking, loading areas and driveways, existing highway access restrictions, existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site.
 - D. Proposed sewage disposal plan, if municipal sewage service is not available. This plan shall be approved by the Western Upper Peninsula District Health Department who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county, and state requirements.
 - E. Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the Western Upper Peninsula District Health Department who shall certify in writing that an adequate and safe supply of water will be provided.
 - F. Concrete, stone, wood, masonry, or other fences in a required front yard, of any district shall require permits. The Zoning Administrator shall also require permits for any fences or other structures within the sight triangle establishment at intersections. (See Section 4.5 Traffic Visibility.)
 - G. Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises, and such permit for which it is issued until completion of construction or occupancy.

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H. All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Administrator in his office for ready reference.

I. No permit shall be required for:

(1) Routine maintenance, alteration, or repair of buildings, structures, or equipment such as repainting or reroofing a building.

(2) Alterations of existing buildings having a replacement value of less than one thousand dollars (\$1000) in any one twelve (12) month period.

(3) Construction of a service connection to a municipally owned and operated utility.

4. Issuance of Permit - Within seven (7) days after submission of the proper approvals signifying that all requirements have been met, the Zoning Administrator shall issue a zoning permit. In the event the seventh day falls on a Saturday, Sunday or a legal holiday, the seven day time period shall be extended to the next business day thereafter.

5. Evidence of Ownership - All applications for zoning permits under the provisions of this Ordinance shall be accompanied by evidence of ownership, i.e. deed, land contract or lease, and possession of all property affected by the scope of the permit. The legal owner of record must join in the application, if the person requesting the permit is the land contract vendee or lessee.

6. Voiding of the Permit - Any zoning permit granted under this Section shall become null and void unless the development proposed shall have its first building inspection within one (1) year from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the Township.

7. Inspection Fee -- Before any zoning permit shall be issued covering buildings or other operations regulated by this Ordinance, all inspection fees shall be paid according to a schedule of fees established by the Township Board. If a building activity is commenced, other than as permitted by 7.a. which follows, prior to issuance of a zoning permit, the inspection fee shall double as a civil penalty for such violation and the violation may be sanctioned further as provided in Section 11.5 Enforcement, 1. Violation and Penalties.

8. Inspection - The construction or usage affected by any zoning permit shall be subject to the following:
A. Before the issuance of the zoning permit, the building stakeouts and/or such other stakeouts as are necessary shall be inspected by the Administrator or his agent to determine if the written permit form and the Ordinance requirements are in agreement and have been complied with. Subsequent inspections shall be made as are required by the extent and complexity of the proposed construction or usage.

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B. Upon completion of the work authorized by the permit, final inspection shall be promptly made by the Administrator or his agent and the use and occupancy permit issued if the requirements of this Ordinance and other lawful pertinent ordinances are met.

C. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for any inspection. Upon receipt of such notification, the Zoning Administrator shall first satisfy himself that the corners and boundaries of the lot are accurately designated and forthwith proceed to make an inspection of the progress of the construction, and if the same shall meet the requirements of the Ordinance, at the stage of such inspection, he shall issue his written approval thereof and the applicant shall be authorized to proceed in accordance with the permit. Should the Zoning Administrator determine that the construction is not proceeding according to the site and construction plans filed, or is in violation of any provisions of this Ordinance, or any other applicable law, he shall so notify the holder of the permit or his agent, and further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the Zoning Administrator upon notice and request for re-inspection duly made.

D. Should a zoning permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the latter shall make a report in writing of such failure to the Township Supervisor whose duty it shall be to forthwith cancel the permit issued. The Supervisor shall cause notice of such permit cancellation to be securely posted upon or affixed to the construction not conforming to the Zoning Ordinance interpreted to be the Zoning Administrator's requirements, and such posting shall be considered as service upon and notice to the permit holder, or cancellation. No further work upon said construction shall be undertaken or permitted until a valid permit shall thereafter have been issued.

E. Failure to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed or occupancy may be permitted.

12.3 SPECIAL USE PERMITS AND SITE PLAN REVIEW

1. Application - Applications for Site Plan Review authorized by Section 6 of this ordinance and Special Use Permits authorized by Section 10 in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Applications shall be accompanied by the payment of a fee as determined by the Township Board to cover the costs of processing and the procedures of public hearing. The fee shall be in accordance with the current fee schedule and shall be subject to alteration from time to time.

If the Planning Commission determines that the basic zoning fees will not cover the actual costs of the application review, or if the Planning Commission determines that review of the application and/or participation in the review process by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional fees in an amount determined by the Planning Commission equal to the estimated additional costs.

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Applications for special use permits shall be subject to the provisions of Section 10.2 Zoning Permits in addition to the provisions stated herein.

2. Procedures:

A. The Zoning Administrator shall forward the application and supporting data to the Planning Commission.

B. *The* Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.

C. After adequate review and study of any application, the Planning Commission shall hold a public hearing or hearings as required by Section 10.4 of this ordinance.

D. The Planning Commission, after public hearing procedures, may issue a special use permit. A copy of the decisions of both, with any conditions or reasons for rejection, if it be so, shall be sent promptly to the Zoning Administrator and to the applicant.

3. Basis of Determination - The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall act upon the application following the procedures and standards set forth in Section 10 of this Ordinance.

4. Reapplication - No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Planning Commission.

12.4 CERTIFICATION OF OCCUPANCY

1. Hereafter a Certificate of Occupancy shall be required for the following:

A. Occupancy or use of a building erected, altered, extended, relocated, or reconstructed.

B. Change in the use of a building.

C. Occupancy for the use or a change in a use of land except for the raising of crops or other agricultural pursuits, unless specifically exempted from securing a Certificate of Occupancy in the various zoning district requirements and rules.

2. Contents - Any Certificate of Occupancy issued by the Zoning Administrator shall state that the proposed occupancy or use and any structure or building embraced in the occupancy or use shall conform with the provisions of this Ordinance and shall further state any special limiting conditions of such occupancy or use.

3. Time for Application - All Certificates of Occupancy shall be applied for coincident with the application for a building permit or within ten (10) days of a contemplated change in the use of a building or land. A

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Certificate of Occupancy shall be issued within ten (10) days after the lawful erection or alteration of a building is completed as certified by the Zoning Administrator.

4. Availability of Record - A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any persons having a propriety or tenancy interest in the building affected.

12.5 ENFORCEMENT

1. Violation and Penalties

A. Violation a Nuisance - Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.

B. Inspection of Violation - The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, to the violator of all conditions found to be in violation of this Ordinance.

C. Correction Period - All violations shall be corrected within a period of thirty (30) days after the order to correct is issued by the Zoning Administrator or as such longer period of time as the Zoning Administrator shall determine. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

D. Penalties - Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provisions of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals or Planning Commission issued in pursuance of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court of Houghton County, the violator shall be punished by a fine not to exceed Five Hundred and 00/100 (\$500.00) Dollars plus court costs, or by imprisonment not to exceed ninety (90) days or both. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

E. Remedies - The Zoning Administrator, the Township **Zoning** Board of Appeals or the Township Attorney, and any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and are in addition to criminal remedies.

F. Scope of Remedies - The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

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SECTION 13 - AMENDMENTS

13.1 POWER TO AMEND

The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by resolution of the Township Board.

13.2 WHO MAY INITIATE

Proposals for amendments, supplements, or changes may be initiated by the Township Board on its own motion or by the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment.

13.3 PROCEDURE FOR INITIATING AND PROCESSING AN AMENDMENT

1. Each petition by one or more persons for an amendment shall be submitted in application to the Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee to cover administrative and publication costs. The fee shall be in accord with the current fee schedule as determined by the Township Board and shall be subject to alteration from time to time. No part of such fee shall be returnable to a petitioner, if a public hearing is held.
2. When a request for amendment is initiated, the Zoning Administrator shall notify the Township Board of the request for an amendment at the same time he transmits the zoning amendment request to the Planning Commission.
3. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original amendment proposal.
4. The Planning Commission shall hold a public hearing upon any application for a map or text amendment, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days preceding the date of said hearing. Notice of hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall do all of the following:
 - A. Describe the nature of the request.
 - B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - C. State when and where the request will be considered.

D. Indicate when and where written comments will be received concerning the request.

5. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning in the same manner as required under this section.

6. If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required, except for the individual mailing of notices within 300 feet requirements and no individual addresses of properties are required to be listed.

7. Following the conclusion of the public hearing, the Planning Commission shall transmit the proposed amendment to the County Planning Commission for approval. After receiving the recommendation of the County Planning Commission, the Planning Commission shall transmit its recommendation to the Township Board. After receiving the recommendation of the Planning Commission, the Township Board shall grant hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing. Thereafter, the Board may adopt the amendment with or without changes in accordance with the provisions and procedures of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

8. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

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SECTION 14 - REPEALS AND EFFECTIVE DATE

14.1 REPEALS OF PRIOR ORDINANCES

Parts of other ordinances in conflict with the amendment of this Ordinance, to the extent of such conflict and not further, are hereby repealed.

14.2 WHEN EFFECTIVE

This Ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after the expiration of seven (7) days of its publication as provided by law.

Approved and ordained by the Township Board of the Charter Township of Portage, Houghton County, Michigan this _____.

This Ordinance was again introduced, approved and ordained by the Township Board of the Charter Township of Portage, Houghton County, Michigan this _____.

Township Supervisor

Township Clerk

[SEAL]

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John Ollila and Ted Soldan revised this document on 10/3/21 to reflect changes that adopted by the planning commission after a public hearing and passed by the township board.