

PORTER TOWNSHIP RURAL ZONING ORDINANCE

MIDLAND COUNTY, MICHIGAN

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PORTER TOWNSHIP RURAL ZONING ORDINANCE

An Ordinance to replace the Porter Township Zoning Ordinance of 1975.

PORTER TOWNSHIP RURAL ZONING ORDINANCE  
MIDLAND COUNTY, MICHIGAN

The Township of Porter, County of Midland, State of Michigan, pursuant to the authority vested in it by Act 184 of Public Acts of the State of Michigan of 1943, as amended, hereby ordains.

An Ordinance to establish zoning districts within the unincorporated portion of the Township of Porter, County of Midland, State of Michigan, in accordance with Public Act 184 of the Public Acts of the State of Michigan, 1943, as amended, and to regulate, encourage, and prohibit certain uses of the land therein, and regulate and limit the location, size, area, and height of buildings thereon and to provide for the administration and enforcement of the provisions thereof.

ARTICLE ONE  
TITLE

This Ordinance shall be known and may be cited and referred to as the "Porter Township Zoning Ordinance of 1989".

ARTICLE TWO  
DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined.

Section 2.01 - Rules Applying to the Text

For purposes of this Ordinance, certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense, and the singular includes the plural unless the context indicates the contrary.



2. The term "shall" is always mandatory and not discretionary; the term "may" is permissive.
3. In reference to gender, "he" shall include "she" and "she" shall include "he".
4. The word "person" includes a corporation or firm as well as an individual.
5. Any word or term not defined in this Article shall be used with a meaning of common standard use.

#### Section 2.02 - Definitions

1. **Accessory Use (Building or Structure):** A use, building or structure which is clearly incidental to, and is customarily found in connection with, and located on the same zoning lot, as the principal use to which it is related.
2. **Adjacent Property Owners:** Those owning property bordering or cornering upon a parcel of land, including the opposite side of the road.
3. **Altered:** Any change in usage, location or square footage of a building.
4. **ATV:** All terrain vehicle.
5. **Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.
6. **Building Height:** The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs.
7. **Camping Unit:** A tent, trailer, cabin, lean-to, shed or similar structure upon or attached to real estate and intended, designed, established or maintained and/or used as temporary living quarters for hunting, fishing, recreation or vacation purposes. A camping unit may be established or constructed and/or used for the purposes stated herein subject to the following conditions:
  - a. A camping unit is not used as a permanent dwelling for human habitation;

- b. A camping unit is subject to the provisions of the Porter Township Uniform Building Code as a temporary use structure;
  - c. A camping unit is located at least five hundred (500) feet from the nearest dwelling and no camping unit shall be located on a lot on which any other dwellings are located, except any camping unit that is located in a planned camp ground permitted pursuant to the provisions of the Ordinance;
  - d. A camping unit is located only in the R-F, Residential-Farming Zoning District and RD, Recreational District.
8. **Dwelling:** A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one or more human beings, either permanently or transiently. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed part of a dwelling for area requirement. A dwelling shall comply with the following standards:
- a. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Porter Township Building Code, then and in that event such federal or state standard or regulation shall apply.
  - b. It is firmly attached to a permanent foundation constructed on the site in accordance with the Porter Township Building Code, and the area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the Porter Township Building Code for the respective dwelling type. In the event that the dwelling is a mobile home as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall contain a perimeter wall.
  - c. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed

with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

- d. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Midland County Health Department.
  - e. The foregoing standards shall apply to mobile homes located in licensed mobile home parks and to mobile homes located on separate lots outside of mobile home parks. Mobile homes located in licensed mobile home parks shall also comply with the Michigan Mobile Home Commission Rules as amended.
9. **Dwelling Area:** The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, bathrooms, and living rooms.
  10. **Dwelling, Single-Family:** Any building or any portion thereof which is designed exclusively for one family, including a mobile home.
  11. **Dwelling, Multiple-Family:** A building, or portion thereof designed exclusively for occupancy by two (2) or more families living independently of each other within the confines of a single building structure.
  12. **Erected:** To build, construct, alter, reconstruct, move upon, excavate, fill or drain (except farm field drainage).
  13. **Family (or household group):** Any number of persons related by blood or marriage (and including the domestic employees thereof), together with not more than three persons not so related, living together and comprising a single house-keeping unit.
  14. **Farm:** A parcel of land used for the production of field or tree crops, livestock, poultry, or dairy products.
  15. **Feed Lot:** A place where livestock in excess of one hundred (100) animals, or poultry in excess of three hundred (300) fowl are kept and are used solely for the purpose of preparing them for market.
  16. **Fence (or walls):** An upright structure or barrier of wood, stone, brick, posts, wire mesh, or similar material which is designed to enclose, protect, divide, confide or define a boundary.

17. **First Floor Level:** A plan or structure described as being at or above ground level elevation on at least one side and whose area is used primarily as living space and not as basement, garage, for storage, etc.
18. **Forestry:** Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services, but not including saw mills.
19. **Garage, Private:** An accessory building or structure, either attached or unattached to the principal building, used for the storage of passenger vehicles.
20. **Home Occupation:** Any primary or secondary occupation conducted solely by the immediate family within the home or on the premises and incidental to the residential use of the premises.
21. **Junk Yard:** A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, and containers are sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked or inoperable autos, inoperable machines, used lumber, construction house wrecking materials, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery, and the processing of used, discarded, or salvaged materials for any thirty (30) consecutive days.
22. **Kennel:** Any building or structure used for the boarding, breeding, or sale of four or more dogs or cats, or both, or other domestic pets including any combination thereof for specified compensation.
23. **Landfill:** A solid waste disposal area as defined by the rules and regulations promulgated by the State of Michigan in accordance with the Solid Waste Management Act, 1978 PA 641, as amended.
24. **Loading Space:** An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

25. **Lot (or premises):** The parcel of land on which one principal building and its accessories are placed on, or are intended to be placed, together with the required yards and open spaces.
26. **Lot, Corner:** A lot where the interior angle of the two adjacent sides at the intersection of the two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the area is of less radius than one hundred thirty-five (135) degrees.
27. **Mobile Homes (or House Trailer):** A structure, transportable in one or more sections, which is ten (10) body feet or more in total width and fifty (50) feet or more in total length or which contains not less than five hundred (500) square feet in interior space, which is built on a permanent chassis and designed to be used as a dwelling or in the operation of a business or other activity, with or without a permanent foundation, and which is connected to the required utilities and includes the necessary plumbing, heating/air conditioning, and electrical systems contained therein. For the purposes of this Ordinance, 'Mobile Home' does include single and double-wide mobile homes but does not include a recreational vehicle or travel trailer which are considered temporary dwelling units. 'House Trailer' and 'Trailer Coach' shall have the same meaning as 'Mobile Home'.
28. **Mobile Home Park:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use a temporary trailer park.
29. **Non-Conforming Use (or building):** A use or building which lawfully exists on the effective date of this Ordinance or amendments thereto, and does not conform to the regulation of the Zoning District in which it is located.
30. **ORV:** Outdoor recreation vehicle.
31. **Off-Street Parking Area:** A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

32. **Parking Space:** One unit of parking area provided for the parking of one automobile. This space shall have an area of not less than two-hundred (200) square feet, and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
33. **Pets:** Any common breed of dog, cat, house bird or rabbit.
34. **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. This term includes motor homes but not mobile homes. Such vehicles shall not be classified or utilized as permanent dwellings.
35. **Right-of-Way Line:** The established right-of-way line, or in the event there is no established right-of-way, the side line for a road, the said right-of-way side line shall be deemed to be thirty-three (33) feet from the center of the road.
36. **Road:** A road is defined as that easement or right of way fronting and defining a front lot line. A road, public or private, may qualify in defining the front lot line if the road meets or exceeds the following requirements:
- a. A minimum width of right-of-way of sixty-six (66) feet.
  - b. The crown of the road bed shall be one half inch (1/2) per foot, measured from the center of the grade to the outside shoulder line.
  - c. A base of thirty (30) feet and surface of twenty-four (24) feet in width.
  - d. Proper drainage, as determined by providing adequate road height or ditch drainage, or a combination of both.
37. **State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Act No. 287 of the Public Acts of 1972, as amended.
38. **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above

it, or if there is no floor above it then the space between any floor and the ceiling above it.

39. **Structure:** Anything constructed, erected, or placed on said premises and the use of which requires location on the ground or attachment to something having location on the ground.
40. **Travel Trailer:** A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which is not more than eight and one-half (8.5) body feet in width, and forty (40) body feet or less in length, or which contains three hundred and forty (340) square feet or less in interior space. This term also includes folding camper and truck-mounted campers but not mobile homes. Such structures shall not be classified or utilized as permanent dwellings.
41. **Use:** The principal purpose for which land or a building is created, arranged, designed, or intended, or for which land or a building is or may be occupied.
42. **Variance:** A modification of the specific regulations of this Ordinance granted by resolution of the Zoning Board of Appeals in accordance with the terms of this Ordinance or Statute of the State of Michigan.
43. **Yards:** The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance and as defined herein:
  - a. **Yard, front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the building.
  - b. **Yard, back:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the building.
  - c. **Yard, side:** An open space between a main building and the side lot line extending between the front yard to the back yard, the width of which is the horizontal distance from the nearest point of the building.

44. **Zoning Administrator:** An official charged with the administration and enforcement of this Ordinance and appointed by the Township Board of Trustees. The Zoning Administrator may be titled Building Inspector at the discretion of the Township Board.

**ARTICLE THREE  
ZONING DISTRICTS**

**Sections 3.01 - Classification of Districts**

For the purpose of this Ordinance, all of the unincorporated area of Porter Township is hereby divided into one or more of the following zoning districts described in this text:

- R-1 - Residential
- R-F - Residential Farming
- RD - Recreational
- C-1 - Commercial
- M-1 - Industrial

**Section 3.02 - Zoning Map**

For the purposes of this Ordinance, the districts are bounded and defined as shown on a map entitled "Official Zoning Map of Porter Township" which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

- a. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and including the following words: "This is to certify that this is the Official Zoning Map referred to in Article Three of the Porter Township Rural Zoning Ordinance, Midland County, Michigan" together with the date of the adoption of this Ordinance.
- b. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Township Board. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such changes have been made on the map. No changes of any nature shall



be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

- c. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning state of land and water areas, buildings, and other structures in the Township.
- d. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the Porter Township Rural Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and including the following words: "This is to certify that this official Zoning Map supersedes and replaces the Official Zoning Map adopted on February 7 1990 as part of the Porter Township Rural Zoning Ordinance, Midland County, Michigan."

### Section 3.03 - District Boundaries

The boundaries of these districts are hereby established as shown on the Zoning Map which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

Where uncertainty exists with respect to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- c. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- d. Boundaries indicated as parallel to, or extensions of, features indicated in Sections 3.03 a. to 3.03 c. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- e. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances are not covered by Section 3.03 a. to 3.03 c. above, the Board of Appeals shall interpret the district boundaries.

**ARTICLE FOUR**  
**R-1 - RESIDENTIAL DISTRICTS**

**Section 4.01 - Purpose**

The purpose of creating R-1 Residential Districts is to provide areas primarily designed for residential use consisting of dwellings for only one family or household group, each located on separate lots having separate legal descriptions, and with a premises adequate in size to provide for safe water and sewage disposal facilities, properly spaced to diminish spread of fire, and set back from the road right of way to facilitate safe exit from and entrance to the premises.

R-1 Residential District requirements are intended to protect and stabilize the basic qualities of each residential district, and to provide suitable and safe conditions for family living. Certain other uses are generally accepted as compatible with residential development, and if properly integrated, the inclusion of such uses may be provided by special permit. Commercial and industrial structures or facilities are not encouraged to be included in this district since a mixture of such uses and residential development uses would hinder the expansion of the commercial and industrial developments and would contribute to a reduced quality of life for the residential development.

## Section 4.02 - Uses

Except as provided by ARTICLE TEN, no building or structure, or part thereof, shall hereafter be erected, constructed, moved on, used or occupied, on land or premises used or occupied, in whole or in part, for other than one or more of the following specified uses:

### Section 4.02 A - Primary Use

1. Detached one-family dwellings, including a private garage

### Section 4.02 B - Uses by Special Permit as Provided by ARTICLE TEN

1. Community buildings, private clubs, fraternal lodges and similar civic and social organizations when not operated as a commercial enterprise
2. Hospitals and homes for the care of human illness, and institutions of similar character
3. Multiple family dwellings
4. Municipal and publicly-owned parks and playgrounds such as golf courses, country clubs and tennis courts, all of non-commercial nature
5. Churches and other places of worship, and Sunday school buildings
6. Public or non-profit private schools
7. Home Occupations

Home occupations shall be permitted where such use includes health and beauty care products; sale of ceramics; sale of pet care items; the keeping of not more than two (2) boarders or roomers by a resident family; small-engine repair; wood-working; metal-working the repair of automobiles provided however that there shall be no more than three (3) automobiles being repaired at one time on the premises; provided that a single sign may be displayed as external evidence of said home occupation so long as said sign is not larger than eight (8) square feet, placed not less than fifty (50) feet from the center line of the road on premises of property of the home occupation, and provided there shall be no exterior alteration of the structure permitting said use. Other home occupations customary in the Township may be permitted.

8. State licensed residential facility providing care for seven or more persons

#### **Section 4.02 C - Accessory Uses**

Accessory uses, buildings, and structures customarily and clearly incidental to primary use, or use by special permit, located on the same premises as the principal building or use, and not involving a business.

#### **Section 4.02 D - Animal Housing and Shelters**

No structure or building shall be provided for use as housing or shelter for animals other than those defined by this Ordinance as "pets".

#### **Section 4.03 - Floor Area of Dwelling**

No dwelling shall hereafter be erected which provides less than five hundred (500) square feet for a one-bedroom dwelling unit, six hundred (600) square feet for a two-bedroom unit, seven hundred (700) square feet for a three-bedroom unit and eight hundred (800) square feet for a four-bedroom unit.

#### **Section 4.04 - Lot Area, Dwellings**

Every lot or premises upon which a dwelling is hereafter moved, constructed, or erected shall contain not less than one (1) acre, with a minimum of one hundred thirty-two (132) foot frontage. A corner lot shall have a minimum of one hundred thirty-two (132) foot frontage on both roads of a corner lot.

1. Front Yards. Every lot or premises shall have a front yard no less than fifty (50) feet in depth from the right of way line of the road fronting the premises.
2. Side Yards. Every lot or premises shall have a side yard on each side not less than twelve (12) feet in width.
3. Back Yards. Every lot or premises shall have a back yard of no less than twenty-five (25) feet in depth.

#### **Section 4.05 - Building Height**

The maximum building height shall be two (2) stories, and not exceeding twenty-eight (28) feet.

**ARTICLE FIVE  
R-F - RESIDENTIAL FARMING DISTRICTS**

The following provisions shall apply to all residential farming districts, R-F.

**Sections 5.01 - Purpose**

The purpose of creating residential farming districts is to provide areas primarily designed for farming and residential uses consisting of dwellings for only one family or household group, each located on separate lots and premises adequate in size to provide for safe water and sewage disposal facilities, properly spaced to diminish spread of fire, and set back from the road right-of-way to facilitate safe exit from and entrance to the premises. This district is also to provide an area where "farm operations" with the odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditions, insecticides, pesticides, and herbicides; and the employment of and use of labor will not be found a nuisance.

The requirements are intended to protect and stabilize the basic qualities of each residential farming district and to provide suitable and safe conditions for family living. Certain other uses are generally accepted as compatible with residential and farming developments and if properly integrated, the inclusion of such uses maybe provided by special permit. Commercial and industrial structures or facilities are not encouraged to be included in this district since a mixture of such uses and agriculture or residential-farming uses would not be compatible with the intended purpose of this district and would contribute to the reduced quality of life for the agriculture or residential-farming development.

**Section 5.02 - Uses**

Except as provided by **ARTICLE TEN**, no building or structure, or part thereof, shall hereafter be erected, constructed, moved on, used or occupied, on land or premises used or occupied in whole or in part for other than one or more of the following specified uses:

**SECTION 5.02 A - Primary Uses**

1. Detached one-family dwellings, including a private garage
2. Farming, including both general and specialized farming and animal industries

3. Camping Units

4. Forestry

**SECTION 5.02 B - Uses By Special Permit as Provided by ARTICLE TEN**

1. Community buildings, private clubs, fraternal lodges, and similar civic and social organizations when not operated as a commercial enterprise

2. Hospitals and homes for the care of human illness, and institutions of similar character

3. The use of open land and waters for municipal, public and privately owned and operated parks, picnic groves, golf courses and similar facilities for outdoor exercise and recreation

4. Multiple-family dwellings

5. Municipal and publicly-owned parks and playgrounds

6. Feed lots

7. Home occupations

Home occupations shall be permitted where such use includes health and beauty care products; sale of ceramics; sale of pet care items; the keeping of not more than two (2) boarders or roomers by a resident family; small-engine repair; wood-working; metal-working the repair of automobiles provided however that there shall be no more than three (3) automobiles being repaired at one time on the premises; provided that a single sign may be displayed as external evidence of said home occupation so long as said sign is not larger than eight (8) square feet, placed not less than fifty (50) feet from the center line of the road on premises of property of the home occupation, and provided there shall be no exterior alteration of the structure permitting said use. Other home occupations customary in the Township may be permitted.

8. State licensed residential facility providing care for seven or more persons

9. Mobile home parks

### **Section 5.02 C - Accessory Uses**

Accessory uses, buildings and structures customarily and clearly incidental to the primary use, or use by special permit, located on the same premises as the principal building or use, not involving a business except for the sale of farm produce grown upon the premises.

### **SECTION 5.02 D - Animal Housing and Shelters**

No structure or building intended for use as housing or shelter for animals, other than those defined by this Ordinance as pets, shall be moved to, or constructed within fifty (50) feet of any property line or existing dwelling located on the premises, nor two hundred (200) feet of a dwelling located on adjoining properties. Nor shall a dwelling be constructed or moved within fifty (50) feet of a structure that is intended for or is in use as housing or shelter for animals other than those commonly known as "pets".

### **SECTION 5.02 E - Animal Feed Lots**

A permit shall be required and is subject to the provisions of Section 9.06 including the following requirements:

1. All feed lots shall be not less than five hundred (500) feet from any R-1 District, and in no case less than two hundred (200) feet from any property line.
2. Feed lots shall be controlled in such a manner as to not be a health hazard or create a nuisance to adjacent property.
3. The emission of odors which are generally agreed to be obnoxious shall be a basis for denying a permit when affecting property, occupants, and owners.

### **Section 5.03 - Floor Area of Dwelling**

No dwelling shall hereafter be erected which provides less than five hundred (500) square feet for a one-bedroom dwelling unit, six hundred (600) square feet for a two-bedroom unit, seven hundred (700) square feet for a three-bedroom unit and eight hundred (800) square feet for a four-bedroom unit.

### **Section 5.04 - Lot Area Dwellings**

Every lot or premises, other than those described in plats recorded before this agreement, upon which a dwelling is hereafter moved on, constructed or erected shall contain not less

than (1) acre, with a minimum of one hundred thirty-two (132) foot frontage, excepting a corner lot which shall have a minimum of one hundred thirty-two (132) foot frontage on both roads of a corner lot.

#### **Section 5.05 - Yards**

1. Front yards. Every lot or premises shall have a front yard no less than fifty (50) feet in depth from the right-of-way line of the road fronting the premises.
2. Side yards. Every lot or premises shall have a side yard on each side not less than twelve (12) feet in width.
3. Back yards. Every lot or premises shall have a back yard of no less than twenty-five (25) feet in depth.

#### **Section 5.06 - Building Height**

The maximum building height for residential buildings shall be two (2) stories, and not exceeding twenty-eight (28) feet. The maximum building height for general and specialized farming buildings shall be seventy-five (75) feet.

### **ARTICLE SIX RD - RECREATIONAL DISTRICT**

#### **Section 6.01 - Purpose**

The purpose of the RD, Recreational District, is to provide for and retain large open land areas for conservation and recreation. Commercial and industrial structures or facilities are not encouraged to be included in this district since a mixture of such uses would contribute to a reduced quality of life and an impaired natural environment for conservation and recreation.

#### **Section 6.02 - Uses**

Except as provided by ARTICLE TEN, no land or premises shall be used or occupied and no building or structure erected for other than one or more of the following specified uses.

##### **Section 6.02 A - Primary uses**

1. Conservation areas for the preservation of natural resources and wild life habitat.



2. Animal Housing and Shelters.

**Section 6.02 B - Uses by Special Permit as Provided by Article Ten**

1. Archery, gun clubs and similar uses of a noncommercial, recreational nature on sufficient acreage to provide safe operation
2. Snowmobile trails, motor bike trails, all terrain vehicle and off road vehicle trails, race tracks and similar uses of a noncommercial, recreational nature on sufficient acreage to prevent public nuisance to neighboring uses
3. Riding stables
4. Camping units
5. Scout camps and similar uses of a non-commercial, recreational nature which provide camping and recreational opportunities
6. Municipal and publicly owned parks and playgrounds such as country clubs and regulation golf courses

**Section 6.02 C - Accessory Uses**

Accessory uses, building and structures customarily and clearly incidental to primary use, or use by special permit.

**Section 6.03 - Set Back**

1. No building or structure shall be constructed, erected or moved to less than eighty-five (85) feet from any property line or right-of-way line.
2. No building or structure shall be constructed, erected or moved to less than two hundred (200) horizontal feet from any river or stream.

**Section 6.04 - Animal Housing and Shelters**

No structure or building intended for use as housing or shelter for animals other than those defined by this Ordinance as "pets" shall be moved to, or constructed within two hundred (200) feet of an existing building used for human occupancy, nor shall a building used for human occupancy be constructed or moved to within two hundred (200) feet of a structure that is intended for or is in use as housing or shelter for animals other than those defined by this Ordinance as "pets".

### Section 6.05 - Lot Area

Every lot or premises upon which a building is hereafter moved on, constructed or erected shall contain not less than one (1) acre, with a minimum of one hundred thirty-two (132) foot frontage, excepting a corner lot which shall have a minimum of one hundred thirty-two (132) foot frontage on both roads of a corner lot, other than previously recorded plats of record.

### Section 6.06 - Building Height

The maximum building height shall be two (2) stories, and not exceeding twenty-eight (28) feet.

## ARTICLE SEVEN C-1 - COMMERCIAL DISTRICT

The following provisions shall apply to all Commercial District, C-1.

### Section 7.01 - Purpose

The primary purpose of Commercial Districts C-1, is to provide areas for retail and wholesale business activities generally compatible with each other and for services commonly associated with commercial districts. Provisions are also made by special permit for inclusion of enterprises and activities having special problems or conditions.

### Section 7.02 A - Primary Uses

Except as otherwise provided by ARTICLE TEN, no building or structure, or part thereof, shall hereafter be moved on, constructed, erected, used or occupied in whole or in part for other than one or more of the following specified uses, subject to Section 9.06:

1. Retail stores and shops offering chiefly new merchandise when conducted within closed buildings
2. Business and personal services including, and similar in character to: barber shops, beauty parlors, shoe repair shops, dry cleaning agencies, printing shops, photography shops, radio and television repair shops, florist shops, real estate sales, insurance and similar business and services

3. Professional offices, show rooms, financial institutions, undertaking establishments, public utility buildings, fraternal civic and social organization buildings
4. Food service establishments including drive-ins and taverns
5. Motels
6. Sales of agricultural fuel, and sales and service of agricultural machinery
7. Gasoline service stations, garages, but not the storage, processing or sale of any waste, discarded, used, inoperative, non-functional salvaged items, materials or articles
8. Laundries, including self-service type
9. Animal hospitals, animal boarding, or dog kennels
10. Outdoor advertising media and signs not pertaining exclusively to the business conducted on the premises
11. Auto sales and service

#### **Section 7.02 B - Accessory Uses**

Uses, buildings and structures customarily incidental to any primary use, or use by special permit.

#### **Section 7.03 - Yards**

1. Every premises shall have a front yard no less than fifty (50) feet in depth from the right of way line of the road fronting the premises.
2. Side yards not less than twenty-five (25) feet shall be provided between buildings, and a side yard of not less than one hundred (100) feet shall be provided on any premises abutting Residential Farming Districts (R-F) Residential (R-1), and Recreational Districts (RD).
3. Back yards of not less the one hundred (100) feet shall be provided on any premises abutting R-1, R-F, and RD Districts.

#### **Section 7.04 - Lot Width**

There shall be a minimum of one hundred fifty feet (150) frontage. A corner lot shall have a minimum of one hundred fifty (150) feet frontage on both roads of a corner lot. A minimum lot area shall be three (3) acres.

#### **Section 7.05 - Building Height**

The maximum building height shall be twenty-eight (28) feet, in any variance granted by the Zoning Board of Appeals, provided all yards shall be equal to at least the height of the accessory structure.

### **ARTICLE EIGHT M-1 - INDUSTRIAL DISTRICT**

The following provisions shall apply to all M-1 Industrial Districts

#### **Section 8.01 - Purposes**

The primary purpose of these districts is to provide suitable areas for the encouragement of and conduct of business of selected industries for processing raw and semi-finished materials, for storage of industrial products and for wholesale establishments.

#### **Section 8.02 A - Primary Uses**

No building or structure, or part thereof, shall hereafter be moved on, constructed, erected, used or occupied, nor land or premises used or be occupied, in whole or in part, for other than one or more of the following uses, subject to Sections 8.03 and 9.06:

1. The manufacture of products, goods or materials, including assembling, testing, repairing, storing, and selling of such products
2. Wholesale commercial establishments
3. Wholesale contractors, yards and buildings
4. Reduction, conversation and disposal of waste goods and materials, subject to all provisions of this Ordinance, including approval by the Midland County Health Department, Midland County, Michigan

5. Sand and gravel processing

6. Junkyards

**Section 8.02 B - Accessory Uses**

1. Accessory uses customarily incidental to any approved use, including office facilities, food service for employees, and caretakers' buildings.

**Section 8.03 - Standards of Performance**

1. Lot size and set backs. There shall be a minimum lot size of ten (10) acres. Every building or structure shall be set back no less than one hundred (100) feet from the right of way line of the public thoroughfare fronting the premises, shall have side yards of each side no less than fifty (50) feet from the property line and a rear yard no less than one hundred (100) feet in depth. Except for walks and drive-ways, no front yard shall be utilized for parking, storage, loading of vehicles, by either primary or accessory buildings or structures.

2. Storage Yards. Exterior yard storage shall be permitted when located no less than fifty feet (50) from the boundary of the premises, and the yard is entirely screened. The yard shall be properly screened by a solid, uniformly finished fence or wall eight (8) feet in height, or an adequately maintained evergreen hedge the height of which shall be no less than six (6) feet.

3. Building Height. The maximum building height shall be twenty-eight (28) feet, except the Board of Appeals may grant a variance permit for a height greater than twenty-eight (28) feet for an accessory structure and appurtenances incidental to the primary building, provided that all yards shall be equal to at least the height of the accessory structure.

**ARTICLE NINE  
SUPPLEMENTARY PROVISIONS**

**Section 9.01 - Future Uses of Land Premises, and Future Location, Erection and Uses of Buildings and Structures**

Following the effective date of this Ordinance, all land and premises shall be used, and all buildings and structures shall be

located, erected and used in conformity with the provisions of this Ordinance relating thereto, except as provided by ARTICLE TEN.

#### **Section 9.02 - Residential Land and Yard Requirements**

1. Limitations. In conforming to land and yard requirements, no area shall be counted as accessory to more than one dwelling or main building.
2. Dwellings per Lot. Every dwelling hereafter erected shall be located on a separate lot or premises. The description of the boundaries shall be furnished by the applicant in writing properly described and capable of being recorded with the Midland County Register of Deeds.
3. Accessory Buildings. All accessory buildings shall be located not less than twelve (12) feet from the sideline of the premises and fifty (50) feet from the road right-of-way line on which the buildings are located.
4. Parking. On premise parking space shall be provided for all vehicles owned or leased by the enterprise. Parking space, no less in proportion than one space for every one and a half (1 1/2) employees, shall also be provided on the premises. The total maximum number of employees shall be specified in application for a certificate of approval.

#### **Section 9.03 - Driveways**

Every driveway hereafter installed or repaired when such repairs require alteration, removal or installation of drainage facilities, shall be done only after a permit is obtained from the Midland County Road Commission.

#### **Section 9.04 - Water Supply and Sewage Disposal Facilities**

Every building and structure other than a camping unit hereafter erected, constructed, or moved on any premises and used in whole or in part for human occupancy or frequency shall be provided with a safe and sanitary water supply and a method or system of sewage disposal erected and maintained in accordance with the standards of materials and installation recommended by the Midland County Health Department.

#### **Section 9.05 - Public Utility Structures**

1. The erection, construction, alteration and maintenance of public utilities (not including sub-stations and buildings),

and of power, communication, township solid or liquid waste disposal, distribution and similar public facilities including accessories therewith as authorized and regulated by law shall be permitted in every District, it being the intent hereof to exempt such structures and facilities from the application of this Ordinance.

2. Essential Services. The laying, operation, maintenance and removal of pipe lines or electrical power lines for the transmission of various substances including telephone lines shall be permitted in every District, it being the intent hereof to exempt such installations from the application of this Ordinance.

#### Section 9.06 - Uses of Land in All Zoning Districts

##### 1. Uses

The following uses of land shall be permitted in all zoning districts in addition to those uses listed under the separate Articles but subject to the provisions of ARTICLE EIGHT.

1. The drilling operation and maintenance of wells for the production or pressuring of brine, provided however that any well shall be set back a minimum of one hundred seventy-five (175) feet from the center line of any existing road, and on those sides of the lot which a well is located, which do not adjoin a road, there shall be a side yard of a minimum of three hundred (300) feet except when the expressed written consent of the owner of the adjacent property to said side yard is obtained, and provided further that said written consent does not result in the placing of a well within three hundred (300) feet from any other owner of the same side for which the consent was given.
2. Essential Services. The laying, operation, maintenance and removal of pipe lines, or electrical power lines for the transmission of various substances including telephone lines.

#### Section 9.07 - Soil Erosion and Sedimentation Control

The provisions of the Soil Erosion and Sedimentation Control Act of 1972 as amended, being 1972 PA 347 shall apply to all land uses, premises and earth changes as defined and regulated in said act.

## Section 9.08 - Groundwater Protection

All uses shall comply with the following provisions:

1. Waste water treatment systems, including on-site septic systems shall be located to minimize any potential degradation of surface water or groundwater quality.
2. Sites which include storage of hazardous materials or water, fuels, oil, salt, fertilizers or chemicals shall be designed and constructed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.

## Section 9.09 - Parking Requirement

### 1. Purpose

Every property owner shall provide and maintain an adequate number of off-street parking spaces and the necessary loading and unloading facilities associated thereto for all occupants, employees and patrons of said property.

### 2. General Requirements

- a. All off-street parking areas that make it necessary for vehicles to back out directly onto a public thoroughfare shall be prohibited, except for off-street parking areas of residential dwellings.
- b. Space for all necessary loading and unloading operations for any commercial, industrial or other use shall be provided in addition to the required off-street parking space. All loading and unloading operations shall be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

### 3. Minimum Required Parking Spaces

- a. Single and multiple-family dwellings: Two parking spaces per family unit
- b. Retail stores, grocery stores, and personal service shops: One parking space for each 100 square feet of floor area
- c. Motels: One parking space for each separate unit



- d. Churches: One parking space for each four seats
- e. Assembly Halls and public buildings: One parking space for each 100 square feet of floor area
- f. Restaurants and nightclubs: One parking space for each 100 square feet of floor area
- g. Schools: One parking space for each employee normally engaged in or about the building or grounds
- h. Other uses not specifically mentioned: In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned to which said use is similar in terms of parking demand shall apply
- i. Mixed uses in the same building: In the case of buildings having mixed uses in the same building, the amount of parking space for each use specified shall be provided, and the space for one use shall not be considered as providing required space for any other use
- j. Employee On-Premises Parking: On-premises-parking space shall be provided for all vehicles owned or leased by the enterprise. Parking space, no less in proportion than one space for every one and a half (1 1/2) employees, shall also be provided on the premises. The total maximum number of employees shall be specified in application for a certificate of approval

#### 4. Changes in Requirements

The Zoning Board of Appeals shall have authority to grant a variance from the foregoing where it is satisfied under the circumstances that the requirements for off-street parking are too large for the particular development.

#### **Section 9.10 - River and Stream Corridor Setbacks and Floodplain Management**

No building or structure shall be moved on, constructed, erected or moved to less than one hundred (100) feet from the banks of the Pine River and Bullock, Bush, and Sucker Creeks; nor shall

any building be located in the one hundred (100) year floodplains of the Pine River and said creeks without a floodplain permit from the Michigan Department of Natural Resources.

### **Section 9.11 - Accessory Buildings and Structures**

Accessory buildings and structures except public utility poles, light fixtures, flag poles, and play equipment (except swimming pools) shall conform to the following regulations, except as may be otherwise provided in this Ordinance:

1. Accessory buildings and structures shall not exceed twelve foot by twelve foot by twelve foot (12' x 12' x 12').
2. Accessory buildings and structures shall not be erected in any required front yard nor in any required side street yard.
3. Accessory buildings and structures may occupy required side and rear yards provided that such buildings and structures do not occupy more than thirty-five (35) percent of the required side or rear yard, and provided that such accessory buildings and structures are not closer than twelve (12) feet to any lot line and not closer than ten (10) feet to any principal building or structure.
4. Accessory buildings and structures shall not be erected less than five (5) feet between such buildings and structures.

### **Section 9.12 - Mobile Home Requirements**

#### **1. Density and Setback**

Mobile homes, mobile home additions, and related accessory buildings located on individual lots outside of mobile home parks in the township shall conform to the same lot density and setback requirements that apply to single-family dwellings and related accessory buildings as required under this Ordinance.

Mobile homes, mobile home additions, and related accessory buildings located within mobile home parks in the township shall conform to the lot density and setback requirements outlined in the Michigan Mobile Home Commission Rules or to other lot density and setback requirements utilized by the township for such facilities which have been approved by the Michigan Mobile Home Commission.

**CHANGE ADOPTED OCTOBER 1, 2014**

Addition to Section 9.12 Mobile Home Requirements

5. Mobile homes 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 and they shall not be more than fifteen (15) years old.

## 2. Foundations

All mobile homes on individual lots outside of mobile home parks shall be placed on either natural or excavated level ground on one of the following foundation mechanisms:

- a. Concrete slab; a minimum six (6) inch thick steel reinforced full or ribbon concrete slab with a tensile strength of 3,000 pounds per square foot to be equal to or greater than the exterior body length and body width of the mobile home to be placed on the slab at its widest dimensions. All mobile homes shall be levelled when placed on such slabs, or
- b. eight (8) inch in width by eight (8) inch tall by sixteen (16) inch in length connected concrete block pillars installed perpendicular to the main frame of the mobile home under each corner of the main frame and around the entire perimeter of the mobile home spaced at no more than eight (8) feet apart, and embedded in the ground to a minimum depth of forty-two (42) inches below grade. For double-wide mobile homes or mobile homes exceeding fourteen (14) feet in width, such pillars shall also be placed under the main frame of the mobile home along the entire length of the center line to the same specifications. All mobile homes shall be levelled when placed on such piers.

## 3. Skirting

All mobile homes shall contain skirting along the entire perimeter of the main frame between the ground and the bottom edge of the mobile home body. Said skirting shall be installed within thirty (30) days of occupancy of a mobile home. The skirting shall be a minimum of twenty-six (26) gauge metal with ribbing, or of other materials having similar design and durability. Brick or concrete block wall construction shall be permitted as skirting. The skirting shall be securely attached and sealed to the mobile home body. One access door shall be permitted in the skirting, and adequate screening vents shall be required in the skirting around the entire perimeter at intervals of not more than twenty (20) feet so as to provide adequate cross-ventilation. All skirting shall be maintained in good condition at all times. Unprotected flammable materials such as hay bales or newspaper shall not be allowed as skirting for mobile homes.

#### 4. Additions

All mobile home additions or expansion units shall comply with the foundation and skirting criteria of this Ordinance.

### ARTICLE TEN SPECIAL USE PERMITS

#### Section 10.01 - Purpose

Uses requiring special permits are those which are essentially incompatible with the uses permitted in a zoning district, but possess characteristics or location qualities which require individual review and the placement of restriction in order to avoid incompatibility with the character of the surrounding area and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses.

Special uses may be permitted only in those districts where they are designated by this Ordinance and may be permitted only when specifically approved by the Porter Township Planning Commission in accordance with the provisions of this Ordinance.

Prior to approval of a special use permit, the Planning Commission shall insure that all standards specified in this article, as well as all standards established elsewhere in this Ordinance, shall be satisfied.

#### Section 10.02 - Special Use Standards

All uses by special use permit shall comply with the following standards:

1. All special uses shall, at a minimum, comply with the supplementary provisions of **ARTICLE NINE** for buildings, structures, uses, lots, yards and premises contained in this Ordinance, as well as the specific requirements for buildings, structures, uses, lots and yards in the specified zoning district.
2. The nature, location and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the permitted uses of the adjacent lands or buildings.

3. The special use shall not diminish the value of the land, buildings or structures in the district; and shall represent an improvement to the property under consideration.
4. The special use shall not increase traffic hazards or cause congestion on the public thoroughfares of the area. Adequate access to the parcel shall be furnished.
5. The water supply and sewage disposal system shall be adequate for the proposed special use.
6. Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, flashing lights or disposal of waste than the operation of any principal permitted uses, nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.
7. The special use shall comply with soil erosion and sedimentation control requirements and groundwater protection management provisions of this Ordinance and the laws administered by the County of Midland and the State of Michigan.
8. The special use shall be consistent with the intent and purpose of this Ordinance and in conformance with the intent of the Porter Township Master Plan; shall be compatible with the natural environment, and shall protect the public health, safety, and general welfare.

#### Section 10.03 - Special Use Procedures

An application for permission to establish a special use shall be submitted and acted upon accordance with the following procedures:

1. Application
  - a. An application and site plan, filled out in triplicate, shall be submitted through the Zoning Administrator to the Planning Commission. The site plan shall be prepared in accordance with **ARTICLE ELEVEN** of this Ordinance. Each application shall be accompanied by a fee in accordance with the schedule of fees from time to time as established by the Township Board of Trustees to defray costs of processing the application.

- b. One copy of said application and site plans shall be returned to the applicant together with permit upon approval by the Planning Commission; one copy, together with fee for the permit shall be filed with the Township Clerk, and one copy shall be filed with the Planning Commission secretary.
- c. The Planning Commission may impose conditions with permit approval which it deems necessary to assure compliance with the standards contained in this Ordinance. Said conditions shall be considered an integral part of the special use permit and shall be enforced by the Zoning Administrator.
- d. Approval of a special use permit shall be valid regardless of change of ownership provided that all terms and conditions of the permit are met by any subsequent owner.
- e. Special use permits shall be reviewed annually by the Zoning Administrator to insure compliance with this Ordinance. Where compliance is found the permit is automatically continued.

## 2. Hearing

The Planning Commission shall hold a public hearing on the special use request. Notice of the hearing shall be given by one publication in a newspaper circulated in the Township, printed not less than five (5) days nor more than fifteen (15) days before the date of the hearing. The notice shall include:

- a. A description of the nature of the special use request
- b. The location of the property which is the subject of the special use request
- c. A statement indicating when and where the special use request will be considered
- d. A statement of when and where pertaining material may be examined
- e. A statement of when and where written comments will be received concerning the request

- f. A statement that a public hearing on the special use request may be requested by a property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property considered for a special use. A notice containing the aforementioned information shall be sent by first class mail or by personal delivery to the applicant and to all person owning property within three hundred (300) feet of the boundary of the property in question. A notice shall also be sent to all public utilities serving the Township.

### 3. Action and Notice

The written decision of the Planning Commission shall be sent to the applicant signed by the Chairman or Secretary of the Planning Commission, informing him of the decision made by the Planning Commission. A copy of this notice shall be sent to the Township Board of Trustees.

### 4. Appeals

If the request for a special use is denied, the applicant may appeal the decision of the Planning Commission within thirty (30) days of the decision to the Zoning Board of Appeals. Upon filing of an appeal, the application, all relevant documents, testimony, findings and decisions of the Planning Commission shall be made available to the Zoning Board of Appeals.

### 5. Decisions

All decisions of the Planning Commission, Township Board of Trustees and the Zoning Board of Appeals relating to special use applications, including the findings supporting any decision, shall be recorded in written form and retained as permanent records on file with the Zoning Administrator and a copy in the Office of the Township Clerk.

### 6. Issuance

Upon approval by the Township Board of Trustee(s), the Zoning Administrator shall issue a special use permit to the applicant. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any special use permit and take any enforcement action necessary in the event of violation of the special use permit.



## 7. Compliance

In an instance where development authorized by a special use permit has essentially changed in nature, extent or character, or has not commenced within three hundred sixty-five (365) days from the date of issuance, the Township Board shall review the permit in relation to the applicable standards and requirements of the Ordinance. A violation of the special use permit is a violation of this Ordinance.

Any property which has been granted a special use permit and has not been used for a period of three hundred sixty-five (365) days for the purposes for which the special use permit was granted, shall revert back to only those uses permissible to that particular zoning district and the permit for the special use shall terminate.

### ARTICLE ELEVEN SITE PLAN REVIEW

#### Section 11.01 - Purpose

An approved site plan is necessary to insure that the proposed use or activity is in compliance with this Ordinance.

#### Section 11.02 - Site Plan Approval

The Zoning Administrator shall not issue a building permit for construction of any uses other than single family and two family dwellings on individual lots and for barns or other agricultural buildings until a site plan, submitted in accordance with this section, shall have been reviewed and approved. The site plan, which includes those documents and drawings specified in this section shall be required prior to receiving zoning approval and other township authorization for use, erection or enlargement of any structure or facility. Further, no use shall be undertaken or carried on and no structure or facility shall be constructed, enlarged or improved except as shown upon an approved site plan. The provisions of this ARTICLE also apply to any premises, building, or structure as may be reviewed in accordance with ARTICLE TEN for a special use permit.

#### Section 11.03 - Site Plan Requirements

A site plan reviewed by the Township Planning Commission shall be required for all buildings other than described in Section 11.02, multiple family dwellings (three [3] or more families) and all other non-residential uses, buildings, or structures including

public buildings, commercial uses and industrial uses. Requests for site plan review shall be made by filing the following with the Township Clerk and shall include at a minimum:

1. A legal description of the lot(s) involved including the name, address and telephone number of the owner, developer and/or designer; the present zoning classification of the subject parcel; and a general description of the development
2. The boundary lines of the area including angles, dimensions and reference to a section corner, quarter section corner or point on a recorded plat; an arrow pointing north, and the lot area of the land including in the site plan
3. The shape, size, location and height of all existing or proposed buildings or structures
4. Natural features such as woods, streams, rivers, lakes or ponds with indication as to which are to be retained and which are to be removed or altered
5. Existing and proposed thoroughfares, driveways, parking lots, loading spaces and sidewalks
6. The size and location of all existing and proposed public or private utilities including sewage disposal systems, wells or water systems
7. A description of adjacent uses
8. Written statements or certification of approval by the County of Midland enforcing agencies regarding sanitary water supply, sewage disposal, soil erosion and sedimentation control, and groundwater protection management
9. Any other information necessary to establish compliance with this Ordinance
10. A review fee from time to time determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information

#### **Section 11.04 - Action on Application and Site Plan**

1. Upon receipt of the application and site plan, the Township Clerk shall record the date of the receipt thereof and send five (5) copies to the Chairman of the Planning Commission and one (1) copy to the Township Zoning Administrator.

2. A hearing shall be scheduled by the Chairman of the Planning Commission for review of the application and site plan. Members of the Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary study. The hearing shall be scheduled not more than forty-five (45) days following the date of the receipt of the plans by the Township Clerk.
3. The applicant shall be notified of the date, time and place of the hearing on his application not less than eight (8) days prior to such date.
4. Following the hearing the Township Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant.
5. Two (2) copies of the approved site plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. Each copy shall be signed and dated by the Chairman of the Township Planning Commission for identification of the final approved site plan.

#### **Section 11.05 - Criteria for Review**

In reviewing the application and site plan and approving, disapproving or modifying the same, the Township Planning Commission shall be governed by the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
2. That the buildings, structures and entryways proposed to be located upon the premises are so situated and designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
3. That as many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, and where they assist in preserving the general appearances of the neighborhood or help control erosion or the discharge of storm waters.

4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of the Township Zoning Ordinance are complied with unless an appropriate variance therefrom has been granted by the Board of Appeals.
6. That all buildings and structures are accessible to emergency vehicles.
7. That all surface water runoff from a site shall be drained to established or maintained public drainage ways or a properly designed private drainage retention basin on or accessible to the site.
8. That the site plan as approved is consistent with the intent and purpose of this Ordinance.

#### **Section 11.06 - Conformity to Approve Site Plan**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Township Planning Commission. If construction and development does not conform with such approved site plan, the approval thereof shall be forthwith revoked by the Township Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of site plan approval all further construction activities shall cease upon the site other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction; provided, such construction complies with the criteria contained in the site plan approval provision and with the spirit, purpose and intent of the Porter Township Rural Zoning Ordinance.

Approval of the site plan shall be valid for a period of three hundred sixty-five (365) days after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said time period, the site plan approval shall become void and a new application for site plan approval shall be required and obtained before any construction or earth change is commenced upon the site.

## **Section 11.07 - Amendment to Site Plan**

A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed. Minor changes in the location, site or character of the building and structures may be authorized by the Zoning Administrator if required by engineering or other required circumstances not foreseen at the time the final development was approved. No changes so authorized may cause a change in the use, character, or intent of the development, nor increase the intensity of use, cause changes in the overall coverage of structures, or problems of traffic circulation, utility services, or similar services.

## **ARTICLE TWELVE NON-CONFORMING USES**

### **Section 12.01 - Use of Non-Conforming Lands, Buildings or Structures**

The lawful use of any building or structure and of any land or premises existing prior to the effective date of this Ordinance, although the use does not conform to the provisions of the Ordinance may be continued, but not expanded.

If the non-conforming use of any building, structure, land or premises or part thereof, is discontinued or abandoned for a continuous period of eighteen (18) months, then any future use of said building, structure, land or premises shall conform in its entirety to the provisions of this Ordinance.

### **Section 12.02 - Reconstruction of Damaged and Non-Conforming Structures**

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of a public enemy subsequent to the date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60) percent of the true cash value of the building or structure at the time such damage occurred; provided, that such valuation be approved by the Board of Review of the Township; and provided further, that said use is identical with the non-conforming use permitted and in effect directly preceding such damage.

**ARTICLE THIRTEEN  
ADMINISTRATION AND ENFORCEMENT**

**Section 13.01 - Zoning Administration**

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall review applications and site plan, inspect, collect fees, issue permits and certificates of approval and perform other such duties as prescribed this Ordinance and by the Township Board and who shall be appointed by the Township Board for such term and subject to such conditions as the Township Board deems desirable. The Zoning Administrator shall be responsible to carry out the terms of the Ordinance, she or he shall be removable for nonperformance of duty or misconduct in office by the Township Board upon written charges and after a public hearing.

**Section 13.02 - Application and Certificate of Approval**

1. Application

Before proceeding with the erection, construction, addition to, moving or use of any building or structure, or the use of any nature of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a Certificate of Approval from Zoning Administrator. Application therefore shall be made in writing upon forms provided by the Township and shall be accompanied by a written statement or certificate of approval from the County of Midland enforcing agencies approving the proposed water supply, sewage disposal facilities, soil erosion and sedimentation control measures and groundwater protection management provisions. It shall be the duty of all architects, contractors, and other persons having charge of erection, construction or movement to determine that a proper certificate has been issued before undertaking any such work, and taking any such work, and all persons performing such work, without proper certification are in violation and shall be deemed guilty of violation in the same manner as the owner of the premises.

2. Issuance of Certificate of Approval

If the Zoning Administrator finds that an application conforms to the requirements of this Ordinance and other applicable laws, he shall date same and mark all copies "approved" over his signature. One copy shall be filed with the Township Clerk and the other delivered to the applicant, together with a card signed by the Zoning Administrator,

stating the terms of the permit which shall be attached to and remain in the area of construction during the progress of the work authorized. Such permit shall be valid for twelve (12) months from date of issue, but may be renewed subject to the terms of the Ordinance then in effect.

3. Occupancy Permit

No land, building or part thereof shall be occupied by any person or used for any purpose unless and until a certificate of occupancy shall have been issued for such use.

4. Revocation of Permit

The Zoning Administrator shall have the power to revoke or cancel any permit for non-compliance with any of the provisions of this Ordinance or in any case of any false statement or misrepresentation knowingly made, in the application or procurement of a permit. The applicant or his agent shall be notified in writing of such revocation or cancellation.

5. Fees

Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance, shall be collected by the Zoning Administrator at the time of issuance. The amount of such fees shall be established by resolution of the Township Board.

**Section 13.03 - Duties of Zoning Administrator**

The Zoning Administrator shall have the power to grant building and occupancy permits, to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of approval and for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Administrator vary or change any terms of this Ordinance.

The Zoning Administrator shall record all nonconforming uses and structures existing at the effective date of this Ordinance. Such record shall be complete within ninety (90) days after adoption of this Ordinance.

The Zoning Administrator shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses and structures.

#### **Section 13.04 - Enforcement Procedure**

Procedures for enforcement of this Ordinance shall be established by resolution of the Township Board, signed by the Township Supervisor and attested by the Township Clerk. A copy of the enforcement procedures shall be filed with the Zoning Administrator and other officials designated responsible for the enforcement of this Ordinance.

#### **Section 13.05 - Penalties**

Any building or structure which is erected, constructed, altered, maintained or used, or any use of land which is begun or changed in violation of this Ordinance is hereby declared to be a nuisance per se. Any person, firm, corporation or other organization, or their agent which violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any provision shall be fined, upon conviction, a maximum of not more than Five Hundred Dollars (\$500.00) or ninety (90) days in jail, or both, together with the cost of prosecution. Each and every day that a violation continues shall be deemed a separate offense. The imposition of any sentence or fine shall not exempt the offender from compliance with the provisions of this Ordinance. Notice of proposed action under this section may be given by certified mail to persons concerned at least ten (10) days prior to initiation of such action.

#### **Section 13.06 - Proceedings**

The Township Board, the Planning Commission, the Zoning Administrator, the Zoning Board of Appeals or any owner of real estate may institute proceedings for injunctive relief, mandamus, for abatement or any other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, construction, alteration or use. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

### **ARTICLE FOURTEEN BOARD OF APPEALS**

There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its power as provided by 1943 PA



184; MCL 125.271, et seq, as amended, and by the provisions of this Ordinance. The Board shall consist of three members. The first member of the Board of Appeals shall be the Chairman of the Planning Commission, the second and third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. The Board of Appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance, including interpretation of the Zoning maps. The Board may authorize, upon appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic condition or other extraordinary or exceptional conditions of such property, or where the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property: provided, such relief may be granted without being injurious to the surrounding neighborhood or contrary to the spirit and purpose of the Ordinance. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.

1. Procedure before the Board of Appeals.

The Board of Appeals shall make reasonable rules for the filing and hearing of appeals and the presentation of all matters requiring its attention, and shall hold hearings upon such appeals or other matters within a reasonable time, not to exceed thirty (30) days from the given, or cause to be given, to all interested parties, adequate notice of such hearings, and shall render its decision not later than ten (10) days after such hearings.

2. Fees

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeals is filed, said fee shall be paid to the Township Treasurer to the credit of the general revenue fund of the Township.

**ARTICLE FIFTEEN  
AMENDMENTS**

**Section 15.01 - Amendments or Supplements**

Amendments or supplements to this Ordinance may be made from time to time, in the manner provided by Act 184 of the Public Acts of 1943, as amended.

**Section 15.02 - Publishing**

It shall be necessary to publish only the section or sections to be amended or added to the Ordinance, and in the case of rezoning, only the legal description of the property or properties being rezoned shall be published along with notice of request for rezoning.

**Section 15.03 - Rezoning of Individual Parcels**

Owners of real property located within Porter Township, Midland County, may petition the Township Planning Commission for rezoning of their land.

**1. Procedure**

In case any petition requests rezoning of an individual parcel of land, procedure shall then include the requirements of Section 14 of Act 184 of the Public Acts of 1943, as amended.

**2. Fees**

The Township Board may set fees for rezoning requests as described in Article Fifteen.

**ARTICLE SIXTEEN  
VALIDITY**

Should any section clause or provision of this Ordinance be declared by any Court to be invalid, the same shall not effect the validity of the Ordinance as a whole, or any part thereof, other than the specific part so declared to be invalid.

ARTICLE SEVENTEEN  
CONFLICTS WITH OTHER LAWS

Should any provision of this Ordinance conflict with any other law, then the provisions of the more stringent requirements, regulations, restrictions or limitations shall govern.

ARTICLE EIGHTEEN  
EFFECTIVE DATE

This Ordinance shall take immediate effect and shall supersede and repeal any or parts of any Ordinance in conflict therewith heretofore and adopted by Porter Township, Midland County, Michigan.

Adopted by the Porter Township Board on this 7<sup>th</sup> day of February, 1990.

By: Rachel Rodriguez  
Rachel Rodriguez  
Township Supervisor

By: Connie Katt  
Connie Katt  
Township Clerk

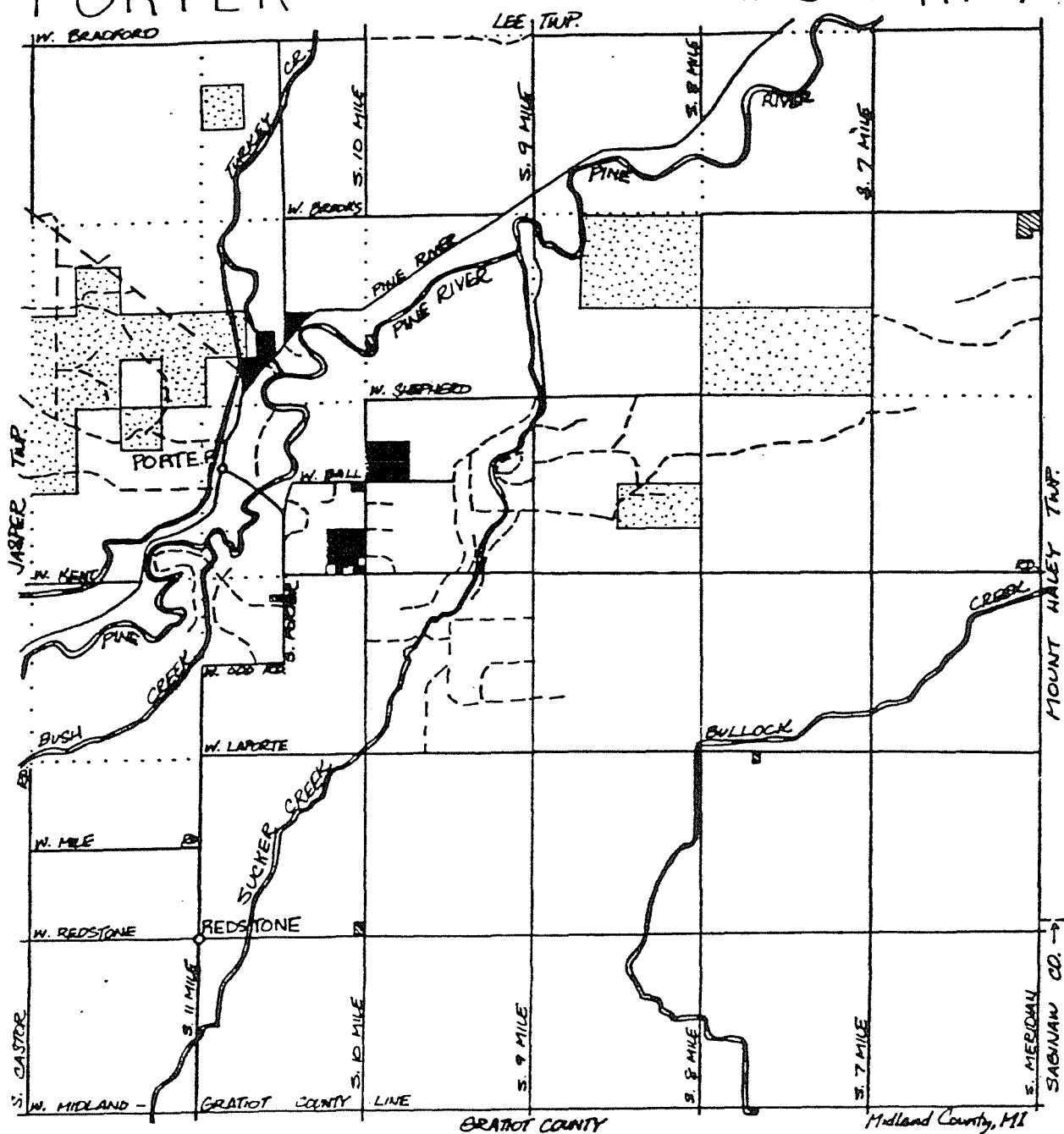
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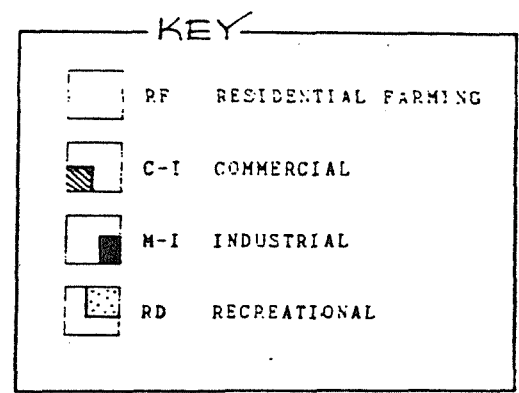
PORTER

T.13N.-R.1W.



Porter Township  
MIDLAND COUNTY, MI

### ZONING DISTRICT MAP



This is to certify that this is the official zoning map referred to in ARTICLE THREE of the Porter Township Rural Zoning Ordinance, Midland County, Michigan. *February 7, 1990*

Rachel Rodriguez Supervisor  
Connie Katt Clerk