



## TOWN OF PORTAGE - LAND USE ORDINANCES

- i. Will entrances and exits be able to handle intended traffic?
- j. Will parking facilities be adequately screened from adjacent residential properties?
- k. If a hard surface parking lot is developed, will irrigation water, storm water runoff or snow-melt drain onto adjacent properties? .
- l. Do the structures and design of the development enhance the existing neighborhood?
- m. Is the architectural style of proposed buildings compatible with existing architecture in the area?
- n. Will any proposed signs adversely affect the development itself or surrounding properties?
- o. Will proposed landscaping improve the appearance and acceptability of the development?
- p. Will the proposed development adversely affect air or water quality or ambient noise levels?
- q. Does the site design provide adequate drainage of storm water?
- r. Will site construction methods be used to minimize erosion?

### **111.6 Inspection**

Following the approval of a conditional use permit by the Town Council, the building inspector shall issue an application for a building permit. The building inspector shall ensure that the development is undertaken and completed in compliance with the conditions attached to the conditional use permit.

### **111.7 Time Limit**

Unless there is substantial action as determined by the Town Council under a conditional use permit within one year of its issuance, the conditional use permit shall expire.

## **112.0 NONCONFORMING BUILDINGS AND USES**

### **112.1 Maintenance Permitted**

A nonconforming building or structure may be maintained.

### **112.2 Repairs and Alterations**

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.



## TOWN OF PORTAGE - LAND USE ORDINANCES

### **112.3 Additions, Enlargements, Moving**

1. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area, or yard requirements shall not be added to or enlarged in any manner or moved to another location on the lot 'except as provided by subsections 2 and 3 below.
2. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area, or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the Board of Adjustment, which may issue, provided that said Board, after hearing, shall find that:
  - a. The addition, or enlargement of, or moving of the building will be in harmony with one or more of the purposes of this Ordinance.
  - b. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.
3. Additions or extensions may be made to a residential building which is nonconforming as to height, area or yard requirements providing such additions conform to all requirements of the district in which it is located and do not increase the number of dwelling units.

### **112.4 Alteration Where Parking Insufficient**

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

### **112.5 Restoration of Damaged Buildings**

A nonconforming building or structure which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such destruction, may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion.

### **112.6 One Year Vacancy**

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use, which conforms to the use regulations of the district in which it is located.

### **112.7 Continuation of Use**

The occupancy of a building or structure by a nonconforming use existing at the time this Ordinance became effective, may be continued.



## TOWN OF PORTAGE - LAND USE ORDINANCES

### **112.8 Occupation Within One Year**

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one year after the use became nonconforming.

### **112.9 Change of Use**

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

### **112.10 Expansion Permitted**

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

### **112.11 Nonconforming Use of Land**

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for 1 year or more, any future use of such land, shall be in conformity with the provisions of this Ordinance.

## **113.0 BOARD OF ADJUSTMENT**

### **113.1 Appointment, Term, Removal, Vacancies**

In order to avail itself of the powers provided in this Ordinance, the Town Council shall provide by resolution for the appointment of a Board of Adjustment. The Board of Adjustment shall consist of five members, each to be appointed by the Town Council for a term of five years provided that the terms of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member, but not more than one, of the Planning Commission shall be a member of the Board of Adjustment.

### **113.2 Organization, Meetings, Duties of Members**

The Board of Adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall