
Sec. 42-262. B-3 general business district.

- A. Intent: The B-3 general business district is designed to provide sites for more diversified businesses and are often located to serve pass by traffic. Locations for the B-3 district are thus typically mapped along major traffic arteries and/or adjacent to B-2 community business districts.
- B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:
1. Any principal permitted use in the b-1 local business district, or uses permitted subject to special conditions.
 2. Any principal permitted use in the B-2 community business district, or uses permitted subject to special conditions.
 3. Automatic and self-service carwashes, when completely enclosed in a building.
 4. Auto repair subject to the following:
 - a. When conducted completely within the building.
 - b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be located outdoors for more than 14 days. All other vehicles shall not be located outdoors for more than 90 days.
 - c. Outdoor storage of auto parts and other material, excluding used tires, shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.
 5. Social or recreational buildings or properties.
 6. Bus passenger stations.
 7. Governmental offices or other governmental uses, public utility offices, exchanges, transformer stations, pump stations and service yards, not including outdoor storage.
 8. Boardinghouses.
 9. Religious institutions.
 10. Motels, hotels.
 11. Dry cleaning plant or facility serving not more than ten retail dry cleaning establishments, provided that there is located on the premises a retail dry cleaning establishment dealing directly with the consumer.
 12. General agriculture.
 13. Specialized agriculture. A specialized agricultural use of land operating and in existence on November 23, 1989, and land contiguous with and owned by a person operating such adjoining parcel on November 23, 1989, shall be considered conforming for all purposes under this article.
 14. Accessory buildings and uses customarily found in connection with the uses in this district.
 15. Drive-through establishments and drive-in establishments.

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16. The following marijuana businesses: Medical marijuana provisioning center as defined by the Medical Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act) and marijuana retailer as defined by the Michigan Regulation and Taxation of Act MCL 333.27951 et seq. (Adult Use Act).
- a. A Medical marijuana provisioning center or marijuana retailer shall not be located:
 - i. Adjacent to or abutting a residential zoning district; and
 - ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, charter vocational or secondary school or a public or private college, junior college or university, a public library, child daycare center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and
 - iii. Except as provided in section 42-262(B)(16)(g), within 1,000 feet of any other medical marijuana provisioning center or marijuana retailer located within the city.
 - b. Determination of whether a proposed medical marijuana provisioning center or marijuana retailer will be located consistent with the provisions of subsection a. above will be made as follows:
 - i. Whether a proposed medical marijuana provisioning center or marijuana retailer will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marijuana provisioning center or marijuana retailer as those lines existed on December 31, 2017, as shown on the records of the city in existence on that date.
 - ii. Measurements for purposes of subsections 42-262(B)(16)(a)(ii) and (iii) above shall be made from the boundary of the zoning lot to be occupied by the medical marijuana provisioning center or marijuana retailer to the nearest point of the zoning lot occupied by any of the uses listed in subsection 42-262(B)(16)(a)(ii), or to the nearest point of the zoning lot occupied by another medical marijuana provisioning center or marijuana retailer using an uninterrupted straight line without regard to intervening structures or objects and using the boundary lines of the zoning lots as they existed on December 31, 2017, as shown on the records of the city in existence on that date.
 - iii. "Zoning lot" is defined in section 42-112 of this Code.
 - c. Buildings or structures for the distribution, and sale of marijuana and marijuana-infused products by a medical marijuana provisioning center or marijuana retailer shall comply with all State of Michigan Construction Codes (building, electrical, plumbing, and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marijuana provisioning centers and marijuana retailers shall not be located within greenhouses and similar buildings.
 - d. All medical marijuana provisioning centers and marijuana retailers must be at a fixed location. Mobile medical marijuana provisioning centers and marijuana retailers are prohibited. Sale or transfer of marijuana products by internet or mail order, consignment, or at wholesale by a medical marijuana provisioning center or marijuana retailer is prohibited. This provision shall not be construed to prohibit sale or transfer of marijuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-Use Act, nor to prohibit home delivery of marijuana products as may be permitted by law. Drive through windows and other contactless delivery methods may be authorized subject to all applicable zoning and building code regulations.

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- e. No marijuana or marijuana-infused products may be used or consumed on the premises of a medical marijuana provisioning center or marijuana retailer.
 - f. The activities and operations of a medical marijuana provisioning center or marijuana retailer shall be indoors within a building and out of public view.
 - g. A medical marijuana provisioning center and a marijuana retailer may be located in a B-3 zone at the same location consistent with the Adult-Use Act and rules. The medical marijuana provisioning center or marijuana retailer located at the same location shall be partitioned from each other, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by each marijuana business. If a medical marijuana provisioning center or marijuana retailer is located in a multi-tenant building with any other activity or business, the medical marijuana provisioning center or marijuana retailer shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marijuana provisioning center or marijuana retailer.
 - h. The business and operations of all medical marijuana provisioning centers and marijuana retailers shall comply at all times with applicable state laws and regulations, and this Code.
17. Brewpubs and microbrewers, subject to the following requirements,
- a. Brewery production shall not exceed 18,000 barrels per year.
 - b. No outdoor storage of any kind shall be permitted.
 - c. The use shall also include a restaurant having a minimum seating occupancy of 50 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
 - d. An off-street loading space shall be required in the rear yard, as approved by the director.
- C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:
1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:
 - a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - c. Auto repair activities are permitted subject to the following:
 - i. When conducted completely within the building.
 - ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in chapter 24, section 24-111) shall not be located outdoors for more than 14 days. All other vehicles shall not be stored outdoors for more than 90 days.
 - iii. Outdoor storage of auto parts and other material, excluding used tires, shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall

meet the requirements of section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. Open front stores.
 - a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Ingress and egress to and from the site shall be at least 60 feet from the intersection of any two streets.
 - c. A completely obscuring fence or wall six feet in height, as measured from the surface of the ground shall be provided when abutting or adjacent a residential, OS-1, or OTR district. The fence or wall shall meet the requirements of section 42-576.B.
3. Veterinary hospitals or clinics.
 - a. The site shall be located so that all abutting or adjacent property is in a B-1, B-2, B-3, OS-1, I-1 or I-2 district.
 - b. All activities shall be conducted in a totally enclosed main building.
4. Vehicle fueling stations subject to the following:
 - a. The zoning lot does not abut or is not located within 300 feet of the following:
 - i. A residential zoning district;
 - ii. Land designated for residential use in a PD, planned development district;
 - iii. Child day care facility;
 - iv. Public/private school; or
 - v. Religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than 90 days, shall thereafter comply with the locational requirements of subsection 4(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in section 42-133(5) shall apply.
 - b. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.
 - c. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsection 4(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).
5. [Reserved.]
6. Offices and showrooms for building, plumbing, electrical or mechanical contractors.
 - a. No fabricating of materials shall take place on the site.

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- b. There shall be no exterior storage of equipment or materials or supplies, including portable construction offices, on the site.
7. Kennels or animal shelters, subject to the following:
- a. The facility shall have a minimum lot size of two acres for the first 75 animals and one additional acre for each 25 animals over 75.
 - b. The facility, including runs and exercise areas, must be a minimum of 500 feet from a residential district boundary and dwelling, whichever is closer.
 - c. The facility shall have frontage on a major thoroughfare as designated in the comprehensive plan. All ingress to and egress from the site shall be directly onto such major thoroughfare.
 - d. All runs shall be located inside the building.
 - e. Outside exercise areas shall be enclosed by at least three sides of the building. In no case, shall the outside exercise area face a front or side yard. Fencing of exercise areas shall be sufficient to contain the animals.
 - f. All kennel areas, runs, cages, and/or exercise areas shall be maintained to create a safe and suitable environment for animals, including the daily elimination of animal waste.
 - g. Animals shall be kept inside the building between the hours of 9:00 p.m. and 7:00 a.m.
 - h. The planning commission may require screening up to six feet in height in order to mitigate and/or avoid possible adverse impacts on surrounding property.
 - i. Noise levels shall comply with the provisions in chapter 24, article 4 (Noise) of the city's Code of Ordinances.
 - j. One parking space for each eight runs of cages, whichever is greater, plus one per employee on the largest working shift shall be provided on site.
 - k. Notwithstanding any provision in this zoning code to the contrary, kennels and animal shelters shall not be a principal permitted use or special land use in any district other than the B-3.
8. [Reserved.]
9. Work/live accommodations in accordance with the provisions of section 42-137.
10. Offices having laboratory-and technology-related uses when meeting the following standards:
- a. When all operations are conducted and completely contained within the building.
 - b. No outdoor storage.
 - c. Must contain related offices as an adjunct use.
 - d. Shall not emit any noise, light, vibrations, odors or other deleterious impacts towards adjacent property lines.
 - e. Shall not have access directly onto a residential street.
 - f. Loading facilities shall not face a residential zoning district or residential use.
 - g. All hazardous materials, waste and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.
- D. B-3 district site development requirements.
- 1. Lot, yard and building requirements shall be governed by the requirements of division 4, subdivision 10 of this article.

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2. Parking, signs, landscaping, and lighting shall be governed by the requirements of division 6 of this article.
 3. Site plan review shall be governed by the requirements of division 5, subdivision 2 of this article.

(Ord. No. 03-01 (Exh. A, § 42-462), 2-18-2003; Ord. No. 08-05, 7-22-2008; Ord. No. 11-13, 8-23-2011; Ord. No. 15-03, 4-28-2015; Ord. No. 18-02, 2-27-2018; Ord. No. 18-04, 4-24-2018; Ord. No. 19/20-05, 5-26-2020; Ord. No. 22-03, 5-24-2022; Ord. No. O-3-2023(2), 5-23-2023; Ord. No. O-4-2023, 8-8-2023)