

## Chapter 3

### **GENERAL PROVISIONS**

#### **SECTION 3           REQUIRED FRONTAGE AND ACCESS**

- A. Any lot created shall have a minimum lot width equal to that required by the Zoning District in which it is located, except as may be otherwise specifically permitted in the Ordinance.
- B. Any lot created shall have frontage on a public or private street.

**BUILDABLE LOT** – No building permit shall be issued unless the parcel complies with all the following:

- 1. District health department has approved construction of an on-site water supply system under the same standards as required in section 105 (g) of the Land Division Act 288 of 1967 as amended.
- 2. District health department has approved of an on-site sewage disposal system under the health department standards as required in section 105 (g) of the Land Division Act 288 of 1967 as amended.
- 3. The minimum buildable area is not within a federal designated wetland or within flood Zones A or B, per FEMA FIRM map dated 11/15/1984. In addition, the minimum buildable area is not within an area identified by the Michigan Department of Environment Quality (MDEQ) inventory map as a potential wetland location which is subject to regulation under Part 303 of the Natural Resources and Environmental Protection Act 1994 PA 451 as amended. Approval to construct within the potential area is subject to approval by the MDEQ, or its State of Michigan designated successor agency.
- 4. The parcel contains a minimum buildable area that does not exceed a maximum slope of 25%.
- 5. A parcel or lot is buildable only if it either meets the current area, frontage, size and other dimensional requirements of the Eureka Charter Township Zoning Ordinance, or alternately, it constitutes a lawful non-conforming lot or parcel.
- 6. A lawful non-conforming lot or parcel may be built upon, used or developed so long as each building or use meets all setback, maximum lot coverage and similar requirements.
- 7. Parcel was created in compliance with the State Land Division Act 288 of 1967 as amended (formerly known as the Subdivision Control Act).

#### **SECTION 3.1           REQUIRED AREA OR SPACE**

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.

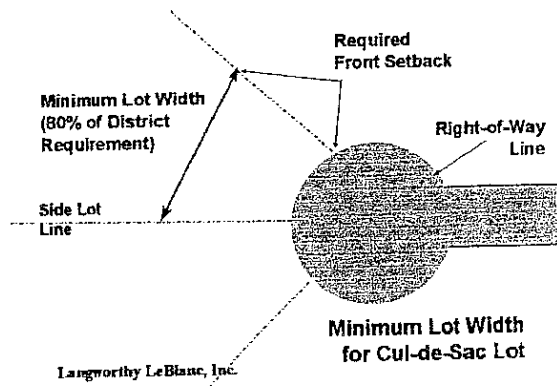
- B. If already less than the minimum requirements of this Ordinance, a required yard, parking area or other open space shall not be divided or reduced in dimensions, area or use so as to increase its noncompliance with the minimum requirements of this Ordinance.
- C. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- D. If two or more lawful nonconforming lots of record, combination of such lots and/or portions of such lots of record in existence at the time of passage of this Ordinance or an amendment thereto are:
  - 1. in common ownership, and
  - 2. adjacent to each other or with continuous frontage, and
  - 3. two or more such lots are vacant or have a principal building on either of the lots, and
  - 4. individually do not meet the lot width or frontage of 100 feet or other dimensional requirements of this Ordinance and are less than 20,000 square feet;

then the lots involved shall be deemed automatically combined and shall be considered to be an undivided parcel for the purposes of this Ordinance. No such combined parcel or portion of such parcel shall ever be split or detached or be used or divided in a manner that diminishes compliance with the lot width, area, frontage and dimensional requirements of this Ordinance.

**SECTION 3.2 CUL-DE-SAC LOTS**

The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.

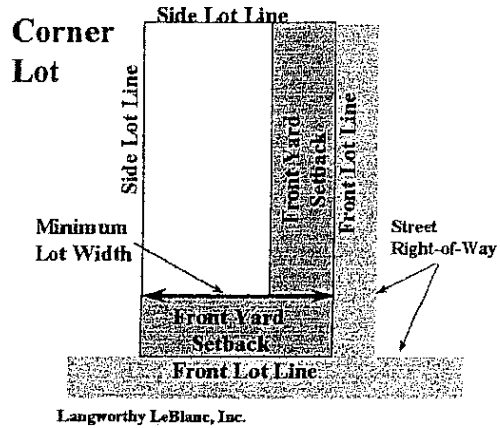
- A. A lot on a cul-de-sac shall have frontage which is not less than 80% of the minimum lot frontage required for the Zoning District in which it is located.



- B. The minimum lot width shall be measured at a line drawn between the two points located at the intersection of a line extending along the side lot lines equal to the distance of the required front setback.

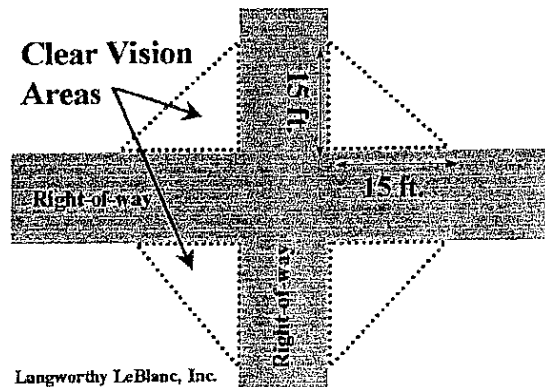
**SECTION 3.3 CORNER LOTS**

- A. A corner lot shall have two front lot lines, two side lot lines and no rear lot line.
- B. Required front yard setbacks shall be measured from both front lot lines.
- C. For a corner lot with three front lot lines, the remaining lot line shall be a rear lot line.
- D. Not less than one front lot line shall comply with the minimum required street frontage and width.



**SECTION 3.4 CLEAR VISION AREAS**

- A. No plantings shall be established or maintained on any lot that will obstruct the view of a vehicle driver approaching a street intersection. There shall be maintained an unobstructed triangular area formed by the street property lines and a line connecting them at points 15 feet from the intersection of the street lines, or, in the case of a rounded property corner, from the intersection of the street property lines extended. This shall not prohibit the planting of landscaping which will be less than 30 inches in height at maturity and maintained at that height or lower.



- B. No vegetation shall be maintained in any yard which, in the opinion of the Zoning Administrator, will obstruct the view of vehicles entering or leaving the site from driveways or adjacent roadways.

**SECTION 3.5 PROJECTIONS INTO YARDS**

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), eaves, gutters, chimneys, pilasters and similar features may project no further than four feet into a required front, rear or side yard.
- B. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning may project no further than:
  - 1. Five feet into a required front yard;
  - 2. 15 feet into a required rear yard; and
  - 3. Shall not project into a required side yard.
- C. In no case shall an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning be placed closer than five feet to any front or rear lot line.

### **SECTION 3.6 PERMITTED FRONT SETBACK REDUCTIONS**

- A. Where the front setbacks for existing main buildings entirely or partially within 200 feet of the side lot lines, on the same side of the street and in the same Zoning District as the subject lot, are less than the required front setbacks for the Zoning District of the subject lot, the required front setback for the subject lot shall be the average of the front setbacks of existing main buildings within the 200-foot distance, subject to subsections B and C below.
- B. The permitted front setback reduction shall only be permitted if there are two or more lots occupied by main buildings within the 200-foot distance.
- C. In no case shall the required front setback resulting from the application of this Section be less than 15 feet.

### **SECTION 3.7 MAIN BUILDING OR PRINCIPAL USE**

Each parcel shall contain only one main building or principal use, except for groups of related agricultural, commercial, industrial or office buildings, and multiple family dwellings contained within a single integrated complex, sharing parking, signs, access and other similar features which together form a unified function and appearance. Adult Dwelling Units (ADU)'s are allowed only as regulated under section 11 of this ordinance.

### **SECTION 3.8 ACCESSORY BUILDINGS, STRUCTURES AND USES**

- A. Accessory Buildings – General
  - 1. No accessory building shall be installed or constructed unless a zoning permit has been issued for such building, unless specifically exempted by this ordinance. No accessory building shall be constructed until a building permit has been issued unless exempt according to the Stille Derossett-Hale Single State Construction Code Act, or the codes promulgated under that Act. Buildings exempt from the requirement of obtaining a building permit are

required to obtain a zoning permit, and to comply with all applicable provisions of this Ordinance and other Township Ordinances.

2. Where accessory buildings or structures, including but not limited to enclosed porches or garages, are attached to a main building in a substantial manner such as by a wall or roof, they shall conform to all regulations of this Ordinance applicable to a main building.
3. Accessory buildings shall not be permitted in the required front yard.
4. Except for accessory buildings associated with a Commercial Farm Operation, accessory buildings shall not be permitted on a lot or parcel which does not have a principal use or main building. (See exception, Section 3.8, B-5.)
5. Portable accessory structures measuring less than 200 square feet do not require issuance of a Zoning Permit.

#### B. Accessory Uses – General

1. Except for accessory uses associated with a Commercial Farm Operation, accessory uses are permitted only in connection with, incidental to, and on the same lot as a principal use which is permitted in the particular Zoning District.
2. Except for accessory uses associated with a Commercial Farm Operation, an accessory use must be in the same Zoning District as the principal use on a lot.
3. Except for accessory uses associated with a Commercial Farm Operation, no accessory use shall be occupied or utilized unless the main building to which it is accessory is occupied or utilized. Except for accessory uses associated with a Commercial Farm Operation, no accessory use may be placed on a lot without a principal use. (See exception, Section 3.8, B-5.)
4. Unless otherwise specifically permitted by this Ordinance, accessory uses shall not be permitted in the required front yard.
5. Except for accessory buildings associated with a Commercial Farm Operation, no more than two detached accessory buildings shall be permitted on any lot.
6. Accessory buildings may be constructed before a principal residence is built providing the following three stipulations are met:
  - a. Permits for the principal residence have been issued;
  - b. A site plan has been filed with the Zoning Administrator showing the location of the residence on the parcel; and
  - c. The residence will be completed within two years from the date of the permit issuance.
  - d. Resident must agree to and sign the Eureka Charter Township Standalone Accessory Building Agreement.

#### C. Farm Buildings

1. A farm building is permitted only on lands which are being used as a farm, as defined by this Ordinance.

2. A Commercial Farm building may be constructed and used without regard to the presence of a principal building on that lot.
3. The building shall comply with the provisions of this Ordinance pertaining to yard, area and height for a principal building.
4. Construction or enlargement of a farm building is permitted only upon issuance of a zoning permit. The applicant for a zoning permit for a farm building shall provide written proof that the farm on which the building is to be located is being used for the commercial production of farm products, intended to be marketed and sold at a profit. (Commercial Farm Operation)
5. A farm building may not be used for the storage of equipment, materials, or animals not involved with the production of farm products, except that other equipment or materials may be stored in a farm building which is owned by the occupant of a dwelling located on the same lot as the farm building.
6. A farm building may be located on the same lot as a dwelling.
7. A Farm Operation with a Farm Market shall be subject to site plan review for compliance with all applicable yard, parking, access and other requirements.
8. No farm market or roadside stand shall be constructed until a zoning or building permit has been issued, unless exempt according to the Stille Derosssett-Hale Construction Code Act or by other provisions of this ordinance.
9. A proposed building which does not meet the qualifications for a farm building may be constructed as an accessory building if there is a principal building located on the lot, and in compliance with the provisions made for accessory buildings.

D. Residential Accessory Buildings and Structures – Accessory buildings shall be permitted within the AG, RR, SR, UR, WR, MHR and PUD Districts or with any residential use subject to the following:

1. The total area of all detached accessory buildings shall not exceed the following:
  - a. Lots less than three-quarter acre in districts permitting single family residential use  
*Maximum square feet = 1,200 square feet*
  - b. Lots greater than three-quarter acre to one and one-half acres in districts permitting single family residential use  
*Maximum square feet = 1,600 square feet*
  - c. Lots greater than one and one half acres in districts permitting single family residential use *No square footage restrictions*
  - d. Accessory buildings associated with Commercial Farm Operations - Not subject to the foregoing limitations provided said buildings are placed on a parcel used solely for agricultural purposes.

2. An accessory building located in the rear yard shall not occupy more than 25% of the required rear yard area.
3. No detached accessory building shall be located closer than 10 feet from any main building or lot line. The 10-foot minimum setback shall be increased by two feet per each one foot that a detached building exceeds the height of the house or 18 feet, whichever is lower.
4. An accessory building shall not be located closer than 10 feet from any side or rear lot line.
5. Except for commercial agricultural operations, detached accessory building shall not exceed 18 feet in height if the lot is less than  $\frac{3}{4}$  acre. The maximum height is increased to 24 ft. in lots between  $\frac{3}{4}$  acre and 1  $\frac{1}{2}$  acres and any lot exceeding 1  $\frac{1}{2}$  acres may have an accessory building up to 35 ft. in height.

Maximum Accessory Building Height	Lot Area ( 1 acre = 43,560 sq. ft.)	Minimum Building Rear Yard Set back	Maximum Number of Accessory Buildings	Currently Approved
18 ft.	Less than 32,670 sq. ft. ( $\frac{3}{4}$ acre or less)	10 ft.	2 Detached	1,200 sq. ft.
24 ft.	32,670 sq. ft. to 65,340 sq. ft. ( $\frac{3}{4}$ acre to $1\frac{1}{2}$ acres)	22 ft.*	2 Detached	1,600 sq. ft.
35 ft.	65,340 sq. ft. to 217,800 sq. ft. (1.5 acres to 5 acres)	22 ft.	2 Detached	No footage restrictions
35 ft.	217,801 sq. ft. or Greater (over 5 acres)	44 ft.*	2 Detached	No footage restrictions
Agricultural Building	N/A	10 ft.	Exempt	Exempt

\*For all accessory building exceeding 18 ft. in height, the Side and Rear yard setback shall be equal to 10 ft. plus an additional 2 ft. for each foot exceeding 18 ft. in height.

\*For all accessory buildings, the side set back shall be the same as the principal residence side setback for the zoning district in which it is built.

- E. Other District Accessory Buildings and Structures – Accessory buildings shall be permitted within the OSC-1, OSC-2, GC, RC and IND Districts provided that the following restrictions are met:
1. No more than two detached accessory buildings shall be permitted on any lot.
  2. The total area of all accessory buildings shall not exceed 25% of the floor area of the main building(s).

3. Detached accessory buildings shall meet all setback requirements for the Zoning District in which it is located.
4. No detached accessory building shall be located nearer than 10 feet from any main building.
5. No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.

### **SECTION 3.9 FENCES**

- A. Fences in Residential Districts and on that portion of a lot in the Agricultural District used for residential purposes (located around the residence) shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences within the required front yard which exceed four feet in height shall be of a type that is not more than 25% solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. Fences in Residential Districts and that portion of a lot in the Agricultural District used for residential purposes shall not contain barbed wire and shall not be electrified, provided, however, that such fencing may be used for the containment of animals or other farm purposes.
- D. Fences in the Commercial and Industrial Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence is no closer than six feet from the surface to the ground.

### **SECTION 3.10 SWIMMING POOLS**

All swimming pools shall comply with the Eureka Charter Township Swimming Pool Ordinance.

### **SECTION 3.11 SATELLITE DISH ANTENNAS**

*Introduction: These regulations apply to satellite dish antennas that are larger than one meter (39.37inches)*

- A. Placement
  1. A satellite dish antenna shall comply with all yard setback regulations applicable to a main building in the district in which it is located.
  2. In non-Residential Districts, no more than three satellite dish antennas shall be located on the same lot as a main building. Satellite dish antennas are permitted only in connection with, incidental to, and on the same lot as a principal use or main building.
- B. Height
  1. In Residential Districts, a ground-mounted satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed 14 feet in height, or 10 feet in diameter.



2. In the Commercial and Industrial Districts, a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed the maximum height permitted for main buildings in the district in which it is located.
- C. General Provisions
1. No portion of a satellite dish antenna shall contain any name, message, symbol or other graphic representation visible from adjoining properties, except as required by the manufacturer or Federal regulations for safety purposes.
  2. A satellite dish antenna shall be anchored in a manner approved by the Building Inspector as being adequate to secure the satellite dish antenna during high winds.
  3. A satellite dish antenna shall not be erected, constructed or installed until a Zoning Permit has been obtained from the Zoning Administrator.
  4. Dishes that are not operated for at least one year must be removed.

### **SECTION 3.12 STORAGE OF RECREATIONAL EQUIPMENT**

Recreational equipment may be located outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:

- A. Recreational equipment shall not be located within the required front yard or nearer than three feet to a side or rear lot line.
- B. Where physical features of a property, such as but not limited to immovable structures or a tree with a diameter of four inches or greater, prohibit a recreational vehicle from being parked in compliance with this Section, the owner may apply to the Zoning Administrator for permission to park the recreational vehicle on the lot. This permission shall be granted provided that the following requirements are met:
  1. A 20-foot setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb; if a sidewalk exists, the 20-foot setback shall be measured from the inside edge of the sidewalk.
  2. Parking approval, if granted by the Zoning Administrator, shall be effective for five years following the date of issuance. Additional approvals may be granted by the Zoning Administrator in accordance with this Section.

### **SECTION 3.13 STORAGE AND REPAIR OF VEHICLES**

- A. The carrying-out of repair, restoration and maintenance procedures or projects on the subject property's residential occupants' personal vehicles by those occupants in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:

1. Procedures or projects exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within a garage.
  2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in any Residential District, or on any Agricultural-zoned parcel of five acres or less, to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

### **SECTION 3.14 SEASONAL SALES MARKETS / FARM MARKETS / YARD SALES**

For the purposes of this Section, Seasonal Sales shall consist of seasonal roadside stands for the sale of locally-grown fruits, flowers, vegetables other farm products, and Christmas trees. Permanent Markets are covered under the definition of a Farm Market. Seasonal Sales also includes the sale of fireworks in the Commercial Zoning District, the only district in which such sales shall be permitted.

**FARM MARKET** – A permanent building or stand located with the road right of way access, and used for the sale of locally grown farm products, and farm accessories with gross sales exceeding \$2,000.00 and operating more than 90 days during a calendar year.

**SEASONAL SALES MARKET** – A temporary stand from either a commercial or non-commercial farm with road right of way access to be used for the sale of farm products grown on the parcel and of a temporary nature, (90 days or less) with gross sales not exceeding \$2,000.00.

- A. Seasonal Sales in Suburban Residential, Rural Residential, Agriculture and all Commercial Districts – Shall be permitted for a period not to exceed 90 days and may be renewed by the Zoning Administrator for up to one additional 30-day period, provided that the season or event to which the use relates is continued. Seasonal roadside stands are permitted for the sale of locally-grown flowers, fruits, vegetables and Christmas trees and are subject to the following:
1. The period of sale shall coincide with the period of harvest or public holiday during which the product is being sold;

2. Access to the roadside stand will not constitute a traffic hazard or visual distraction;
3. Adequate off-street parking is available to accommodate the use;
4. The site shall be maintained in a safe and clean condition;
5. A Zoning Permit is not necessary for a Seasonal Sales Market if gross sales do not exceed \$2,000, and the temporary structure is under 200 sq. feet;
6. Farm Markets are exempt from the requirement for a Seasonal Sales Permit, but are subject to a site plan review for compliance with all applicable yard, parking, access and other requirements, and a zoning permit is required. A building permit shall also be required unless exempt according to the Stille-Derosette-Hale Construction Code Act.

[Note: The above provisions are in addition to the requirements, if any, of the Michigan Department of Agriculture, Michigan Department of Public Health, Montcalm County Building Department, Montcalm County Health Department, Montcalm County Road Commission and the Michigan Department of Transportation relating to the operation and placement of a roadside stand.]

- B. Seasonal Fireworks Sales – Commercial Districts Only. Upon receiving an application, the Zoning Administrator may issue a Zoning Permit for the temporary sale of fireworks as defined and allowed under the Michigan Penal Code Act 328 of 1931 as amended. A permit shall not be issued for a period to exceed 90 days. Before the issuance of a permit, the Zoning Administrator shall also determine:
1. That the use does not have an unreasonable detrimental effect upon adjacent properties;
  2. That the use does not impact the nature of the surrounding neighborhood;
  3. That access to the area will not constitute a traffic hazard or visual distraction;
  4. That adequate off-street parking is available to accommodate the use;
  5. That applicable local, state and federal construction and fire codes shall be met.

[Note: The above provisions are in addition to the requirements, if any, of the Michigan Department of Agriculture, Michigan Department of Labor and Economic Growth Bureau of Fire Services, Michigan Penal Code Act 328 of 1931 as amended, Michigan Department of Public Health, Montcalm County Health Department, Montcalm County Road Commission and the Michigan Department of Transportation pursuant to the operation and placement of a roadside stand.]

- C. Yard Sale: General Merchandise

1. Yard sales of any type must not be a commercial venture (i.e., earning a living).
2. Yard sales in any zone by any land owner are limited to a 3-day period.
3. Sales **must** be conducted between the hours of 8 am and 7 pm.
4. The land owner must ensure there are 15 consecutive days between the end of one yard sale and the beginning of another.
5. All unsold merchandise must be removed immediately upon the conclusion of the sale; all large sold items must be removed within 24 hours.
6. No merchandise involved in a yard sale may be placed on public right-of-ways, including streets and sidewalks.
7. Signage must follow the Sign Ordinance outlined in Chapter 10.
8. Access to the sale will not constitute a traffic hazard or visual distraction.
9. Adequate off-street parking must be available to accommodate the use.
10. The site shall be maintained in a safe and clean condition.

#### D. Yard Sale: Vehicles and Equipment Items

1. No more than 2 motor vehicles may be displayed in the front yard of a non-commercial zoned property. In addition, no more than 2 other related equipment items (i.e., campers, trailers, snowmobiles, boats, etc.) may be displayed for sale in the front of any property that is not zoned commercial.
2. Vehicle (or equipment item) sales must not be a commercial venture, i.e., earning a living.
3. Vehicle (or equipment item) sales are limited to a 30-day period.
4. The landowner must ensure 60 consecutive days have passed between the end of one vehicle (or equipment item) sale period and the beginning of another.
5. All unsold vehicles (or equipment items) must be removed immediately upon the conclusion of the sale; all large sold items must be removed within 24 hours.
6. No vehicles (or equipment items) may be placed on public right-of-ways, including streets and sidewalks.
7. Signage must follow the Sign Ordinance outlined in Chapter 10.
8. Access to the sale will not constitute a traffic hazard or visual distraction.
9. Adequate off-street parking must be available to accommodate the use.
10. The site shall be maintained in a safe and clean condition.

**Note:** Any items being displayed for more than 30 days, or items being put back on display sooner than 60 consecutive days have passed, will be considered in violation of Zoning Ordinance 79.

E. Fees and Enforcement

1. Any person, firm or corporation who violates any of the provisions of this Section shall be deemed guilty of a municipal civil infraction. The amount of fines shall be set annually by the Eureka Charter Township Board, at the discretion of the Court and in addition to all other costs, damages and expenses provided by law.
2. Permit fees shall be set annually by the Eureka Charter Township Board.

**SECTION 3.15 CONSTRUCTION BUILDINGS AND STRUCTURES**

Construction buildings and structures, including trailers, incidental to construction work on a lot may be placed on such lot, subject to the following restrictions:

- A. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices and for temporary on-site sanitation facilities related to construction activity on the same lot.
- B. No construction building, structure, trailer or mobile unit shall be used as a dwelling unit.
- C. A Zoning Permit shall be issued by the Zoning Administrator prior to installation of a construction building, structure, site office trailer or mobile tool crib.
- D. Construction buildings, structures, site offices and mobile tool cribs shall be removed from the lot within 15 days after a final Certificate of Occupancy and Use has been issued by the Zoning/Building Official for the permanent structure(s) on the lot, or within 15 days after the expiration of a Zoning and/or Building Permit issued for construction on such lot.

**SECTION 3.16 REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME PARKS**

Any single-family dwelling, whether constructed and erected on a lot or a manufactured home, shall be permitted outside a manufactured home park only if it complies with all of the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the United States Department of Housing and

- Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Township, provided however, that where a dwelling unit 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 Township codes, then and in such event such Federal or State standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
  - C. The dwelling unit and the lot on which it is placed shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yards and maximum building height requirements of the Zoning District in which it is located.
  - D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
  - E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
  - F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
  - G. Every dwelling unit shall be at least 20 feet wide for 70% of its length. Furthermore, the portion of that dwelling required to meet such dimensions shall be of original construction and of the same type of construction.
  - H. A storage area of not less than 120 square feet shall be provided in conjunction with the single-family dwelling. This storage area may consist of a basement, closet area, attic, in a garage attached to a main building, or in a detached accessory building which is in compliance with all other applicable provisions of this Ordinance.
  - I. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first-floor entry of the dwelling unit and the adjacent grade.

- J. The pitch of the main roof of the dwelling unit shall not be less than three feet of rise for each 12 feet of horizontal run, and shall have not less than a 12-inch overhang.
- K. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white gloss exterior enamel.
- L. The dwelling unit shall be so placed on the lot that the portions nearest the street frontage are at least 30 feet in dimension parallel to the street.
- M. The dwelling unit shall have at least two exterior doors with one being in either the rear or the side of the dwelling unit.
- N. If the dwelling unit is a manufactured home, skirting must be installed and must be constructed of an approved material of a permanent nature, such as poured concrete or concrete block, consistent with the intent of this Ordinance and in compliance with the Building Code adopted by this Township. Temporary skirting is prohibited. An approved foundation enclosure shall not be constructed to permit temporary skirting.

### **SECTION 3.17 ILLEGAL DWELLINGS**

The use of any portion of the basement of a partially-completed building, or any garage or accessory building, for dwelling or sleeping purposes in any Zoning District is prohibited.

### **SECTION 3.18 HOME OCCUPATIONS**

This Section has been replaced by a Regulatory Ordinance 80. Note: Under Regulatory Ordinance 80, no medical marihuana dispensary (compassion club) shall be commenced, conducted, maintained, operated or utilized anywhere within Eureka Charter Township or on or from any property, land, building or structure with and from Eureka Charter Township. Furthermore, no person shall frequent, patronize or obtain or purchase any marihuana from or through any medical marihuana dispensary within Eureka Charter Township.

### **SECTION 3.19 KEEPING OF ANIMALS**

- A. The keeping of household pets, including dogs, cats and small mammals and exotic animals such as reptiles, snakes, araneae (spiders), generally regarded as household pets is permitted as an accessory use in any residential or agricultural district however, any lot or premises on which there are three (3) or more dogs over the age of four months old of the same breed and are kept for Commercial purposes such as breeding, hunting, sales, sporting and training purposes is considered a Kennel. Kennels are only allowed with a Special Use permit.
- B. Except as noted, the keeping of Non Commercial farm animals not normally considered household pets shall be permitted subject to the following acreage ratio:

Animal	Minimum Acreage
Horse/Cow/Pig/Sheep	1st animal – 3 acres Additional animals – 1 acre per each animal
Poultry	25 poultry – 3 acres Additional Poultry for each additional acre you may add 10 more poultry

**Note:** This chart only applies to Non-Commercial Farms.

The keeping of Commercial Farm Animals is subject to the Right to Farm Act, the requirements of the Michigan Department of Agriculture and the Generally Accepted Agricultural Management Practice Standards (GAAMPS), as applicable, shall apply.

- C. Keeping of Non-Commercial Farm Chickens on lots under 3 acres.  
Chickens are the only poultry allowed on parcels under 3 acres.  
Any person who keeps chickens in the township of Eureka on lots under 3 acres shall meet the following requirements:

Chickens kept on any lot/parcel up to 1 acre in size may keep no more than five (5) chickens. For each additional acre up to 3 acres, the resident may add 5 more chickens with a cap of 15 chickens. The chickens and eggs are to be used for consumption by the owner only and cannot be used for any sales outside of the home.

- Keep no more than the birds allowed in 3.19C of this section.
- The principal use of the property is for single-family or two family dwellings.
- No rooster shall be kept on the premises at any time on lots under 3 acres.
- Slaughter of chickens on lots under 3 acres is prohibited.
- Chickens shall be provided with a fully enclosed coop for evening containment with a fully covered and surrounding fence for day purposes. All chickens shall be contained at all times. Coops must be neatly constructed to not be an eye sore, (not constructed of old weathered, scrap material).
- IF the Coop is constructed over 200 sq. ft. a zoning permit is required.
- No containment, coop or fence shall be closer than 10' to a property line or closer than 50' to any adjoining dwelling. If on a waterfront parcel, they shall be a minimum of 50' from the high water line.
- Coops cannot be located in front of the principal residence set back from the road or right of way.
- The containment, coop, or fence area must be maintained to prevent any rodents or other animals from harboring within or under such containment areas.
- All feed and other items associated with keeping chickens that are likely to attract or to become infested with or infected by rodents or any other



animal, shall be kept in fully enclosed containers, ie. Galvanized or plastic garbage cans, to ensure protection for other animals coming in contact with the feed items.

- Provisions must be made for the storage or removal of the manure. No more than 3 cubic feet of manure may be kept in storage and it must be confined in such a manner as to not allow the manure or its odors to spread onto abutting properties. All other manure not used for fertilizer must be removed daily.

### **SECTION 3.20 WATER AND SANITARY SEWER SERVICE**

- A. No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved upon any lot and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste.
- B. Such installations and facilities shall conform to the minimum requirements for such facilities set forth by the State of Michigan Health Department, Mid-Michigan District Health Department or other such agency having current jurisdiction.

### **SECTION 3.21 ESSENTIAL PUBLIC SERVICES**

- A. The erection, construction, alteration or maintenance and use of essential public services shall be permitted in any Zoning District.
- B. Such use must comply with all regulations of the district in which such use is located, proposed to be located, or is altered.
- C. Such use is not exempt from this Township's permit requirements, corresponding inspections and fees.

### **SECTION 3.22 BUILDING AND STRUCTURE HEIGHT EXCEPTIONS**

- A. Height requirements may be exceeded by the following: Parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, radio and television antennas and towers and penthouses or roof structures housing necessary mechanical appurtenances.
- B. Height exceptions are not permitted for towers and structures for Commercial Wireless Telecommunication Services in excess of 50 feet in height (as measured from the ground level nearest the tower to the top of the tower) but such towers 50 feet or lower may be excepted from the height limitations of the district in which they are located.

### **SECTION 3.23 WITHHOLDING OF APPROVAL**

The Planning Commission or Township Board may withhold granting of any approval required by this Ordinance pending approvals which may be required by County, State or Federal agencies or departments.

### **SECTION 3.24 TIMELY COMPLETION OF CONSTRUCTION REQUIRED**

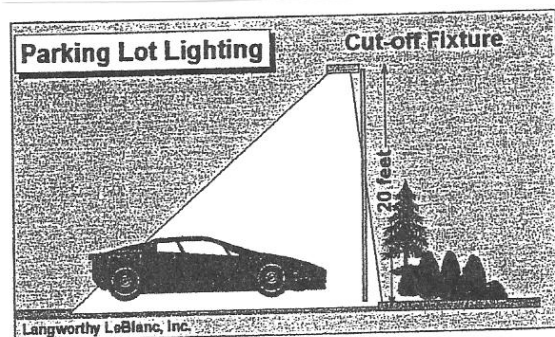
Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building or other structure authorized under the provisions of this Ordinance, completion of such work shall be diligently pursued and completed in a timely manner. Unless otherwise specified as a condition of approval of a site plan or special land use by the Planning Commission, any construction authorized under the provisions of this Ordinance shall be completed or be diligently pursued within two years from the date of issuance of a building permit for such construction. Renewal permits must be obtained for the balance of the unfinished work.

### **SECTION 3.25 PRIVATE STREETS**

- A. Private streets shall be constructed identical to current public road construction specifications adopted by the Montcalm County Road Commission. Proposed construction specifications shall be submitted to the Township's Zoning Administrator for review and approval prior to construction along with submittal of an Application for Land Division or Lot Line Adjustment, should one or both be required.
- B. A Private Road Maintenance Agreement shall be established and submitted to the Township's Zoning Administrator for review and approval. Such document shall provide detailed construction, maintenance, plowing and repair items, establish proportionate cost sharing, designate responsibilities of current and future owners of benefit properties, including authority to apportion and collect and secure said construction, maintenance and repairs.

### **SECTION 3.26 LIGHTING REQUIREMENTS**

- A. Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any Residential District or use which adjoins the site.



- B. Light fixtures shall be no higher than 20 feet and shall be provided with light cut-off fixtures that direct light downward. For parking

lots serving a single building or groups of related commercial, industrial or office buildings in excess of 500 spaces, the Zoning Administrator may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.

- C. Lighting shall not be attached to buildings or other structures that would permit light to be directed horizontally.

### **SECTION 3.27 WATERFRONT PROPERTIES**

The following are requirements for waterfront properties or parcels located in any Zoning District. All structures constructed, or land divisions or lot line adjustments made, after adoption of this Section shall meet the following standards and setback requirements:

#### A. Definitions

1. Waterfront properties or parcels: Those parcels containing frontage on a river, lake, stream or wetland in Eureka Charter Township.
2. Wetlands: Those bodies of water designated as wetlands by the wetland map of the Michigan Department of Environmental Quality.
3. Department of Natural Resources Natural River Zoning Standards applying to all property within 400' of the Flat River or Wabasis Creek. See Standards B-10 for further information.

#### B. Standards

1. Construction of principal residences and accessory structures in designated wetlands and flood zones A or B, per FEMA FIRM map dated 11/15/1984, is strictly prohibited unless Michigan DEQ permits are obtained for certain structures (such as docks, walkways and boat houses).
2. Setback standards for construction of principal residences and accessory structures begin from the 100-year, 500-year or established high water mark boundary as the front lot line.
3. Accessory buildings may be located in either the front or rear yard but shall meet the same setback standards as a principal residence.
4. Waterfront maintenance shall include a strip of vegetation 25 feet wide, parallel to the water and adjacent to the normal high water line, not to obstruct the view or use but to provide for erosion control and run-off filtration.
5. Accessory supplemental structures shall not extend into the waterway so as to encroach upon the neighbor's riparian rights, view and use of the waterfront.
6. Water access for back lots through private property is prohibited. Water access includes, but is not limited to, walkways, trails, paths, ingress/egress easements, common areas, shared

ownership and use of beaches and docks, private parks, playgrounds and boat launches. The intent is to limit water access to only those approved lots adjacent to the water's edge.

7. Sanitary facilities, such as septic tanks and tile fields, shall be set back 100 feet from the ordinary high water mark or the 100-year flood plain, whichever is greater. No part of the disposal system shall be located between the dwelling and the water mark or flood plain.
8. Any excavation or bringing in of fill conducted within 330 feet of any body of water or wetland shall have soil erosion and sedimentation control measures taken per Michigan DEQ standards.
9. Those applying lawn or field chemicals within 300 feet of any body of water shall ensure that migration of chemicals is minimized and that application of the chemicals complies with Michigan DEQ standards and that those applying the chemicals are properly licensed by the DEQ.
10. Additional development standards, administered by the State of Michigan under the authority of Part 305, Natural Rivers, of 1994 P.A. 451, apply to all property located within 400 feet of the Flat River and Wabasis Creek. Regulated activities shall include the following: All construction activities, foot and vehicle bridges, clearing of vegetation within 25 feet of the water, land alteration, septic system location, home occupations, campgrounds, docks, stairways, boardwalks, and mining extraction. A Natural River Program Zoning permit is required for any of these activities. Property owners should refer to the Department of Natural Resources, Natural River Zoning Rules, effective September 19, 2013, for specific standards.

### *Additional DNR Natural Rivers Zoning Rules Information*

#### 1. Docks:

- a. A dock shall conform to all of the following:
  - (i) A dock shall not be more than 48 square feet in area, with not more than 4 feet of dock extending over the edge of the river.
  - (ii) A dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.

#### 2. Stairways

- b. A stairway constructed to allow river access shall conform to all of the following:
  - (i) A stairway is not permitted unless no other reasonable and safe access to the river exists.
  - (ii) A stairway shall be low-profile, not more than 4 feet wide and constructed without stairs being recessed into the

ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.

(iii) A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building code.

(iv) Not more than 1 handrail shall be associated with a stairway.

(v) A stairway shall be constructed using natural materials.

(vi) A stairway shall be located and maintained to blend with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized.

### 3. Minimum Parcel Size

c. A land division, if any lot created after June 21, 1984, is permitted with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 100 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 100 feet wide at the minimum building setback line.

(iii) Contains at least 30,000 square feet of area within the the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line on the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate The required building setbacks pursuant to the standards In this rule.

(v) A lot that exists on June 21, 1984, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after June 21, 1984, shall meet the minimum requirements of this rule.

### C. Setbacks

<b>Waterfront Setback Standards</b>	
Minimum lot width at waterfront	150 feet

Minimum front yard setback	50 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	50 feet
Maximum building height	35 feet
Maximum lot coverage (buildings/paving)	40%
Lot depth to width ratio	4:1
Minimum building set back standard for buildings within the State Natural River Zoning Standards area	100 feet from ordinary high-water mark, or not less than 25 feet from the 100 year floodplain line whichever is the greater distance from the river's edge.
	A dwelling shall be set back not less than 50 feet from the top of a bluff.

### **SECTION 3.28 FIREWORKS**

- A. Display fireworks are only allowed with a permit from the township as well as applicable permits from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Federal regulations at 27 CFR. Part 555, require that any person engaging in the business of importing, manufacturing, dealing in, or otherwise receiving display fireworks must first obtain a federal explosives license or permit from ATF for the specific activity.
- B. Consumer Fireworks: may only be used in Eureka Charter Township the day proceeding, day of, and the day after National Holidays during the hours of 8:00 a.m. until 1:00 a.m. It is illegal to set off consumer fireworks outside of these days and times.
  - a. Consumer fireworks shall not be used if a county wide burn ban is in effect.
  - b. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person's or organization's express permission to use the consumer fireworks on those premises.
  - c. Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.
- C. Low Impact Fireworks: are allowed on any day of the week between the hours of 8:00 a.m. and 1: 00 a.m.
  - a. Low Impact Fireworks shall not be used if a county wide burn ban is in effect.
- D. Novelty Fireworks: are not regulated in Eureka Charter Township.

National Holidays are as follows:

- New Year's Day, January 1

- Martin Luther King, Jr. Day, the third Monday in January
- Washington’s Birthday, the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veterans Day, November 11
- Thanksgiving Day, the fourth Thursday in November, and
- Christmas Day, December 25

**SECTION 3.29 Prohibition on Medical Marihuana Dispensaries, Compassion Clubs, and Provisioning Centers and Other Similar Uses.**

No medical marihuana dispensary, compassion club or provisioning center shall be commenced, conducted, maintained, operated or utilized anywhere within Eureka Charter Township. Furthermore, no person shall frequent, patronize or obtain or purchase any marihuana from or through any medical marihuana dispensary, compassion club or provisioning center within Eureka Charter Township. This prohibition also applies to marijuana secure transporters, growers, processors, safety compliance centers, processing facilities and similar uses as such uses and facilities are defined by state law.

**SECTION 3.30 No Zoning Application or Approval or Permits for a Property That is in Violation of this Ordinance or a Court Order or Judgment.**

Should a parcel or lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the parcel or lot complies fully with this Ordinance (and any applicable court order of judgment). The prohibition contained in this Section shall also apply to any zoning request, application or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition contained in this Section shall be in

addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order of judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or judgment).

**SECTION 3.31 No Approval for Illegal Uses**

No zoning approval, permit, variance, rezoning, site plan approval or zoning compliance permit shall be issued or granted by the Township for any use, activity, structure or building that is illegal under Michigan law or Township ordinance.



