

Chapter 1, Title, Purpose, and Scope

SECTION 1.00 TITLE

A. This Ordinance shall be known as the “Eureka Charter Township Zoning Ordinance” and may be cited as “this Ordinance” or the “Zoning Ordinance” or the “Township Zoning Ordinance.”

SECTION 1.01 PURPOSE

A. This Ordinance is enacted pursuant to Act 110 of 2006, as amended, and is established in accordance with the policies, goals, and objectives of the Township as expressed from time to time in the Eureka Charter Township Master Plan. The illustrations, text, maps, tables, and schedules contained herein shall constitute this Ordinance, which is adopted for the following purposes:

1. To promote and protect the public health, safety, and general welfare;
2. To encourage the use of lands and natural resources in accordance with their character and adaptability;
3. To establish standards for the form and arrangement of buildings, structures, and site improvements;
4. To implement the goals, objectives, and future land use recommendations of the Township Master Plan to regulate the intensity of land use and parcel areas in a manner compatible with said plan;
5. To determine the area of open spaces surrounding buildings and structures necessary to provide adequate light, scenic views, and air and to protect the public health;
6. To protect the character and stability of the agricultural, recreational, residential, commercial, and industrial areas within Eureka Charter Township and promote the orderly and beneficial development of the Township;
7. To lessen and avoid congestion on the public highways and streets;
8. To provide for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
9. To prevent such additions or alterations or remodeling of existing structures in such a way as to avoid the regulations and limitations imposed hereunder;
10. To reduce the risk of fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards to life and property;
11. To prevent improper uses of land and the overcrowding of land and undue concentration of buildings and structures so far as is appropriate in each district;
12. To provide for the completion, restoration, reconstruction, and extension of nonconforming uses;
13. To create an appeals board and to define the powers and duties thereof;

14. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this ordinance and provide penalties for the violation of this ordinance;
15. To provide for the payment of fees for land use permits and escrow accounts to support the expense of administration and proper review of applications for zoning permits;
16. To ensure that a variety of housing types and sizes can be developed to meet the needs of the entire community;
17. To preserve and protect the Township's wetlands, ravines, rivers, and other natural spaces; and
18. To accomplish any other purposes contained in Public Act 110 of 2006, as amended.

SECTION 1.02 SCOPE

- A. Generally – This Ordinance shall affect and regulate the use and occupancy of all lands and every structure, building and activity in the Township. In its interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion of the public health, safety, and general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by another existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control. In the event of conflicting provisions or regulations within this Ordinance, the more restrictive provision or regulation shall control.
- B. Vested Rights – Approvals granted to projects in progress or under construction under the previous Eureka Charter Township Zoning Ordinance shall be valid and enforced under the ordinances that were applicable at the time of approval until such development is complete or such approval has expired. Once a site plan or other approval is completed or has expired, any subsequent submittal shall conform with the terms of this Ordinance. The adoption of this Ordinance shall not prevent or bar the continuation or institution of proceedings for offenses heretofore committed in violation of any previously existing ordinances.
- C. Allowed Uses – If a particular structure, building, use or activity is not expressly authorized in the particular zoning district involved (whether listed as a permitted use or with approval as a special land use), then it is not permitted or allowed within that district.
- D. Zoning Affects All Structures, Activities, Land and the Use Thereof – No structure, land or premises shall hereafter be used or occupied, no activity shall occur and no structure or building shall be erected, moved, used, reconstructed, extended or altered except in full conformity with the regulations and provisions of this Ordinance.