

Chapter 3. General Provisions

SECTION 3.00 REQUIRED FRONTAGE AND ACCESS

- A. Any lot created or altered shall have a minimum lot area, dimension, and width equal to or greater than that required by the Zoning District in which it is located, except as may be otherwise specifically permitted in this Ordinance.
- B. Any lot created shall have frontage on an improved public or lawful private street equal to or greater than the required lot width.
- C. Buildable Lot. No building permit shall be issued unless the lot complies with all the following:
 - 1. The Mid-Michigan District Health Department has approved the 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. The Mid-Michigan District Health Department has approved 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. A lot is buildable only if it meets either (1) the current area, frontage, size, and other dimensional requirements of the Eureka Charter Township Zoning Ordinance, or (2) it constitutes a lawful non-conforming lot.
- D. A lawful non-conforming lot may be built upon, used, or developed in accordance with this Ordinance provided that all setback, maximum lot coverage, and similar requirements are met.

SECTION 3.01 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, split, altered, 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, split, altered 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 all of the requirements of this Ordinance.

SECTION 3.02 CUL-DE-SAC LOTS

- A. A 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.
- B. 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.

- C. 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. (see Figure 3.1)

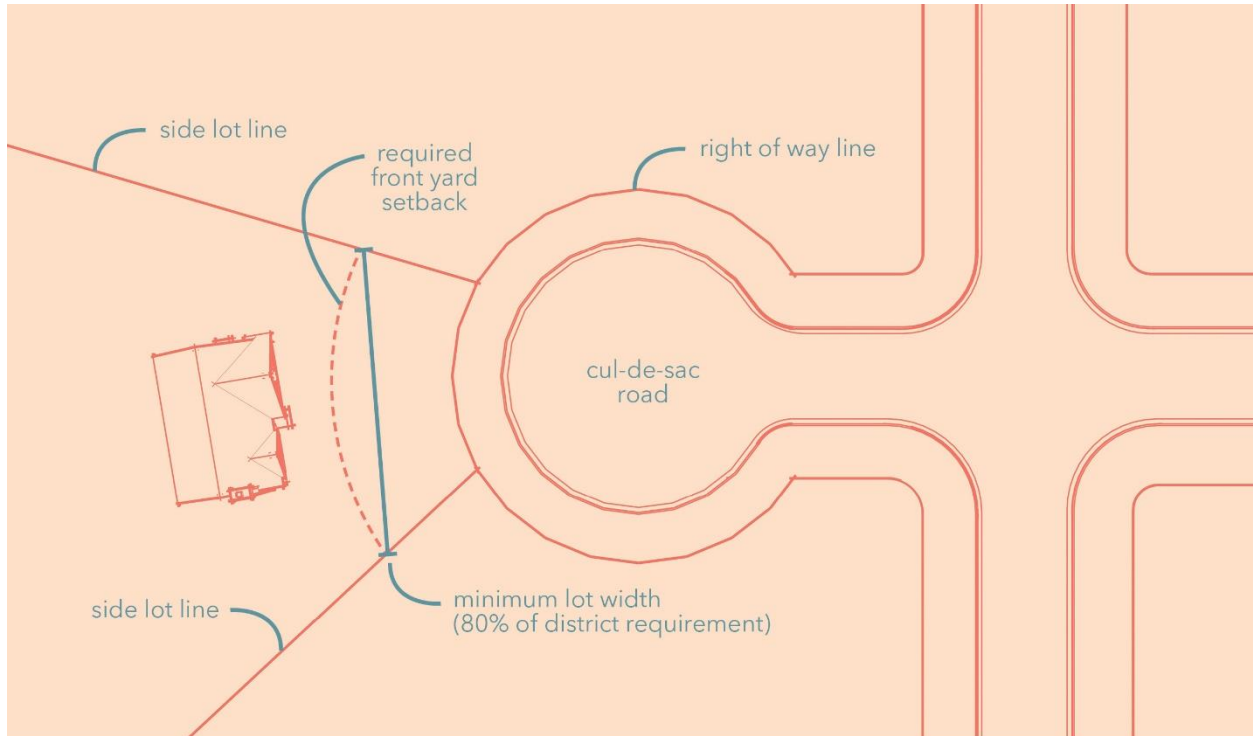


FIGURE 3.1 MINIMUM CUL-DE-SAC LOT WIDTH

SECTION 3.03 RESERVED

SECTION 3.04 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 fifteen (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 that will be less than thirty (30) inches in height at maturity and maintained at that height or lower. (See Figure 3.2)
- 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.

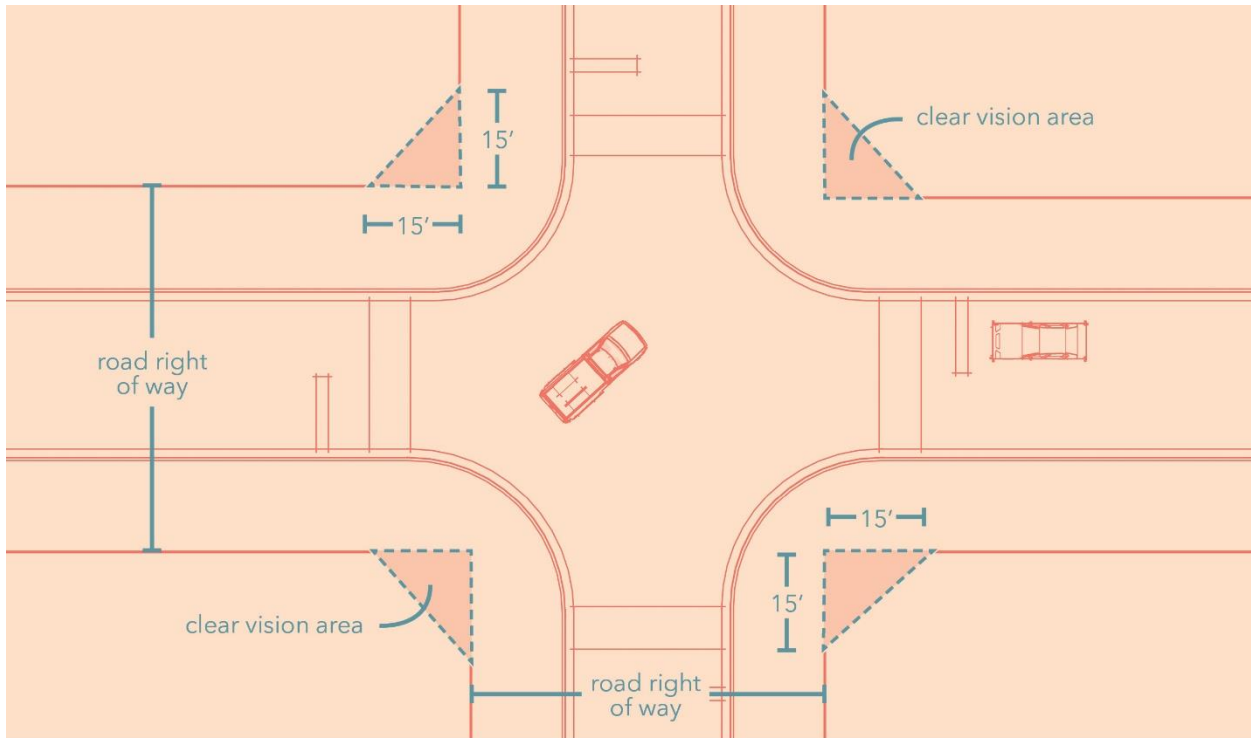


FIGURE 3.2 CLEAR VISION AREAS

SECTION 3.05 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 (4) 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 (5) feet into a required front yard;
 - 2. Fifteen (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 (5) feet to any front or rear lot line.

SECTION 3.06 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 thirty (30) feet.

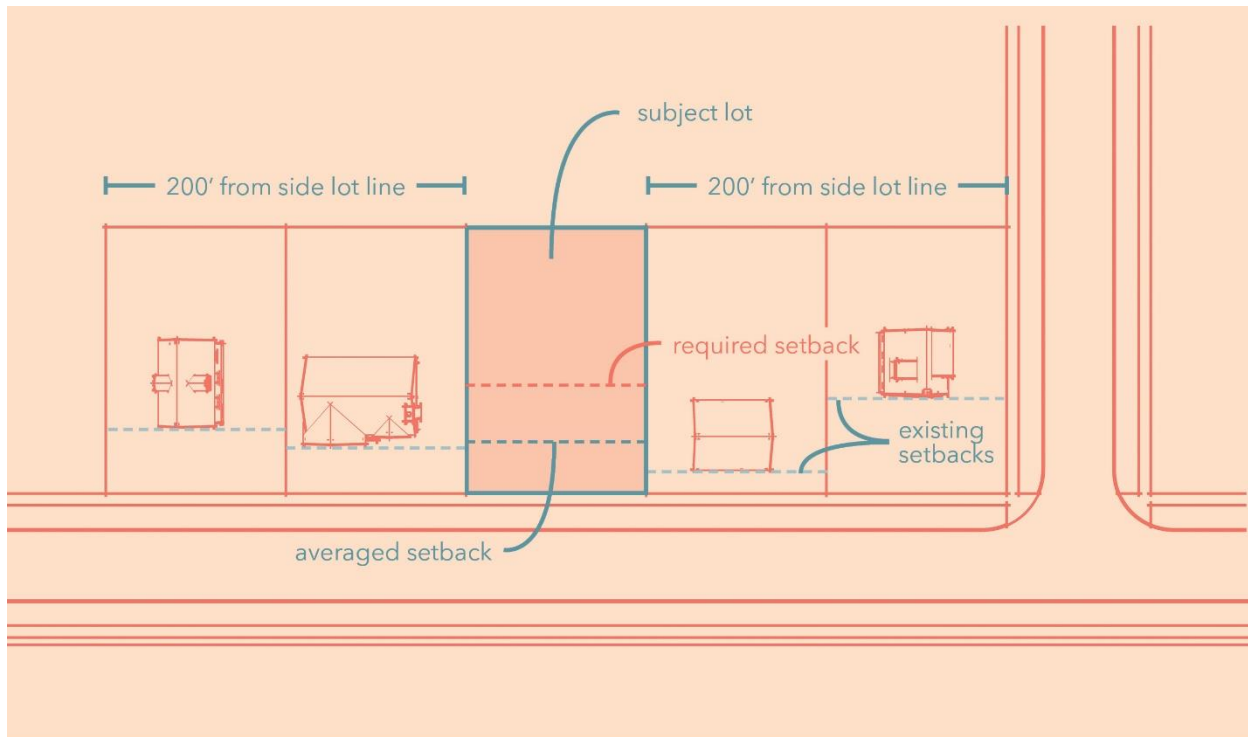


FIGURE 3.3 PERMITTED FRONT SETBACK REDUCTIONS

SECTION 3.07 MAIN BUILDING OR PRINCIPAL USE

- A. 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 with shared parking, signage, access, and other similar features, which in the opinion of the Zoning Administrator, form a single integral development.
- B. This provision shall not apply to temporary dwellings authorized by the Zoning Administrator pursuant to Section 3.25.

SECTION 3.08 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 (Uniform Construction Code, Act 230 of 1972), or the codes promulgated under that Act.
2. Buildings exempt from the requirement of obtaining a building permit are required to obtain a zoning permit, and shall comply with all applicable provisions of this Ordinance and other Township ordinances.
3. 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.
4. Accessory buildings shall not be permitted in the first 200 feet of a front yard, unless substantial natural vegetation exists between the accessory building and the street that effectively screen the building from view from the right of way.
5. Accessory buildings shall not be permitted on a lot or parcel which does not have a main building, unless all of the following standards are met:
 - a. Zoning and building permits for the principal building have been issued;
 - b. The residence must be completed within two years from the date of issuance of the building permit for the primary residence;
 - c. The resident must agree to and sign the Eureka Charter Township Standalone Accessory Building Agreement (or equivalent document provided by the Township); and
 - d. The Zoning Administrator may require a performance guarantee in accordance with Section 29.06 to ensure the completion of the principal residence.
6. Accessory structures measuring less than 200 square feet do not require the issuance of a Zoning Permit.
7. No more than two (2) detached accessory buildings shall be permitted on any lot.
8. An accessory building shall not be used as a dwelling unless a special land use permit is approved by the Planning Commission pursuant to Chapter 19 for an Accessory Dwelling Unit.
9. In accordance with the Right to Farm Act (Act 93 of 1981), accessory buildings in Agricultural and Rural Residential districts shall not be subject to the standards of this Section 3.08 (A) if in compliance with the statute and Generally Accepted Agricultural Management Practices (GAAMPs).
10. Use and Construction of Accessory Buildings - Accessory buildings shall be stick-built or the equivalent of new building construction. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure;

provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building as allowed elsewhere in this Ordinance.

B. Accessory Uses, General

1. 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. No accessory use shall be utilized unless the main building to which it is accessory is lawful and occupied or utilized.
3. No accessory use may be placed on a lot without a principal use, unless otherwise permitted by Section 3.08, A, 5 or Section 3.25.
4. In accordance with the Right to Farm Act (Act 93 of 1981), accessory uses in Agricultural and Rural Residential districts shall not be subject to the standards of this Section 3.8 (B) if in compliance with the statute and Generally Accepted Agricultural Management Practices (GAAMPs).

C. Residential Accessory Buildings and Structures. Residential accessory buildings are subject to the following regulations:

1. An accessory building located in the rear yard shall not occupy more than 25% of the required rear yard area nor be larger than the maximum permitted in the table below, whichever is less.
2. 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 less.
3. A residential accessory building shall not be located in a required side yard.
4. The following table provides a schedule of regulations for residential accessory buildings:

Lot Area	Maximum Height	Minimum Rear Yard Setback	Maximum Number	Total Area of All Accessory Buildings
3/4 acre or less	18 ft.	10 ft.	2 Detached	1,200 sq. ft.
3/4 to 1½ acres	24 ft.	22 ft.	2 Detached	1,600 sq. ft.
1.5 acres to 5 acres	35 ft.	44 ft.	3 Detached	5,000 square feet
5 acre or more	35 ft.	District standard	No limit	No limit

D. Other District Accessory Buildings and Structures. Accessory buildings may be permitted within the OSC-1, OSC-2, GC, RC, and IND Districts provided that the following standards 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

they are located.

4. No detached accessory building shall be located within 10 feet of 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 3.09 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 (6) feet in height, measured from the surface to the uppermost portion of the fence. The artificial raising or berming of land to increase the functional height of a fence is prohibited.
- B. Fences within the required front yard that 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. In a non-residential area of the Township, a fence in the required front yard may be up to six feet in height and of a solid material provided the fence is at least 15 feet behind the right-of-way setback and does not interfere with clear vision of a public or private roadway of a vehicle exiting the property on which the fence is constructed.
- 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 farm animals for agricultural purposes.
- D. All fences in the Township shall be maintained in good condition and repair at all times and shall be maintained to retain their original appearance, shape, and configuration. Elements of a fence that are missing, damaged, destroyed, or deteriorated shall be replaced. Fences shall be constructed of materials typical for the purpose for which the fence is erected. The finished portion of a fence shall face or point outward from the lot where the fence is located.
- E. 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.
- F. Fences shall not be located within road or street rights-of-way or easements.

SECTION 3.10 SWIMMING POOLS

All swimming pools shall comply with the Eureka Charter Township Swimming Pool Ordinance (Ordinance #46), as amended.

SECTION 3.11 RESERVED

SECTION 3.12 STORAGE OF RECREATIONAL EQUIPMENT

- A. The storage of any trailers or equipment used primarily for recreational purposes and any recreational vehicle, such as boats, floats, camping or travel trailer, pickup campers, snowmobiles, motor homes,

motorcycles, and other equipment or vehicles of a similar nature in residential districts is permitted within a side or rear yard, subject to the following requirements:

1. All storage or parking of recreational vehicles and equipment shall be limited to a lot upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by an occupant of the dwelling unit.
 2. Recreational vehicles or equipment shall not be located within the required front yard or within three (3) feet to a side or rear lot line.
 3. Recreational vehicles shall not be used as a dwelling unless specifically authorized as a temporary dwelling pursuant to Section 3.25.
- B. One recreational vehicle or may be parked in a driveway from May 1 through October 31, provided that:
1. The vehicle is maintained in good condition;
 2. The vehicle is parked a minimum of fifteen (15) feet from the front lot line;
 3. Clear vision for pedestrians and vehicles is maintained; and
 4. The recreational vehicle is not being occupied or repaired.

SECTION 3.13 STORAGE AND REPAIR OF VEHICLES

- A. The repair, restoration, and maintenance of personal vehicles in a residential district, when not conducted entirely within the interior of a building, shall be subject to the following standards:
1. Procedures or projects exceeding one week in duration or which require the vehicle to be immobile or inoperable in excess of one week shall be carried out within a garage.
 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. In any residential district or agricultural district five (5) acres or less, it shall be unlawful for an owner, tenant, or lessee to store or park construction equipment outside, including but not limited to, semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery, unless a valid zoning and/or building permit has been issued for construction on such lot.

SECTION 3.14 SEASONAL MARKET AND PERSONAL PROPERTY SALES

- A. Seasonal Sales Market.
1. Permit Required. Upon application, the Zoning Administrator may issue a Seasonal Sales Permit for the operation of a seasonal sales market. Each permit shall be valid 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.

2. Seasonal sales markets are subject to the following standards:
 - a. Seasonal sales markets shall not operate more than 90 days per calendar year, unless renewed pursuant to Section 3.14, A, 1 above.
 - b. The period of sale shall coincide with the period of harvest or public holiday during which the product is being sold;
 - c. Access to the seasonal sales market will not constitute a traffic hazard or visual distraction;
 - d. Adequate off-street parking is available to accommodate the use;
 - e. The site shall be maintained in a safe and clean condition;
 - f. A seasonal sales market shall obtain all other applicable local, state, and federal licenses or permits that may be required for such use, which shall be issued and maintained for the duration of the use.
3. Exemption. In accordance with the Right to Farm Act (Act 93 of 1981), roadside stands and farm markets in the Agricultural and Rural Residential districts shall not be subject to standards for seasonal sales markets if in compliance with Generally Accepted Agricultural Management Practices (GAAMPs).

B. Personal Property Sales.

1. Yard Sales. Yard sales are subject to the following standards:
 - a. No such sale shall occur on more than three (3) days in a period of 30 days beginning on the first day of said sale.
 - b. Sales shall be conducted between the hours of 8 am and 7 pm.
 - c. Yard sales shall not be set up more than 24 hours prior to the sale and all unsold merchandise must be removed immediately upon the conclusion of the sale.
 - d. No merchandise involved in a yard sale may be placed within a public right-of-way, including streets and sidewalks, cause a hazard to traffic, or obstruct vehicular or pedestrian use of the road.
 - e. Signage must comply with Chapter 13, Signs.
 - f. Adequate off-street parking must be available to accommodate the use.
 - g. The site shall be maintained in a safe and clean condition.
2. Small Items. The sale of smaller personal items, such as bicycles, furniture, electronics, small yard equipment, and similar items is permitted provided that the following standards are met:
 - a. Items offered for sale are not sold in quantity or in such an arrangement so as to be considered a garage sale, unless the provisions of subsection 1 of this section are met.
 - b. Items offered for sale are not sold on a recurring or ongoing basis.
 - c. Signage must comply with Chapter 13, Signs.

- d. Such items offered for sale shall not be located within a road right-of-way, cause a hazard to traffic, or obstruct vehicular or pedestrian use of a road.
 - e. Items offered for sale shall be kept in reasonable condition and the area where they are located shall be maintained in a neat and orderly manner.
3. Large Items. The sale of larger personal items, such as vehicles, boats, lawn tractors, trailers, and similar items is permitted provided that the following standards are met:
- a. No more than two motor vehicles, and no more than two other related equipment items (i.e., campers, trailers, snowmobiles, boats, etc.) may be displayed for sale in the front yard of a non-commercial zoned property.
 - b. No more than five (5) such items shall be offered for sale per year.
 - c. Vehicle and equipment item sales shall be limited to a 30-day period.
 - d. No such sale shall occur more than once in a period of 60 consecutive days beginning on the first day of said sale.
 - e. All unsold vehicles or equipment items must be removed immediately upon the conclusion of the sale and all large sold items must be removed within 24 hours.
 - f. No vehicles or equipment items may be placed within a public right-of-way, including streets and sidewalks, cause a hazard to traffic, or obstruct vehicular or pedestrian use of the road.
 - g. Signage must comply with Chapter 13, Signs.
 - h. Adequate off-street parking must be available to accommodate the use.
 - i. The site shall be maintained in a safe and clean condition.

SECTION 3.15 CONSTRUCTION BUILDINGS AND STRUCTURES

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

- A. Construction buildings and structures may only be used for the temporary 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 permanent or 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 Administrator for the permitted construction activities, or within 15 days after the expiration of a Zoning and/or Building Permit issued for construction on such lot, whichever comes first.

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

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

- A. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes 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 Official.
- B. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, minimum residential floor area, required yards, and maximum building height requirements of the Zoning District in which it is located.
- C. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, which has a wall of the same perimeter dimensions as the dwelling unit and is constructed of such materials and type as required by the building code for on-site constructed single-family dwellings.
- D. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty (20) feet. The dwelling's minimum width shall be at least 24 feet for at least 75 percent of its length, measured between the exterior part of the walls having the greatest length. Any exterior addition shall be of the same construction and materials as the original structure.
- E. 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, garage attached to a main building, or in a detached accessory building that complies with all other applicable provisions of this Ordinance.
- F. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
- G. 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 twelve (12)-inch overhang.
- H. 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.
- I. The dwelling unit shall have at least two exterior doors with one being in either the rear or the side of the dwelling unit.
- J. The use of any portion of the basement of a partially-completed building or dwelling for sleeping purposes in any Zoning District is prohibited.

K. Manufactured Homes. If the dwelling unit is a manufactured home, the following standards shall apply:

1. If the manufactured home is new, it must be 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.
2. If the manufactured home is used, it must be certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection L(1) above and found, on inspection by the Building Official or his designee, to be in excellent condition and safe and fit for residential occupancy.
3. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
4. The foundation or skirting of a manufactured home shall fully enclose the chassis, undercarriage, and towing mechanism.
5. The manufactured home 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.
6. 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.
7. Dwellings located in a manufactured home park regulated pursuant to Act 96 of 1987 (The Mobile Home Commission Act), as amended, shall comply with the terms of this Ordinance as applicable and the terms of that Act and all rules promulgated under it.

L. Every dwelling unit or dwelling shall have at least 1000 square feet of finished livable floor space above grade.

SECTION 3.17 TEMPORARY STORAGE UNITS

- A. Temporary storage units may be located only within a driveway, parking area, or in a side or rear yard, provided that adequate access is provided.
- B. No temporary storage unit shall be placed on public property such as on a street, sidewalk, or parkway between a public street and sidewalk. Temporary storage units located in a driveway or parking area shall be set back at least 20 feet from the front lot line.
- C. Not more than one (1) temporary storage unit may be located upon or within a lot for a maximum of thirty (30) consecutive days, including the day of delivery and removal, within any six-month period.

- D. A temporary storage unit may not exceed eight (8) feet in height, nine (9) feet in width, or sixteen (16) feet in length.
- E. A temporary storage unit shall be secured in a manner that does not endanger the safety of persons or property.
- F. A temporary storage unit shall at all times, be maintained in good condition, free from evidence of deterioration, graffiti, rust, ripping, tearing, holes or breaks.
- G. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, goods for property other than the property where the temporary storage unit is located, or any illegal or hazardous material. Upon reasonable notice, the Township may inspect the contents of a temporary storage unit at any reasonable time to confirm compliance with this standard.
- H. A temporary storage unit that is not removed at the end of the time for which it may lawfully remain in place, may be removed by the Township, without notice, and the cost of such removal shall be assessed to the property owner.

SECTION 3.18 RESERVED

SECTION 3.19 KEEPING OF ANIMALS

- A. The keeping of domesticated pets, including dogs, cats, small mammals, and container animals such as reptiles, snakes, spiders, and other animals generally regarded as household pets is permitted as an accessory use in any residential or agricultural district. However, four or more dogs, and four or more cats, four months of age or older, shall not be kept or housed in or at one dwelling unit.
- B. Except as noted, the keeping of farm animals not normally considered household pets shall be permitted, subject to the following acreage ratio:

Animal	Number of Animals Permitted Per Acre			
	Less than 1 Acre	2 Acres	3 Acres	Greater than 3 Acres
Horse/Cow/ Pig/Sheep/Goat and similar	0	0	1	Add 1 animal per acre
Poultry (chickens/geese/ducks and similar)	5	10	25	Add 10 poultry per acre

- C. In accordance with the Right to Farm Act (Act 93 of 1981), the keeping of farm animals in Agricultural and Rural Residential districts shall not be subject to the standards of this Section if the animals are kept in compliance with Generally Accepted Agricultural Management Practices (GAAMPs).

D. Keeping of Chickens. Any person who keeps chickens in the Township on non-farm properties under 3 acres shall comply with the following requirements:

1. The chickens and eggs shall only be used for consumption by the owner and cannot be used for any sales outside of the home.
2. The principal use of the property shall be for single-family dwellings.
3. No roosters shall be kept on the premises at any time.
4. The slaughtering of chickens on the property is prohibited.
5. Chickens shall be contained at all times in a fence with complete covering and have a fully enclosed coop. Coops must be neatly constructed of conventional building materials suitable for the purpose intended. Coops constructed of old, weathered, scrap materials, or similar items, are prohibited.
6. If the coop is constructed over 200 square feet in area, a zoning permit is required.
7. No containment, coop, or fence shall be placed within 10 feet to a property line nor closer than 50 feet to any adjoining occupied dwelling. If on a waterfront parcel, a containment, coop, or fence shall be located a minimum of 50 feet from the high water line.
8. Coops shall not be located in the front yard.
9. The containment, coop, or fence area must be maintained to prevent any rodents or other animals from harboring within or under such containment areas.
10. 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 (i.e., galvanized or plastic garbage cans).
11. 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 odor 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 the 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 in any district: Parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators and bins, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, radio and television antennas and towers, penthouses or roof structures housing necessary mechanical appurtenances, and similar structures.
- B. In accordance with the Right to Farm Act (Act 93 of 1981), farm buildings or structures in the Agricultural and Rural Residential districts shall not be subject to district height standards if in compliance with Generally Accepted Agricultural Management Practices (GAAMPs).

SECTION 3.23 WITHHOLDING OF APPROVAL

The Zoning Administrator, 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 TEMPORARY DWELLINGS

The Zoning Administrator may grant a Zoning Permit authorizing the temporary occupancy of a mobile home, existing dwelling unit, or recreational vehicle as a temporary residence for a period not to exceed one year during construction or reconstruction of a permanent dwelling or new dwelling unit for occupancy by the applicant on the lot or parcel on which the mobile home, existing dwelling unit, or recreational vehicle is proposed to be temporarily located. The following additional requirements shall also apply:

- A. The applicant shall demonstrate his or her ability and intent to erect a permanent dwelling unit on the lot within the one (1) year period of the permit.
- B. The lot or parcel shall have running water and sewage facilities to which the temporary residence is to be connected.
- C. Upon expiration of the one (1) year period of a Zoning Permit granted pursuant to this Section, the Zoning Administrator may renew the permit for one (1) additional period of six (6) months upon sufficient showing that construction of the permanent dwelling could not be completed within the original one (1) year, but has substantially progressed during the period.
- D. A performance guarantee pursuant to Section 29.06 shall be required to ensure removal of the mobile home from the premises upon expiration of the one-year permit or any extension.
- E. The applicant must sign a temporary dwelling agreement provided by the Township.

SECTION 3.26 LIGHTING REQUIREMENTS

- A. Purpose. Lighting requirements are intended to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly-lighted surfaces and lighting glare, as well as extended areas along sidewalks and streets. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.
- B. Exempted Lighting. The following types of outdoor lighting shall be exempted from the standards of this section:
 1. Residential decorative lighting, such as porch lights, low-level lawn lights, special seasonal lights such as Christmas decorations, and residential yard lights whether building-mounted or pole-mounted, provided the light intensity or brightness at any property line shall not exceed one foot-candle. Light spillover onto public rights-of-way is exempt from this section.
 2. Sign lighting as regulated by Chapter 21.
 3. Lighting associated with detached single-family and two-family housing.
- C. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:
 1. Parking lot lighting and site lighting for commercial, industrial, institutional, and multiple-family developments.
 2. Privately-owned roadway lighting.
 3. Building façade lighting.
 4. Other forms of outdoor lighting which, in the judgement of the Planning Commission or Zoning Administrator, is similar in character, luminosity, and/or glare to the foregoing.
 5. All forms of neon lighting.

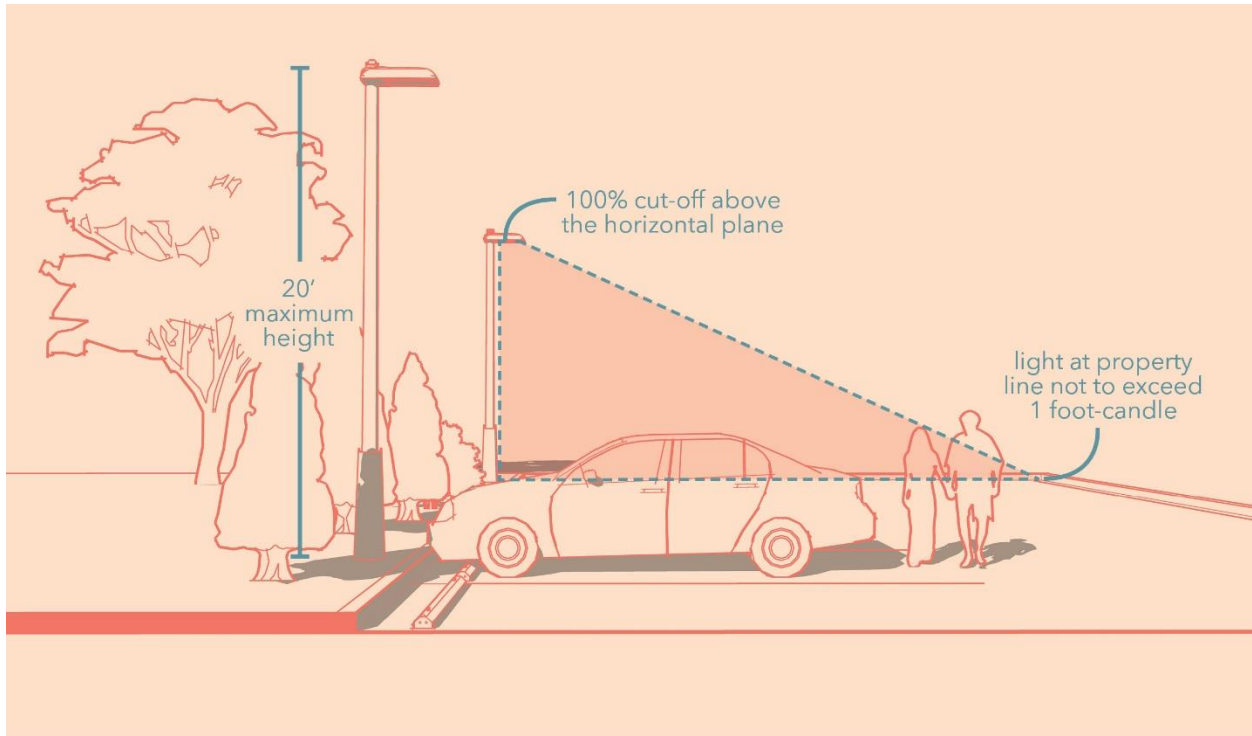


FIGURE 3.4 REGULATED LIGHTING STANDARDS

D. Standards. Regulated lighting shall comply with the following requirements:

1. Lighting shall be shielded, hooded, and/or louvered to reduce glare and be so arranged and maintained as to provide a glare-free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site. Light shall not shine upon any adjoining or nearby lots.
2. Light fixtures shall be no higher than 20 feet. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of 500 spaces, the Planning Commission or 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.
3. Lighting fixtures shall have 100 percent cut-off above the horizontal plane at the lowest part of the point light source. The light rays shall not be emitted by the installed fixture at angles above the horizontal plane.
4. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one foot-candle, except where the property abuts a residential district or use, where a maximum of 0.5 foot-candle is permitted.
5. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color. Beacon, strobe, and searchlights are not permitted.
6. No colored lights shall be used at any location or in any manner so as to be confused with or

construed as traffic control devices.

7. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and property equipped with baffling, glare guards, or lenses to meet the requirements of this section.

SECTION 3.27 RESERVED

SECTION 3.28 RESERVED

SECTION 3.29 DUMPSTERS

Dumpsters or other refuse or recycling containers that serve multi-family residential buildings, institutional, commercial, office, or industrial establishments shall be enclosed and comply with the following requirements:

- A. Dumpster pads in parking areas shall be located so as not to interfere with general public/patron normal traffic flow.
- B. Dumpsters shall be screened by a continuous opaque screen at least six feet in height. The screen may be comprised of berming, plant material, screen walls, fences, or any combination of these elements suitable to screen the dumpster and prevent rodent infestation. Dumpsters may be installed within buffer zones.
- C. The enclosure shall be four-sided with a lockable gate constructed of opaque materials; provided the Zoning Administrator or Planning Commission may permit a three-sided enclosure where site configuration makes a four-sided enclosure impractical or where a three-sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.
- D. Interiors and exteriors of enclosures shall be kept clean and free of debris and clutter.

SECTION 3.30 UNCLASSIFIED USES

Where a proposed use of land or use of a building is not expressly authorized, contemplated, or named by this Ordinance in any of the zoning districts, or where the Zoning Administrator has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated or specified in this Ordinance, the Zoning Administrator may determine that the use is unclassified. In the case of an unclassified use, an amendment to classify, permit, and regulate the use may be initiated pursuant to Section 29.04 of this Ordinance. Unclassified uses may not be treated as a special land use. Unclassified uses are unlawful.

SECTION 3.31 RESERVED

SECTION 3.32 PROHIBITION OF CERTAIN MARIJUANA ESTABLISHMENTS AND FACILITIES

- A. Pursuant to Section 6 of the Michigan Regulation and Taxation of Marijuana Act (the "Act"), marijuana establishments are prohibited in the boundaries of Eureka Charter Township and shall not be permitted as a home-based business under Chapter 28 of this Ordinance.
- B. Pursuant to the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, as amended, marihuana facilities are prohibited in the boundaries of Eureka Charter Township.
- C. No medical marijuana dispensary, grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility or similar facility, use or business shall occur, be established, be conducted, or be present within Eureka Charter Township.
- D. No medical marijuana dispensary, grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility or similar facility, use or business, that was engaged in prior to the enactment of this section, shall be deemed to have been a legally established use; that use shall not be entitled to claim legal nonconforming status.
- E. This section does not supersede rights and privileges of any individual or other person under Section 5 of the Michigan Regulation and Taxation of Marijuana Act, as amended, and does not supersede rights and the regulations under Chapter 28 with respect to medical marijuana facilities established pursuant to the Michigan Medical Marijuana Act.
- F. This section does not supersede rights and privileges of any individual or other person, or the resulting activities of a marihuana facility outside of the Township, under the Medical Marihuana Facilities Licensing Act, 2016 PA 281, the Michigan Medical Marihuana Act, 2008 IL 1, or the Industrial Hemp Research Act, 2014 PA 547, as amended.
- G. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this section, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be subject to the violations and penalties pursuant to Section 29.07 of this Ordinance and shall be declared to be a nuisance per se and offensive to the public health, safety, and welfare.

SECTION 3.33 DRIVEWAYS

An approved driveway permit shall be obtained from the State Highway Department or the County Road Commission and submitted to the Building Official prior to the issuance of a building permit. A driveway shall be located entirely within the lot that it serves.

SECTION 3.34 LAKE ACCESS AND FRONTAGE

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

- A. In all zoning districts, there shall be at least 80 feet of lake or stream frontage as measured along the normal high water mark of the lake or stream for each single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.
- B. Any multiple-unit residential development in any zoning district that shares a common lake or stream front area or frontage may not permit lake or stream use or access to more than one single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 80 feet of lake or stream frontage in such common lake or stream front area, as measured along the normal high water make line of the lake or stream.
- C. Any multiple-unit residential development shall have not more than one dock for each 80 feet of lake or stream frontage, as measured along the normal high water mark of the lake or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.
- D. The above restrictions shall apply to all lots and parcels on or abutting any lake or stream in all zoning districts, regardless of whether access to the lake or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- E. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is authorized pursuant to a special use approval (and meets the requirements of the zoning district involved) or a planned unit development (PUD) approval.
- F. The lake access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
- G. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake or stream shall be used to permit access to the Lake or stream for more than one single family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use (and meets the requirements of the zoning district involved) or as a planned unit development (PUD).
- H. The minimum water frontage requirements of this section shall be doubled if the property involved is not served with public sewer or if more than 50 percent of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan law.
- I. If a property is located within a zoning district where the minimum lot width requirement is greater than 80 feet, the minimum water frontage requirements of subsections A, B, and C hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

SECTION 3.35 LOT WIDTH; FRONTAGE

- A. The minimum lot width required in each zoning district shall be maintained across the entire length/depth of the lot or parcel, except as provided in subsection B, below.
- B. All lots shall have frontage on a public street or on a lawful private road for a distance equal to or greater than the minimum lot width specified for the district in which the lot or parcel of land is located. Lots abutting a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than 33 feet of such frontage), provided, however, that a special land use is obtained pursuant to Article 13, and further provided that the lot width at the front setback line, (or the rear setback line in the case of waterfront lots) and beyond shall satisfy the minimum lot width requirement of the district in which the lot or parcel of land is located.
- C. For all lots or parcels abutting or having frontage on a lake or stream, each lot or parcel shall have frontage on the lake or stream, as measured at the normal high water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.
- D. For the purposes of this section, the measurement of lot width and frontage shall exclude all street or road rights-of-way or easements.
- E. Where property is located on opposite sides of a public road or public street right-of-way and is in common ownership, the property shall not be considered to be one lot or parcel but shall be deemed separate lots or parcels. Furthermore, the land on each side of the public road or street shall meet all applicable requirements specified by this Ordinance for an individual lot or lots.

SECTION 3.36 DIVISION OF PARCELS OR LOTS

No lot or parcel (platted or unplatted) shall be divided, altered, split, or subdivided unless said action meets this Ordinance and all other applicable Township ordinances.

SECTION 3.37 LOT WIDTH-TO-DEPTH RATIO

In all zoning districts, the depth of all lots created of record after the adoption of this Ordinance shall not exceed four (4) times the width of the lot. For purposes of this section, the measurement for lot width shall be taken along the frontage on the public street or other approved road. The measurement for depth, for purposes of this section, shall be taken from the street or road frontage to the point of the lot located farthest from the street or road frontage. The Planning Commission may permit, as a special land use, a lot with a depth greater than four times the width of the lot, as measured in the manner stated above, if the Planning Commission determines that the area in which the lot is located is not suitable for future development because of the presence of wetlands or severe topography or if such lot or parcel is located in a flood plain. In addition, as to lands in the AG, Agricultural District, the Planning Commission shall approve such a special land use only if it determines that the following conditions have been satisfied:

- A. The parcel is poorly suited for agricultural production due to existing soil conditions, slope, or the presence of natural vegetation, such as woodlots, brushland, and wetlands. The Planning Commission, in making its determination, may consider facts such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for

farming, including the presence of highly erodible land, as defined by the Conservation Service (or successor).

- B. There will be a minimal likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
- C. The permitting of the residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of Eureka Charter Township.

SECTION 3.38 LOT COVERAGE

Except as expressly permitted otherwise in this Zoning Ordinance, no more than 50 percent of the surface area of any lot or parcel in any zoning district shall be covered in total by buildings, structures, streets, or paved surface areas. Additionally, no more than 30 percent of any parcel or lot in any zoning district shall be covered by buildings.

SECTION 3.40 LAND DIVISIONS

- A. No lot, parcel of land, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other minimum requirements of the Eureka Charter Township Zoning Ordinance. All land divisions, lot splits, or property boundary reconfigurations of platted lots and unplatted parcels of land shall comply with all applicable requirements of the Zoning Ordinance and the Michigan Land Division Act.
- B. No land division, lot split, creation of an access easement, or reconfiguration or adjustment of property boundary lines shall occur unless and until a land division permit has been obtained from the Zoning Administrator or such other person as may be designated for such purpose by resolution of the Township Board. No permit for a land division shall be issued unless and until the Township determines that the land division, lot split, access easement, or boundary reconfiguration or adjustment, as well as the resulting lots, parcels of land, or access easements, fully complies with the requirements of the Zoning Ordinance and all other applicable Township ordinances. Fees for a land division permit shall be established from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor or engineer showing all resulting lots or parcels of land, easements (if any), and legal descriptions thereof. The Township may waive the requirement of a survey, for good cause shown by the applicant. No permit for division of a platted lot or lots, shall be issued unless and until such land division is approved by the Township Board. No platted lot shall be partitioned or divided into more than four parcels of land.

SECTION 3.41 CERTAIN LARGE SCALE RESIDENTIAL DEVELOPMENTS

Certain large scale residential developments (being those which include 11 or more lots, parcels or site condominium units in the AG Agricultural, RR Rural Residential SR Suburban Residential or UR Urban Residential Districts shall be developed, platted or divided only as planned unit developments (“PUD”). The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope and impact of such development, in accordance with the Township Master Plan and the

purposes of the Ordinance. The requirements of this section shall apply whether such development involves simple land divisions, platted subdivisions, site condominium units, or any other type of land division, conveyance or development resulting in a number of lots, parcels, site condominium units or other land divisions greater than ten (10).

SECTION 3.42 CHANNELS AND CANALS

No channel, canal or similar waterway or device shall be dug, constructed, dredged, enlarged or created out of or that connects to any lake in the Township. Nor shall the size or surface area of any lake be increased by digging, dredging or excavation upland from the ordinary high water mark of the lake; provided, however, that this section shall not apply to the following:

- A. Any lawful dredging occurring on existing lake bottomlands which are lakeward of the ordinary high water mark of the lake.
- B. Lawful dredging upland from the ordinary high water mark of a lake so as to create not more than two boat wells (i.e., a mooring area for boats) so long as the water surface area dredged, excavated or otherwise created does not exceed 25 feet in width along the lake frontage and 20 feet of depth from the ordinary high water mark of the lake.
- C. The lawful creation or enlargement of a pond which does not abut or connect into an existing lake.
- D. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such channel or canal is not enlarged or expanded.

SECTION 3.43 RAILINGS ON RETAINING WALLS AND SIMILAR ITEMS

If a retaining wall, earth buildup or other structure or condition is created within 30 feet of a residential dwelling and has on one or more sides a drop of more than 30 inches, the Zoning Administrator shall have the discretion to require installation and maintenance of a railing, fence or other restraint device to prevent children and others from falling, if the Zoning Administrator determines that such a restraint is reasonably necessary for safety. Any party aggrieved by such a determination by the Zoning Administrator may appeal that decision to the Zoning Board of Appeals pursuant to the time limits and procedures specified in Chapter 24 of this Ordinance.

SECTION 3.44 CERTAIN RETAINING WALLS AND EARTH BUILDUPS SHALL CONSTITUTE STRUCTURES

If the natural grade within 15 feet of a building (whether existing or under construction) is built up and is retained and is partially or wholly retained or kept in place by a retaining wall, retention wall, landscaping timbers, or similar items in order to allow access to a door, entry, or exit for the building, such buildup and retaining items shall be deemed a structure for purposes of setback requirements.

SECTION 3.45 LOTS PARTIALLY OUTSIDE TOWNSHIP BOUNDARIES

In cases where a lot lies partially outside of the Township's boundaries, if a proposed lot, building, structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this

Ordinance with respect to that part of the lot located within the Township, then the minimum provisions of this Ordinance shall be applied with respect to the lot, building, structure, or use as if the entire lot were located within the Township, provided, however, that the entire lot shall comply with the minimum area, width, and frontage requirements of this Ordinance, and provided further that if access to the lot is provided at a location outside the Township boundaries, then such access shall be subject to the approval of the Planning Commission prior to the issuance of a zoning permit or building permit by the Township. For purposes of this section, the Township boundaries shall not be deemed to be a lot line.

SECTION 3.46 PORTABLE STORAGE CONTAINERS (PSCs)

A temporary storage unit, known as a portable storage container (PSC), and sometimes called a portable on-demand storage unit, may be temporarily delivered, placed, used and removed in any zoning district, but only in compliance with the provisions of this section.

- A. A PSC is a box-like container typically delivered by truck to a location, to serve as a means of temporarily storing household or other personal goods and items. A PSC may be placed temporarily on a lot or parcel of land for the storage of household or other goods, items or objects that are proposed to be moved to another location or that are being stored temporarily during building remodeling or for other purposes requiring temporary storage of such items outside the dwelling or other building in which there were originally located.
- B. Except as stated in subsection C of this section, a PSC may remain on a property not longer than 30 consecutive days in any 12-month period commencing on the date when the PSC is first placed on the property; provided, however, that the person using the PSC may apply to the Zoning Administrator for approval of a PSC remaining on a property for a greater period of time and, if the person using the PSC demonstrates a sufficient need, the Zoning Administrator may approve the use of the PSC for a greater period of time, subject to such reasonable conditions as may be imposed by the Administrator.
- C. If a PSC is being used for storage of goods and objects during the remodeling or reconstruction of a building on the property, the PSC may remain on the property not longer than 90 days in any 12-month period, commencing on the date when the PSC is first placed on the property; provided, however, that the person using the PSC may apply to the Zoning Administrator for approval of a PSC remaining on a property for a greater period of time and, if the person using the PSC demonstrates a sufficient need, the Zoning Administrator may approve the use of the PSC for a greater period of time, subject to such reasonable conditions as may be imposed by the Administrator.
- D. No more than two PSCs may be placed on a lot or parcel at any one time, except that the zoning administrator may approve a greater number for a stated period of time, upon a showing of reasonable necessity therefor by the property owner.
- E. A PSC shall be placed no closer than ten feet from any public or private street right-of-way, nor closer than ten feet from any property line.
- F. Any signage or other writing or graphic material on a PSC shall be limited to the name, address and telephone number of the provider of the PSC. Such signage or other writing or graphic material shall

not include any advertising, logotype or slogan that refers or pertains to any service or product other than the PSC or the person or business entity that provided the PSC.

- G. A PSC shall not be used for the storage of any toxic or hazardous materials.
- H. A PSC used in an agricultural or residential district shall be used only for the storage of personal goods and property, but shall not be used for the storage of commercial goods, business inventory, or personal property not associated with the dwelling on the lot or parcel on which the PSC is placed.

SECTION 3.48 CERTAIN PROHIBITED LAND USES

SECTION 3.49 NO ZONING APPLICATIONS, APPROVALS 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 this 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 or 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 or 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 3.50 UNWHOLESOME SUBSTANCES

- A. No unwholesome substance, as hereinafter defined, shall be deposited, buried, stored, dumped or accumulated by any person in any body of water or on or under any land, private or public, in the Township, unless such place has been designated as a public dumping ground by the Township, or unless such substance is housed in a completely enclosed building and in a safe and sanitary manner. For purposes of this Section only, the term "unwholesome substance" shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, or any other material that constitutes a threat or menace to the health, safety or general welfare of the public. For the purposes of this Section only, the term "automobile body" shall be defined to mean any vehicle that (1) is unable to be driven upon a street under its own power and/or (2) that lacks all

of the necessary component parts to make it operable and serviceable as a vehicle. For purposes of this Section only, the term "trailer body" shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things that lacks all of the necessary component parts to make it operative and serviceable as a trailer to be pulled as such on a street. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers, or other soil conditioners as part of a farm operation.

- B. No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Mid Michigan District Health Department.
- C. No boxes, barrels, waste wood, scrap metal, automobile body, or other materials shall be accumulated by any person so as to provide insect, rat, or rodent harborage.

SECTION 3.51 GRADE LIMITS

Sand, dirt and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:

- A. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- B. Increase the height of a building or structure so as to unreasonably decrease the view on one or more adjoining properties of a lake, stream, or natural vista or create a situation that is incompatible with the surrounding uses. Any party aggrieved by the decision of the Zoning Administrator under this section may appeal that determination to the Zoning Board of Appeals within the time limits and procedures specified in this Ordinance.