



ARTICLE III GENERAL PROVISIONS

Sec. 3.01 Essential Public Services

The erection, construction, alteration or maintenance of Essential Public Services shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

Sec. 3.02 Main Building or Use

No more than one (1) main building or use may be located on a parcel, except for groups of related commercial buildings, multiple family dwellings, or manufactured homes contained within a single, integrated complex, sharing parking and access.

Sec. 3.03 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. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

Sec. 3.04 Required Access

No Land Use Permit shall be issued unless the property for which the permit is requested fronts upon a designated and approved public or private road right-of-way or easement, at least the length of the minimum lot width as required for zoning district in which the lot is located.

Sec. 3.05 Water and Sanitary Sewer Service

- A. No structure for human occupancy shall be erected, altered, moved, or used in whole or in part for dwelling, commercial, or recreation purposes unless provided with a safe, sanitary, and potable water supply, with a safe and effective means of collection, treatment, and disposal of human, domestic, and commercial waste. Such facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department and the County Health Department, the Subdivision Regulations, Building Code, and other applicable ordinances of Backus Township and Roscommon County.
- B. No outside toilets shall hereafter be erected except as may be temporarily needed during construction on the premises, approved by the County Health Department.



Sec. 3.06 Illegal Dwellings

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Township building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area living space for the district in which it is located.

Sec. 3.07 Regulations Applicable to Single-Family Dwellings Outside Manufactured Housing Communities

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

- A If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. 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 or appropriate inspection agency as meeting the standards referenced above, and found, upon 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. However, 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 such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum floor area living space, required yard and maximum building height requirements of the zoning district in which it is located.
- D 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.
- E 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 Manufactured Housing Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- F. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.



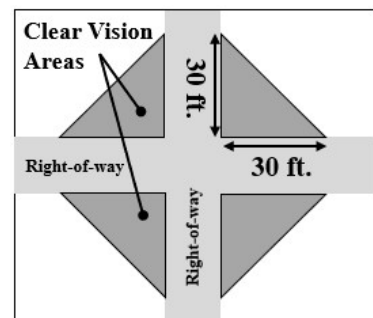
- G. The dwelling unit shall have a horizontal dimension across the front, side, and rear elevation of at least twenty-two (22) feet.
- H. Storage area shall be provided within the dwelling unit of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic, or attached garage.
- I. Permanently attached steps or porch areas at least three (3) 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.
- J. The pitch of the main roof of the dwelling unit shall not be less than three (3) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
- K. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.
- L. The dwelling shall not contain any additions of rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein
- M. No building which has been wholly or partially erected or assembled on any premises located within or outside the Township of Backus, shall be moved to or placed upon any other premises in the Township without full compliance with the provisions of this Ordinance in the same manner as a new building.

Sec. 3.08 General Lighting and Screening Requirements

All lighting upon any premises, regardless of the zoning district, shall be so arranged that such lighting does not produce any glare which is nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

Sec. 3.09 Clear Vision

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall prohibit the planting of shrubbery which will achieve a height at maturity of more than thirty (30) inches.



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



- C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes and resident identification signs no greater than two (2) square feet in area, shall be placed in any road right-of-way.

Sec. 3.10 State Licensed Residential Adult and Child Care Facilities

- A. State-licensed adult and child care facilities, as defined in Article 2, Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Type of facility (standards applicable to the use)	Zoning District			
	R-1	R-2, R-3, MHC	PPRF	Com/Ind
Adult foster care family home (6 or fewer adults) (a, b, c)	P	P	P	NA
Adult foster care small group home (12 or fewer adults) (a, b, c, f)	P	SLU	SLU	NA
Adult foster care large group home (13 to 20 adults) (a, b, c, f)	NA	NA	SLU	SLU
Congregate Facility (more than 20 adults) (a, b, c, f)	NA	NA	SLU	SLU
Foster family home (4 or fewer children 24 hours per day)	P	P	P	NA
Foster family group home (5 to 6 children 24 hours per day) (a, b, c)	P	SLU	P	NA
Family day care home (6 or fewer children less than 24 hrs. per day) (a, b, c, d, e, g)	P	SLU	NA	NA
Group day care home (7 to 12 children less than 24 hours per day) (a, b, c, d, e, f, g)	NA	NA	NA	SLU
Child care center or day care center (more than 6 children less than 24 hours per day) (a, b, c, d, e)	SLU as accessory	SLU as accessory	SLU as accessory	SLU
Child caring institution (a, b, c, d, e)	NA	NA	SLU	SLU

Legend:

P: Permitted use

SLU: May be allowed as a principal use or accessory use upon review and approval of a Special Land Use, in accordance with the general and specific standards for Special Land Uses.

SLU as accessory: May be allowed only as an accessory to an approved use, such as a church, school, office or other place of employment, upon review and approval of a Special Land Use.



NA: Not allowed in zoning district.

Footnotes:

- a. The use shall be registered with the Backus Township Clerk's Office and shall continually have on file with the Village/Township documentation of a valid license as required by the State.
 - b. Since the State law preempts in this area, the facility shall be brought into compliance with all State Building and Fire Codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be provided.
 - c. Off street parking shall be provided for the number of employees on site at any one time.
 - d. All required outdoor play areas shall be fenced with a four foot tall fence, provided that no fence shall be located in a front yard.
 - e. An on-site drive shall be provided for drop-offs\loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
 - f. The lot shall be at least 1,500 feet from another group day care home or similar facility. This may be reduced by the Zoning Board upon a finding by the Zoning Board that the proposed facility will not contribute to an excessive concentration of state licensed residential facilities. If the use is accessory to a principal use, this requirement does not apply.
 - g. The facility shall operate a maximum of sixteen (16) hours per day.
- B. A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (May 21, 2001), that has been operating under a valid state license and is registered with the Village no later than sixty (60) days following the effective date of this Ordinance (May 21, 2001), shall be considered an approved special land use, provided such use conforms with the conditions of this section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of Article 11 - Site Plan Review as applicable.

Sec. 3.11 Moratorium on the issuance of Permits, Licenses or Approvals for Wind Energy Systems:

Section 1: Definition. Wind Energy System. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system. Also refers to the term “wind turbine” or “wind generator”.

Section 2: Findings. In accordance with Acts 1945 P.A. 246 and 2006 P.A. 110, as amended, Backus Township has determined that:

- 1. When Backus Township adopted its Zoning Ordinance and its Code of Ordinances, the widespread establishment and use of Wind Energy Systems was not contemplated.



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2. Pursuant to Act 1945 P.A. 246, being MCL 41.181 *et seq.*, and the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, Backus Township has the authority to establish reasonable regulations to control the establishment and use of Wind Energy Systems in order to protect the public health, safety, and welfare, including persons and property.
3. The Township desires to consider the best way to implement appropriate and reasonable regulations applicable to the establishment and use of Wind Energy Systems in order to protect the public health, safety, and welfare of Backus Township residents.
4. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to Backus Township Zoning Ordinance.
5. A moratorium should be imposed upon the issuance of any and all permits, licenses and approvals for any property subject to or under the jurisdiction of the Backus Township zoning Ordinance for the establishment and use of Wind Energy Systems for six (6) months or until an amendment to the Backus Township Zoning Ordinance, whichever occurs first.

Section 3: Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits. Licenses or approvals for any property subject to or under the jurisdiction of the Backus Township Zoning Ordinance for the establishment or use of Wind Energy Systems, so long as this ordinance is in effect.

Section 4: Term of Ordinance. The moratorium imposed by this ordinance shall remain in effect for (1) six (6) months following the effective date of this ordinance or (2) until amendments to Backus Township's Zoning Ordinance become effective, whichever occurs first. Prior to the expiration of the six month moratorium, Backus Township may extend, by resolution, the moratorium for an additional six (6) months to allow sufficient time to complete amendments to the ordinances.

Section 5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7: Effective Date. This ordinance shall become effective immediately following publication.

Sec. 3.12 Landscaping. The following landscaping standards shall be applied only to non-residential projects, multiple family developments and manufactured housing developments, as stipulated in the subsections below.

- A. **Required Greenbelt along Street Frontage:** Within all manufactured housing developments, multiple family developments, commercial and industrial districts, a twenty (20) foot wide greenbelt shall be planted along each public street right-of-way including the equivalent of one (1) canopy tree for every forty (40) linear feet of frontage or fraction thereof. The Zoning Board may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees.
- B. **Required Buffer Areas:** A landscaped buffer strip shall be required of all non-residential property owners when adjacent to a residential district. Such buffer shall be a strip of at least ten (10) feet in width which is planted and maintained with one (1) evergreen tree and four (4) shrubs per each twenty (20) linear feet or fraction thereof along the property line.



- C. **Minimum Planting Sizes:** Required deciduous trees shall have at least a two (2) inch caliper measured six (6) inches from ground level at the time of planting and required evergreen trees shall be a minimum of five (5) feet in height at time of planting. All trees shall be properly maintained.
- D. **Remaining Greenbelt Areas/Landscape Maintenance:** All required plantings areas shall comply with the following requirements:
1. The remaining greenbelt areas shall include only living materials with the exception of permitted driveways, sidewalks, signs and utilities.
 2. The portion of the buffer strip not covered by trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance.
 3. Any dead plant material shall be replaced by the property owner, within four (4) months of written notice by the Zoning Administrator.
 4. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
 5. The buffer shall not in any way cause a vision hazard at a road intersection, or driveway.
- E. The Zoning Board, during site plan review, may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Zoning Board may also determine dimensional conditions unique to the parcel would prevent development of required landscaped areas. If such determination is made, the Zoning Board may waive, in whole, or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
1. existing natural vegetation;
 2. topography;
 3. existing wetland, floodplain and poor soil areas;
 4. existing and proposed building placement;
 5. building heights;
 6. adjacent land uses;
 7. distance between land uses;
 8. dimensional conditions unique to the parcel;
 9. traffic sight distance;
 10. traffic operational characteristics;
 11. visual, noise and air pollution levels;
 12. health, safety and welfare of the township.

Sec. 3.13 Accessory Buildings, Structures, and Uses

- A. Accessory Buildings - General
1. Where an accessory building is attached to a main building, it shall conform to all setback requirements of this Ordinance applicable to the main building.
 2. Accessory buildings shall not be located in any required front yard unless located on a riparian lot in which case an accessory structure may not be permitted in any front yard area.
 3. Accessory buildings shall be permitted on a parcel without a principal building provided it meet the following standards:



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- a. The structure shall not exceed nine hundred (900) square feet in area.
- b. The structure shall meet the setback requirements of the zone district in which it is located.
- c. The structure may not be used as a residence or sleeping quarters of any kind.

B. Accessory Uses - General

1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
2. An accessory use must be in the same zoning district as the main use on a lot.
3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.
4. Accessory uses shall not be permitted in any required yard. If located on a riparian lot, accessory uses are also restricted from the entire front yard area.

C. Accessory Uses - Home Occupations

1. Only members of the family residing in the principal dwelling shall be engaged in the conduct of any home occupation with the exception of one (1) full time employee or (2) part time employees.
2. There shall be no change in the outside appearance of the principal dwelling or any other visible evidence of the conduct of the home occupation except for one (1) sign not exceeding one (1) square foot in area. In the R-1 Rural Preservation District only, the sign area may be increased up to a maximum of four (4) square feet, and on properties fronting West Branch Road or F97 (Maple Valley Road) only, the sign may be increased up to a maximum of sixteen (16) square feet. Any exterior change to the dwelling shall require a site plan illustrating such change and approved by the Zoning Board.
3. The storage of vehicles and/or equipment and the operations of the home occupation may occur in an accessory building or structure provided it meets the standards set forth in Section 3.14.C below.
4. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district.
5. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, interference with radio or television reception or fluctuation in line voltage detectable off the premises greater than is associated by residential dwelling unit as determined by the Zoning Administrator.

D. **Residential Accessory Buildings and Structures.** Accessory buildings shall be permitted within all single family residential districts or with any residential use provided that the following restrictions are met. Accessory structures within licensed manufactured housing communities shall be regulated in accordance with the Manufactured Housing Commission Rules, as promulgated.

1. The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the chart below:



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Lot Size	Maximum Square Footage of All Accessory Structures
12,000 square feet or less	One-half (½) the gross ground floor area of the principal structure.
12,001 square feet through 2 acres	The gross ground floor area of the principal structure, or 900 square feet, whichever is greater.
2.01 acres through 5 acres	One and one-half (1 ½) times the gross ground floor area of the principal structure, or 1,200 square feet, whichever is greater.
5 acres or greater	No maximum square footage required

2. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
3. No detached accessory building shall be located closer than the required setbacks for the zoning district in which the property is located.
4. Refer to Table 4.1 Schedule of Regulations of Article 4 for height requirements.
5. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.
6. Private boat docks accessory to residential uses may be permitted under the provisions outlined in this subsection.
 - a. One (1) private boat dock per dwelling shall be permitted for each single family and two-family dwelling unit.
 - b. No more than one (1) boat slip per dwelling unit shall be permitted for multiple-family dwellings.
 - c. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot.

E. **Nonresidential District Accessory Buildings and Structures.** Accessory buildings shall be permitted within all nonresidential districts provided the following restrictions are met:

1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
2. Detached accessory buildings shall meet all setback requirements as for principal buildings, for the zone district in which they are located.
3. No detached accessory building shall be located nearer than ten (10) feet to any other building on the property.
4. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

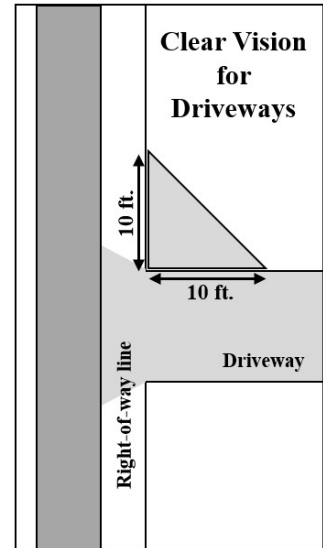
Sec. 3.14 Fences

- A. Installation of fences in all Zoning Districts require a Land Use Permit.
- B. Fences erected in any front yard in a residential district shall not exceed four (4) feet in height. Fences within any front yard shall be of a type which is not more than fifty (50) percent 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. Six (6) foot privacy fences, the height of which is measured from the surface of the ground, to the uppermost portion of the fence, and shall be setback at least three (3) feet from the side or rear property line.
- D. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless used in connection with a farm operation.
- E. Fences in nonresidential districts shall not exceed six (6) feet in height in any yard except as provided in 3.14.F, and shall not be more than fifty (50) percent solid in the front yard, unless otherwise provided in this Ordinance.
- F. Fences in nonresidential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than eight (8) feet from the surface of the ground. Fences may be permitted in the rear yard only.
- G. Fences shall not be erected within any public right-of-way in any district.
- H. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision area as outlined in Section 3.09, for corner lots. Further, clear vision shall be maintained at all driveways between the heights of three (3) feet and ten (10) feet above the ground surface, in a triangular area formed by the road right-of-way line, the outside edge of the driveway, and a line connecting them at points ten (10) feet from their intersection.
- I. Snow fences are considered temporary, and must be installed after November 1, and removed by the following May 1.
- J. Living fences, such as dense evergreen or other form of shrub, shall be at least forty-eight (48) inches from the inside of the lot line and comply with this ordinance.
- K. A Land Use Permit is required to install all fences including those for special uses. Special use fences include, but are not limited to pet enclosures and swimming pools.



Sec. 3.15 Temporary Dwellings, Structures, Tents or the use of a Recreational Vehicle or Camper

The temporary use of a dwelling, structure, tent, or recreational vehicle or camper shall be allowed only under the following conditions:

1. The temporary entities shall be allowed only in the R-1, R-2, R-3, PPRF zoning districts with a minimum parcel area of 5 acres.
2. The placement of the entities must follow the minimum R-1 district setbacks.
3. An approved acceptable means of waste disposal must be provided.
4. The property owner shall apply for a permit for the desired temporary use in accordance with the procedures and fees established from time to time by the Backus Township Board.
5. See Sec 17.07 **Temporary Uses, Buildings and Structures** for the use of temporary buildings



and structures incidental to construction work on a lot or parcel.

Sec. 3.16 Reserved for Future Use

Sec. 3.17 Reserved for Future Use

Sec. 3.18 Reserved for Future Use

Sec. 3.19 Garage Sales

Garage sales, yard sales, or any other offering of incidental and sundry items for sale shall be permitted on any one (1) piece of property only three (3) times during any one (1) year, and at no time shall such sale have a duration of more than three (3) days. A permit for such sale shall be obtained from the Township. One (1) sign advertising the sale may be permitted for the sale two (2) days before the sale. All signs must be removed immediately after the sale. Signs shall be on premises of the sale, however, one (1) sign may be permitted on a main highway for the side street sales.

Sec. 3.20 Flood Plain

The flood plain area of lakes, ponds, rivers, and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official U.S. or Michigan, public agency responsible for defining and determining flood plain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

Sec. 3.21 Keeping of Animals

- A. The keeping of dogs is permitted as an accessory use in any residential district as outlined below.
 - 1. Kennels may be permitted as indicated in Articles 5 through 10.
 - 2. Keeping of dogs for personal enjoyment without remuneration.
 - a. A maximum of three (3) dogs per household.
 - b. For non-commercial kennels to house working dogs, a minimum of one (1) acre for the first two (2) dogs, and an additional one (1) acre shall be required each dog after the first two (2). A maximum of five (5) dogs shall be permitted on any one (1) parcel.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, pigeons, and poultry is prohibited in the C, IND, R-3 and MHC districts. Keeping animals is permitted in all other districts with the following restrictions, with the exception of a bona fide farm in the R-1 zoning district:
 - 1. A minimum lot size of five (5) acres shall be required for the first animal unit and one (1) acre for each additional animal unit. One (1) animal unit shall include and be equal to the following:
 - a. Three (3) pigs;
 - b. Fifty (50) chickens; and
 - c. Seventy-five (75) rabbits.



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2. A minimum fenced area of five (5) acres shall be required for the first animal unit and one (1) acre of fenced area for each additional animal unit shall include and be equal to the following:
 - a. Two (2) horses, donkeys, mules, or dairy or beef cows; and
 - b. Twenty (20) sheep, lamb, or goats.
 3. An accessory building used to house, feed or shelter the animals shall not be nearer than one hundred (100) feet to any property line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
 4. Any grazing or exercise area shall not be nearer than one hundred (100) feet to any dwelling adjacent to the subject parcel.
- C. The keeping of wild or exotic animals, as defined below and more fully defined in Sec. 2.23, shall only be permitted on parcels of property which are in excess of 40 acres in size and which are zoned Commercial or R-1 Rural. Any structure housing wild or exotic animals shall be situated a minimum of 300 feet from the front, back and side property lines. The owner of the property and/or the organization or entity keeping wild or exotic animals must have all federal, state and county permits that regulate such activity. A non-profit facility for the temporary care and rehabilitation of injured or orphaned wildlife must also possess all federal, state and county permits that regulate such activity. The keeping of wild or exotic animals and rehabilitation of injured or orphaned wildlife shall only be permitted if such does not constitute a danger or nuisance to the owners of adjacent properties.
- A wild or exotic animal is any animal normally found in the wild irrespective of geographic origin, including any crossbreeds of these animals with domestic animals (50%wild/50% domestic), or any descendant of such crossbreeds which is 25% or more wild, and which because of its size or vicious propensity or other characteristic would constitute a danger to human life or domesticated animals. Wild or exotic animals shall include but are not limited to the following: All animals, snakes and spiders, whose bite or venom is poisonous or deadly to humans; Apes, Chimpanzees, gibbons, gorillas, orangutans and siamangs; Baboons; Bears; Cheetahs; Crocodilians and alligators; Constrictor snakes, or other poisonous reptiles; Coyotes; Elephants; Gamecocks and other fighting birds; Hyenas; Jaguars; Leopards; Lions; Lynxes; Ostriches; Pumas, also known as mountain lions, and panthers; Wolves and wolf hybrids; Raccoons; Skunks; and Tigers.
- D. The keeping of chickens is allowed in R-1, R-2, R-3, and PPRF districts with the following restrictions:
1. A maximum number of twelve (12) hens.
 2. No roosters allowed unless the conditions of Section 3.21.B are met.
 3. Proper shelter and enclosure must be provided. Chickens are not allowed to wander the yard without containment.
 4. A chicken coop is a structure and must be placed in accordance with Section 4, Schedule of Regulations.
 5. Chickens must not be allowed to become a nuisance.



Sec. 3.22 Condominiums and Site Condominium Development Standards

The intent of this section is to provide regulatory standards for condominiums and site condominiums pursuant to the authority conferred by Section 141, of the Condominium Act, Act 59 of 1978, as amended.

- A. **Submittal Requirements:** For all condominium projects within the Township, concurrently with notice required to be given to the Township pursuant to Section 71 of Michigan Public Act 59 of 1978, as amended (MCL 559.171), a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the Township Clerk the information required for site plan review as outlined in Article 11, a copy of the proposed master deed and bylaws and all information required by the Condominium Act.
- B. **Area, Height and Bulk Requirements:** The areas and setbacks required for condominium buildings shall be based on the density provisions contained in Table 4.1 Schedule of Regulations of this Ordinance.
- C. **Review and Approval:** All condominium plans shall be reviewed under the following procedure:

- 1. **Preliminary Review:** A full site plan, meeting the requirements of Article 11, Site Plan Review, shall be submitted for preliminary condominium site plan approval by the Township Board, based upon a recommendation from the Zoning Board. The Zoning Board shall review the site plan following the procedures of Article 11 and make a recommendation to the Township Board to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Zoning Board may table the request and direct the applicant to prepare additional information or revise the plan.

Upon a recommendation from the Zoning Board, the Township Board shall review the preliminary condominium site plan. The Township Board shall then approve, approve with conditions, or deny the request. The Township Board has the authority to table the request and direct the applicant to prepare additional information or revise the plan.

An application for final condominium site plan must be submitted within one (1) year after the date of preliminary condominium site plan approval by the Township Board, or such preliminary approval shall be deemed null and void. The proprietor may be granted one six (6) month extension with approval from the Township Board.

- 2. **Agency Reviews:** Upon receipt of preliminary site plan approval, the proprietor shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by local and state regulations.
- 3. **Final Review:** The following information shall be submitted for final condominium site plan approval by the Township Board. In some instances, as determined by the Township Board, a recommendation from the Zoning Board may be required prior to final review by the Township Board.
 - a. Full site plan meeting the requirements of Article 11. Within a phased project, the final site plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.



- b. Necessary county and state permits.
- c. Condominium master deed and bylaws.

D. **Requirements for Roads and Easements:** Condominium projects with private roads shall comply with all street requirements found in the Township regulations pertaining to private roads and driveways and shall include all necessary easements granted to the Township for constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including but not limited to conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and filling ditches and trenches necessary for the location of said structures.

E. **General Design Standards for Site Condominiums:** All site condominiums shall comply with the standards set forth in this section, in Article 11 Site Plan Review and the following general design standards:

1. Through lots (lots with frontage on two parallel streets) are prohibited, except in the case of a reverse frontage lot that abuts a major thoroughfare where access to such major thoroughfare is prohibited.
2. No more than fifty percent (50%) of the perimeter of a lot shall front along a public street right-of-way or private road access easement.
3. If the development extends into an adjacent community, boundaries for individual lots shall be within one community to the extent feasible. In no case shall a building envelope result in a situation where a home crosses a community or school district boundary.
4. The lot size, width, depth and shape in any lot proposed for residential uses shall be appropriate for the location and the type of development contemplated.
5. Corner lots shall be at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
6. Excessive lot depth in relation to width shall be avoided. No lot shall exceed a depth-to-width ratio of 4 to 1.
7. Lots which abut an active rail line shall have minimum depth of two hundred fifty (250) feet to provide a minimum seventy five (75) foot setback from the railroad right-of-way line.
8. Every lot shall front on, and have direct access to, a public street approved by the Roscommon County Road Commission or private road approved by the Township, with vehicular access only to a minor street. In addition, the driveways for all corner lots shall access the most interior, or less traveled, street within the site condominium development.
9. Side lot lines shall generally be at right angles or radial to the street centerlines. This requirement shall not apply where such lot lines would create irregularly shaped lots which would unreasonably limit construction, or where adjustments to the standard lot configuration would protect regulated wetlands or preserve other natural features, such as



topography. Dogleg side lot lines shall be avoided.

10. Residential lots abutting major thoroughfares shall be arranged so that the driveways shall access the interior road network
11. Lots shall have a front-to-front relationship across all streets where possible.
12. When a site condominium development borders a major thoroughfare, an easement for construction of a twenty (20) foot wide landscape greenbelt shall be provided along the right-of-way, in addition to the required yard setback, measured from the interior setback line. This buffer zone shall comply with the requirements of Sec. 3.12.A
13. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, vistas, wildlife habitats, and similar irreplaceable assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.
14. Any areas of land within the proposed site condominium development which lie either wholly or in part within the flood plain of a river, stream, creek or lake, or any other areas which are subject to flooding or inundation by storm water shall require specific compliance with the Subdivision Act and its review by the Water Resources Commission of the MDEQ. The zoning administrator will give particular attention to projected flood plain when considering the adequacy of land for building sites.

Sec. 3.23 Nonconforming Lots of Record, Uses, and Buildings and Structures

A. Intent

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Section to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Nonconforming lots, uses, and buildings and structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Section that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

B. Nonconforming Lots of Record

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of



record may be used for any use permitted by right in the zoning district in which the lot is located, subject to approval of water supply, and sanitary sewer or septic system by the County Health Department, or other proper agency having jurisdiction. Further, the yard requirements shall be met for the zoning district in which the lot is located.

2. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C. Nonconforming Uses of Land

The lawful use of any land not involving a building or structure, existing and lawful on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform with the provisions of this Ordinance or amendments, subject to the following provisions:

1. Nonconforming uses shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. No part of any nonconforming use shall be moved unless such movement eliminates the non-conformity.
3. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
 - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Zoning Board of Appeals:
 - a. The proposed nonconforming use shall be as compatible, or more compatible with the surrounding neighborhood than the previous use.
 - b. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building area than the previous use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.



D. Nonconforming Uses of Buildings and Structures

The lawful use of any structure existing and lawful on the effective date of this Ordinance or amendment thereto, may be continued, even though such use does not conform with the provisions of this Ordinance or amendment thereto, subject to the provisions of this section:

1. **Expansions:** Any nonconforming use may be expanded or extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of this Ordinance or amendment thereto, but no such use shall be expanded or extended to occupy any land outside such building.
2. **Structural Expansion:** No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, unless approved by the ZBA under Article 17.
3. **Restoration of Damage:** If a structure which conforms with the provisions of this Ordinance, but which is occupied by a nonconforming use, is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds one half (1/2) the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, excluding the value of land, for purposes of taxation, such structure may be reconstructed or restored only if its use conforms with the provisions of this Ordinance.
4. **Repairs to Nonconforming Use:** On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or replacements, provided that the structure is not enlarged, extended, moved or structurally altered.
5. **Safety Repairs:** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
6. **Prohibition on Reestablishment if Replaced by Conforming Use:** If a nonconforming use of any structure is terminated and replaced by a permitted use, such nonconforming use shall not be later re-established.
7. **Discontinuance or Termination of Nonconforming Use of Structure:** When a nonconforming use of a structure or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.



8. **Mobile Home:** Where nonconforming use status applies to a mobile home, trailer coach or manufactured housing unit presently located outside a licensed mobile home park, nonconforming use status shall be eliminated if the mobile home, trailer coach or manufactured housing unit is moved to a district where it is permitted.

E. Nonconforming Buildings and Structures

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by not more than one half ($\frac{1}{2}$) the distance required by this Ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
 - b. Should a nonconforming building or structure be destroyed to an extent of more than fifty (50) percent of its replacement value, exclusive of the foundation, it shall be reconstructed only within its existing footprint, unless it is designed and rebuilt to become more conforming with the provisions of this Ordinance.
2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

F. The Township may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.

G. Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the Zoning Administrator.

Sec. 3.24 Soil Removal, Filling and Grading

A. **Applicability:** No person shall do any grading, stripping, excavating or filling, or undertaken any earth change, unless a valid grading permit has been issued by the Zoning Administrator with the exception of the circumstances described below. Even though no permits are required for these instances, those operations and construction which are exempted from obtaining permits must still



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be in compliance with the rules and regulations concerning grading and erosion specified in this ordinance.

1. The activity is associated with an approved site plan, subdivision plat, site condominium plan or private road approval are not associated with site plan, subdivision plat, private road approval.
2. Plowing and tilling of land for purposes of crop production or harvesting.
3. The activity is associated with a residential use and involves a volume of soil less than 100 cubic yards.
4. The activity is associated with a non-residential use and involves a volume of soil less than 50 cubic yards.
5. The activity is associated with grading or excavating for a building or structure that was authorized by another valid permit such as a basement, driveway or sidewalk.
6. If the Zoning Administrator certifies in writing that the planned work and the final structure or topographical changes will not result in or contribute to soil erosion or sedimentation of the water of the state; will not interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way, will not create any hazard to any persons or property; and will have no detrimental influence upon the public welfare or upon the total development of the watershed.

B. Grading Permit Review and Approval Procedures: A separate application shall be required for each grading permit. In order to obtain a grading permit as required by Section 3.24 (A) above, the following procedure shall apply:

1. Submission of a completed application as required in Section 3.24 (C) below and the required fee to the Zoning Administrator.
2. The Zoning Administrator shall review the application for conformance with Section 3.24 (C) and Section 3.24(D). A re-submittal or additional information may be required by the Zoning Administrator. If the Zoning Administrator determines the application complies with the ordinance, the permit shall be issued.
3. The Zoning Administrator shall inspect the work upon completion to confirm compliance with the approved plan.

C. Information Requirements: The plans shall be prepared or approved by a person who is trained and experienced in soil erosion and sedimentation control methods and techniques. The plans and specifications accompanying the grading permit application and required fee shall be submitted to the Zoning Administrator and contain the required data listed below.

1. A vicinity sketch indicating the site location as well as the adjacent properties within 500 feet of the site boundaries.
2. Scale and north arrow for the plan.
3. Name, address and telephone number of the landowner, developer and petitioner.
4. The location of existing and proposed utility structures, ditches, culverts.
5. The location and distance of drainage structure to which the site will drain.
6. The location of existing and proposed buildings and structures.
7. A description and details of soil erosion control methods.
8. Existing spot elevations for the site and existing topographic contours at 2-foot intervals.
9. Proposed topographical contours at 2-foot intervals.
10. A timing schedule indicating the anticipated starting time and completion dates for the project.



D. **Review Standards:** All applications shall comply with the following standards:

1. New grades shall provide a sloping grade away from buildings and structures, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course.
2. New grades shall not be established that would permit an increase in the run-off of surface water onto adjacent properties and public roadways except through established drainage courses.
3. New grades shall not result in the creation of standing water; the erosion or filling of a roadside ditch and shall not result in the blockage of public water courses.
4. Any land development, dredging, filling or other activity requiring a permit pursuant to the Inland Lakes and Streams Act of 1972 PA 346 shall be required to obtain said permit prior to the issuance of a grading permit. The Zoning Administrator may require the applicant to submit a letter from the MDNR to confirm non-jurisdiction.
5. Any land development which disturbs the existing grade or more than one (1) acres of land or lies within five hundred (500) feet of a river, stream lake or open drain, shall require a Soil Erosion and Sedimentation Control permit pursuant to Public Act 347 of 1972, as amended, prior to issuance of a grading permit.

E. **Bond, Cash Deposit or Instrument of Credit:** A grading permit shall not be issued unless the permittee shall first post with the Zoning Administrator a bond executed by the landowner. The bond shall be in a form approved by the Township Board, payable to the Township and in the amount stipulated below. The bond shall include penalty provisions for failure to complete the work on schedule as specific on the grading permit.

1. Residential: For activities associated with residential uses a bond of \$250.00 is required.
2. Non-residential: For activities associated with non-residential uses a bond of \$1000.00 is required.

F. **Extension of Time:** If the permittee is unable to complete work within the specified time, he may, at least ten days prior to the expiration of the permit, present in writing to the Zoning Administrator a request or extension of time setting forth the reasons for the requested extension. If such an extension is warranted, the Zoning Administrator may grant additional time for the completion of the work, but no such extension shall release the owner from the obligation of the required bond set forth in Section 3.24(E) above.