



ARTICLE II DEFINITIONS

Sec. 2.01 Construction of Language

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The word “occupied” includes arranged, designed, built, altered, converted to, rented, and leased.
- H. The words “zone” and “district” are the same, meaning a Zoning District as herein defined.
- I. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.

Sec. 2.02 Definitions - A

ACCESSORY BUILDING (ACCESSORY STRUCTURE) - A building or a portion of a building subordinate to, and on the same premises as a main building and occupied by or devoted exclusively to an accessory use, including but not limited to a private garage. (When attached to a main building, the ACCESSORY BUILDING shall be considered part of the main building, for determining setbacks only.)

ACCESSORY USE, OR ACCESSORY - A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building on the lot.



BACKUS TOWNSHIP ZONING ORDINANCE

ADULT FOSTER CARE FACILITY, STATE LICENSED - A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

- A. **ADULT FOSTER CARE FAMILY HOME:** A residence for six (6) or fewer adults. Licensee must live in the home; and local zoning approval is not required prior to issuance of a license.
- B. **ADULT FOSTER CARE SMALL GROUP HOME:** A residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the house.
- C. **ADULT FOSTER CARE LARGE GROUP HOME:** A residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- D. **CONGREGATE FACILITY:** A residence for more than twenty (20) adults.

AGRICULTURE - Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

ANIMAL SHELTER - A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

AUTOMOBILE SERVICE STATIONS AND MAINTENANCE ESTABLISHMENT (MINOR) - Building and premises which supplies and dispenses at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories, and includes facilities for “minor repairs” such as, but not limited to, commodity installation, tire and brake servicing and oil changes.

AUTOMOBILE SERVICE STATIONS AND MAINTENANCE ESTABLISHMENT (MAJOR) - Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning. These establishments may also provide services described above as “minor” in addition to the services described herein.

AUTOMOBILE SALES, NEW AND USED - An area used for the display, sale or rental, of new or used automobiles in operable condition.

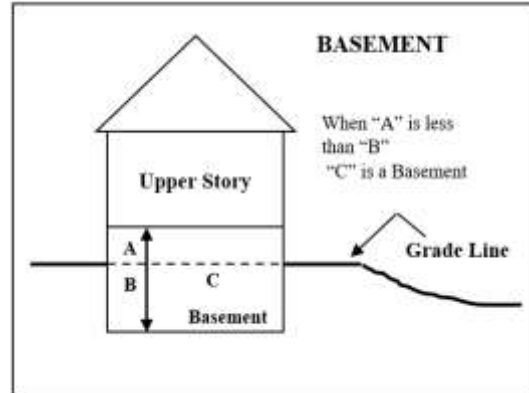
AUTOMOBILE WASH - A building or portion thereof, the primary purpose of which is that of washing motor vehicles. Such establishments may be classified as **AUTOMATIC** which involves a drive-through type facility with equipment and staff that washes the car for the customer or **SELF-SERVE** which requires individual service bays with the appropriate equipment for the customer to wash the vehicle themselves.



Sec. 2.03 Definitions - B

BASEMENT - A portion of a building partly below the average grade, that portion being more than one-half ($\frac{1}{2}$) of its height below the average grade. A basement shall not be counted as a story.

BED AND BREAKFAST ESTABLISHMENT - A single family residential structure which is occupied by the owner(s), and has one (1) or more of the sleeping rooms available for rent by transient people, and in which the owner(s) serves the breakfast to the transient people at no extra cost.



BERM - A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BOARD OF APPEALS, OR ZONING BOARD OF APPEALS - The Zoning Board of Appeals of Backus Township.

BOAT HOUSE - A structure located on or near any body of water, used to store boats or other like equipment. Such structure shall not be used for guest or sleeping quarters, saunas, or dwelling purposes.

BREEZEWAY - A covered structure significantly connecting an accessory building with the principal building making the two (2) structures, one (1).

BUFFER STRIP - A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING - An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

BUILDING, PRINCIPAL - See **PRINCIPAL BUILDING**.

BUILDING HEIGHT - See "HEIGHT OF BUILDING"

BUILDING LINE - A line parallel to the street line formed by the face of the building or touching that part of a building closest to the road. For the purposes of this Ordinance, a minimum building line is the same as the front setback.

BUILDING OFFICIAL, OR BUILDING INSPECTOR - The persons designated by the Township Board to administer the provisions of the adopted Building Codes for Backus Township.

BUILDING SITE - This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or



- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

Sec. 2.04 Definitions - C

CAMPGROUND - A publicly or privately owned establishment intended, or used for the purpose of supplying a location for temporary or recreational overnight camping.

CELLULAR COMMUNICATION TOWER - See Section 2.23 WIRELESS COMMUNICATION TOWER, COMMERCIAL.

CHILD CARE ORGANIZATION, STATE LICENSED:

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Definitions for various care organizations are listed below:

- A. **CHILD CARE CENTER OR DAY CARE CENTER:** A facility other than a private residence, receiving more than six (6) children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- B. **CHILD CARING INSTITUTION:** A child care facility which is organized for the purpose of receiving children for care, maintenance, and supervision, usually on a 24-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- C. **FOSTER FAMILY HOME:** A private home in which at least one (1) but not more than four (4) children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. **FOSTER FAMILY GROUP HOME:** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- E. **FAMILY DAY CARE HOME:** A private home in which at least one (1) but less than seven (7) children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.



F. **GROUP DAY CARE HOME:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

CHURCH - A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

CLUB - An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL - Any use connected with, or work intended for financial gain.

COMMUNITY CENTER - A building either owned and maintained publically, or in cooperation under an owners association or manufactured home park owner, that is generally open to the public or members to rent or as a safe haven in case of a natural or other disaster.

Sec. 2.05 Definitions - D

DAY CARE CENTER - See "CHILD CARE CENTER."

DRIVE-THROUGH FACILITY - A business so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in their motor vehicle, either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out. Drive-through facilities serve businesses such as, but no limited to, restaurants, banks and financial institutions, personal service establishments like dry-cleaning pick-up and pharmacies.

DWELLING UNIT - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other rooms or DWELLING UNITS which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the DWELLING UNIT and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY - A building containing three (3) or more individual dwelling units.

DWELLING, SINGLE FAMILY DETACHED - A building containing only one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building on a single lot containing two (2) attached dwelling units.

Sec. 2.06 Definitions - E

EAVES - The lower border of the roof that overhangs the wall.

ENFORCEMENT OFFICER - The person appointed by the Township Board to issue Municipal Civil Infraction citation for Ordinance violations.



BACKUS TOWNSHIP ZONING ORDINANCE

ERECTED - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term “ESSENTIAL PUBLIC SERVICES” shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

EXCAVATION - Any breaking of ground, except common household gardening and ground care.

EXOTIC ANIMAL - See “WILD OR EXOTIC ANIMAL”

Sec. 2.07 Definitions - F

FAMILY - A person living alone in a single dwelling unit, or two (2) or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. “FAMILY” does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

FAMILY DAY CARE HOME - See “CHILD CARE CENTER”

FARM - Any parcel or the contiguous neighboring or associated parcels operated as a single unit which is used for raising agricultural products, livestock, poultry, or dairy products as a source of income for the owner-operator, manager, or tenant farmer, carried on by his own labor or with the assistance of members of his household or hired employees. FARMS may include a single family dwelling, and may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, stock yards, or sand and gravel pits shall not be considered farms.

FENCE - A barrier intended to mark a boundary, enclose animals or property, or a decorative device or planting. Generally made of wood, metal, wire, masonry, or vegetation.

FESTIVAL - A periodic seasonal programs of cultural or sporting events or other entertainment.

FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters
- B. The unusual and rapid accumulation or runoff of surface waters from any source

FLOOD PLAIN - All areas adjoining a lake, stream, river, creek, or a channel which are subject to inundation at a high flood water level as determined by an engineer or agency designated by the Township Board, or by the Michigan Department of Environmental Quality where it has jurisdiction.

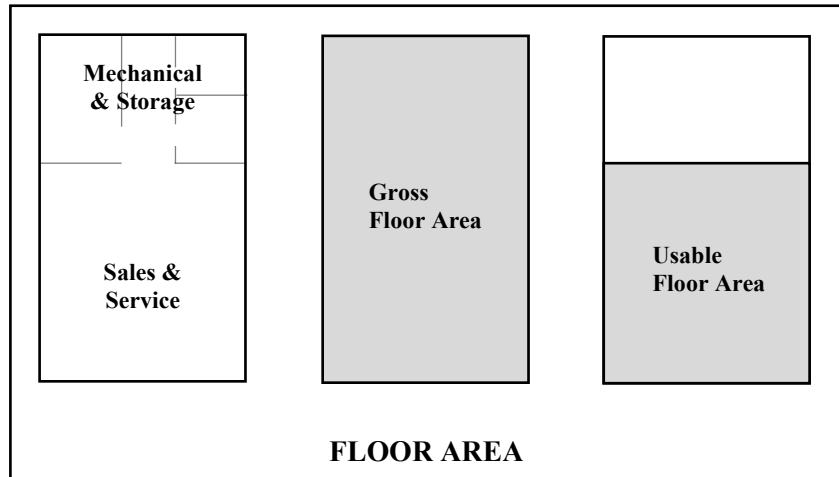
FLOOR AREA, GROSS - The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.



BACKUS TOWNSHIP ZONING ORDINANCE

FLOOR AREA, LIVING SPACE - The area in a dwelling unit computed by measuring the horizontal dimensions of the ground floor of the dwelling from the outside walls, excluding any room or space not having a clear height of seven (7) feet six (6) inches, the basement, unenclosed porches and patios, terraces, breezeways, carports, verandas, and attached accessory buildings.

FLOOR AREA, USABLE (For the purposes of computing parking) - That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of USABLE FLOOR AREA.



Measurement of USABLE FLOOR AREA shall be the sum of the horizontal areas of all floors of the building measured from the interior faces of the exterior walls.

FOREST CONNECTED INDUSTRIES - Industrial operations that involve processes which utilize trees including but not limited to sawmills, lumber and planing mills, debarking operations, and chipping facilities.

FRONTAGE - The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

Sec. 2.08 Definitions - G

GARAGE SALE - A temporary event where household goods are sold by the occupants and owners of a property, or by their relatives.

GENERAL OUTDOOR RECREATION AND ENTERTAINMENT FACILITIES - A facility that is either public, private, for-profit or non-profit that provides recreation and entertainment outdoors. These facilities include all other outdoor activities not already specified in this ordinance.

GENERAL INDOOR RECREATION AND ENTERTAINMENT FACILITIES - A facility that is either public, private, for-profit or non-profit that provides recreation and entertainment indoors. These facilities include all other indoor activities not already specified in this ordinance.

GRADE - The gradient, the rate of incline or decline expressed as a percent. (A rise of twenty (20) feet in a horizontal distance of eighty (80) feet would be expressed as a grade of twenty-five (25) percent.)

GRADE, AVERAGE - The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.



GRANDFATHERING - See "NON-CONFORMING"

GROUP DAY CARE HOME - See "CHILD CARE CENTER"

Sec. 2.09 Definitions - H

HEIGHT OF BUILDING - The vertical distance measured from the average grade to the highest point of a structure.

HOME OCCUPATION - An occupation or profession carried on within a portion of a dwelling unit, or accessory building, that is clearly a customary, incidental, and secondary use of the residence, and which does not negatively impact the residential character of the neighborhood in which the HOME OCCUPATION is located. Examples of HOME OCCUPATION include, but are not limited to, typing service, answering service, proof reading, or a real estate agent's home office.

HOSPITAL - An institution providing health, services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL/MOTEL - A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities. (See also MOTEL/RESORT)

Sec. 2.10 Definitions - I

INDUSTRY - A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

INTENSIVE LIVESTOCK OPERATIONS - An operation where live animals or poultry are concentrated or restricted, to an area more limited than to natural feeding habitats and containing one or both of either 'A' or 'B', below:

- A. A total of four hundred (400) mature dairy cattle (all classes); five hundred (500) slaughter or feeder cattle; one thousand two hundred fifty (1,250) swine (each weighing 55 pounds or more); three hundred (300) horses; five thousand (5,000) sheep or lambs; twenty seven thousand five hundred (27,500) turkeys; fifty thousand (50,000) laying hens or broilers (with continuous overflow watering); fifteen thousand (15,000) laying hens or broilers (with a liquid manure system); twenty five hundred (2,500) ducks, or a combination of the above equal to or exceeding five hundred (500) animal units.
OR
- B. A population per acre of at least four (4) mature dairy cattle (all classes); five (5) slaughter or feeder cattle; twelve (12) swine (55 pounds or more); three (3) horses; fifty (50) sheep or lambs; two hundred fifty (250) turkeys; five hundred (500) laying hens or broilers; twenty-five (25) ducks; or a combination of the above equal to or exceeding five (5) animal units per acre.
- C. For the regulations applicable to INTENSIVE LIVESTOCK OPERATIONS, the term "per acre" shall mean the total contiguous acreage under the control of the applicant.



- D. For the purpose of this Ordinance, one (1) animal unit shall be equivalent to one thousand (1,000) pounds of live body weight.

Sec. 2.11 Definitions - J

JUNK - Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances.

JUNK YARD - An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Sec. 2.12 Definitions - K

KENNEL - Any lot or premise on which three (3) or more dogs, cats, or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred, sold, or treated for commercial purposes.

Sec. 2.13 Definitions - L

LAND USE PERMIT/ZONING PERMIT - A permit for commencing construction, or a land use, issued by the in accordance with a plan for construction or use that complies with all the provisions of this Zoning Ordinance.

LOADING SPACE - An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

LOT - A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principle and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A LOT may or may not be specifically designated as such on public records. A LOT may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual LOT which does not meet the requirements of this ordinance:

- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A “Building Site” as defined in this Ordinance in connection with a site condominium project.

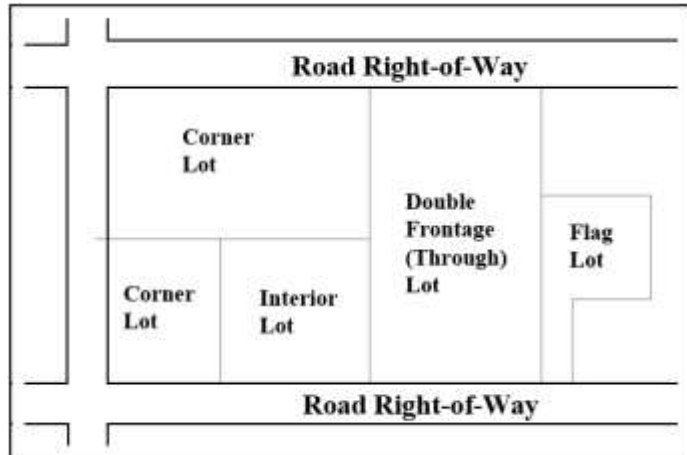
LOT, CORNER - Any lot having at least two (2) contiguous sides abutting upon a road, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.



LOT, FLAG - A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

LOT, INTERIOR - A lot other than a corner lot, flag lot, or through lot.

LOT, THROUGH - Any interior lot having frontage on two (2) parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.



LOT, WATERFRONT - A lot having a property line abutting a shoreline, including lots abutting canals.

LOT AREA - The total horizontal area within the lot lines. For the purposes of this Ordinance, where the front or side lot line is the centerline of the right-of-way or private easement, or a portion of the lot lies in part of the right-of-way or easement, that portion of the lot shall not be considered when calculating the required LOT AREA.

LOT COVERAGE - The part of the lot occupied by any building, including accessory buildings.

LOT DEPTH - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES - The lines bounding a lot as defined herein:

- A. **FRONT LOT LINE** - In the case of a Flag Lot, Through Lot and Interior Lot, it is the line separating the lot from the street. In the case of a corner lot, it is the line separating the lot from the street in which the home faces, or as designated by the Zoning Administrator. In the case of a Waterfront Lot, it is the line separating the lot from the water.
- B. **SECONDARY FRONT LOT LINE** - In the case of corner lots located in single family residential districts, it is the line separating the lot from the street that is not designated as the front.
- C. **REAR LOT LINE** - The lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- D. **SIDE LOT LINE** - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot is an INTERIOR SIDE LOT LINE.

LOT OF RECORD - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.



LOT WIDTH - The horizontal straight line distance between the side lot lines, measured between the two (2) points where the required front setback line intersects the side lot lines.

Sec. 2.14 Definitions - M

MANUFACTURED HOME - A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling unit with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditions, and electrical systems contained in the structure.

MANUFACTURED HOUSING COMMUNITY - A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MARINA - An establishment for the parking, storage, repair, and sale of boats and other water craft, but generally include restaurants, boat and water craft supply shops, and similar uses.

MINI/SELF STORAGE FACILITY - A building or buildings used primarily as a commercial business for the storage of personal goods and materials of individuals or households, but not limited to these groups.

MOTEL/RESORT - Groups or furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as MOTELS, RESORTS, motor courts, or cabin courts

Sec. 2.15 Definitions - N

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the Zoning District in which it is located.

NONCONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the Zoning District in which it is located.

NONCONFORMING USE - A use or activity of property that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the Zoning District in which it is located.

NONRESIDENTIAL DISTRICT - This term shall include the Commercial and Industrial Zoning Districts.

NUISANCE – A nuisance is an action or inaction that unpleasantly interferes with property rights including loud noises, health hazards, or obstructions.

NURSING HOME - A nursing care facility licensed as a “NURSING HOME” by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15(20101) et seq.), as amended. A “NURSING HOME” as



defined by this section shall include extended care facility and convalescent home.

Sec. 2.16 Definitions - O

OFF-STREET PARKING LOT - A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OFFICE - A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, accounting, filing, recording, communication or stenographic equipment for current use in the office business, including personnel engaged in executive, administrative, professional, political, informative, research or clerical duties, and other similar related or incidental furniture equipment or personnel connected or concerned with the performance of a service.

OPEN AIR BUSINESS - Retail sales establishments operated substantially in the open air, including:

- A. Utility truck or trailer, motor vehicle, boats, recreational vehicles, or home service equipment sales or rental.
- B. Outdoor display area for sale or rent of recreation vehicles, manufactured homes, swimming pools, farm implements, commercial construction equipment, and similar goods.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment, but not including lumberyards.

OPEN SPACE - Any space suitable for growing vegetation, recreation, or gardens, but not occupied by buildings or structures.

ORDINARY HIGH WATER MARK - The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ORDINARY HIGH WATER MARK shall be the higher of the levels generally present.

Sec. 2.17 Definitions - P

PARKING SPACE - An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT - A commercial business conducting services that are performed primarily on the premises, such as but not limited to a barber shop, beauty salon and tailor.

PLACE OF ASSEMBLY - Establishment which may or may not be open to the public that is utilized to host various events and activities and may or may not require an entrance fee. These gathering places include but are not limited to pavilions, outdoor stages, concert halls and auditoriums.

PLANNED DEVELOPMENT (PD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION - See ZONING BOARD.

PREMISES - A lot, including the land, main building, and any accessory buildings.



PRINCIPAL BUILDING - A building in which the main use of the premises is conducted on which the building is situated. (Also know as MAIN BUILDING)

PRINCIPAL USE - The main, primary, or predominate use of the premises. (Also known as MAIN USE)

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

PUBLIC WATER - The supply of potable water from a municipal department, board, or commission authorized to furnish such, or a private firm or corporation permitted to provide such service via a community system. All public water systems shall meet the minimum standards of the local, State, and Federal agencies regulating drinking water.

Sec. 2.18 Definitions - R

RECREATIONAL VEHICLE OR EQUIPMENT - Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, RECREATIONAL VEHICLE shall also mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and personal watercraft, and trailers designed to transport boats and personal watercraft;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles; and
- E. Pop-up tent and camper trailers.
- F. Any type or size of tent.

RECYCLING CENTER - An area where used, or discarded materials are brought, then disassembled or separated, then stored, baled, packed, or handled for sale or exchange to be re-processed into another useful product. These materials include, but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass, and plastic.

RESIDENTIAL DISTRICT - This term shall include the R-1, R-2, R-3, MHC and PPRF Districts, and any residential uses within an approved Planned Development District.

ROAD, PRIVATE - An undedicated, privately controlled and maintained easement designed and maintained in compliance with the provisions of this Ordinance which provides access to abutting property.

ROAD, PUBLIC - A public dedicated right-of-way controlled and maintained by the Roscommon County Road Commission, Michigan Department of Transportation, or the U.S. Department of Transportation, which affords the principal means of access to abutting property.

ROAD, SECONDARY - On a corner lot, it is the road adjacent to the street side yard.



ROADSIDE STAND - A temporary building or structure operated for the purpose of selling farm produce, Christmas trees, and other seasonal items.

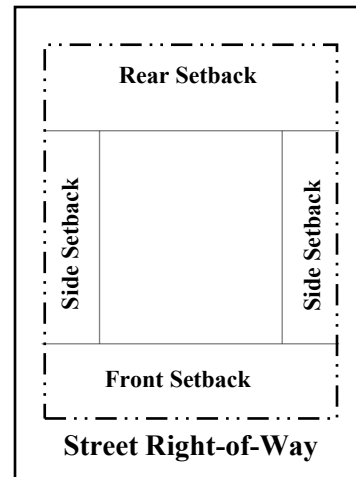
Sec. 2.19 Definitions - S

SALVAGE YARD - An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA - An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SETBACK - The distance required to obtain minimum front, side or rear yard requirements of this Ordinance.

SEXUALLY ORIENTED BUSINESSES - The term shall include adult book stores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:



A. **ADULT BOOKSTORE** - A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.

B. **ADULT LIVE ENTERTAINMENT THEATER** - A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”

C. **ADULT MOTION PICTURE THEATER** - A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.

D. **MASSAGE PARLOR** - Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:

1. Proof of graduation from a school of massage licensed by the State of Michigan;



BACKUS TOWNSHIP ZONING ORDINANCE

2. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; in addition three (3) references from massage therapists who are professional members of a massage association referred to in this section;
3. A certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
4. A current occupational license from another state.

E. SPECIFIED ANATOMICAL AREAS - Are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

F. SPECIFIED SEXUAL ACTIVITIES - Are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SHORELINE - See “ORDINARY HIGH WATER MARK”

SHORT TERM RENTAL – A property rented for short periods of time for more than 14 collective days in a calendar year, but not on a common annual property lease.

SIGN - A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

SIGNIFICANT NATURAL FEATURE - A natural area as designated by the Zoning Board, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SPECIAL LAND USE - A use which by its nature requires additional review, as opposed to a “Permitted Use” or a use permitted by right. A “SPECIAL LAND USE” is subject to approval by the Zoning Board, as specified by this Ordinance. A permitted SPECIAL LAND USE is not a nonconforming use.

STABLE, RIDING - Shall mean either:

- A. Private STABLE - A building where horses are kept for the personal enjoyment of the property owner without remuneration.
- B. Public STABLE - A building where horses for hire, sale, or boarding are kept, for remuneration.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS) - A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as



BACKUS TOWNSHIP ZONING ORDINANCE

amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “STATE LICENSED RESIDENTIAL FACILITY (SIX OR LESS PERSONS)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORY - That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF - An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches.

STRUCTURE - Anything constructed or erected including decks, steps, balconies, overhangs, and awnings, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Ordinance, “SUBSTANTIAL IMPROVEMENT” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SWIMMING POOL - Any structure located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A “SWIMMING POOL” shall be considered an accessory structure for purposes of computing lot coverage.

Sec. 2.20 Definitions - T

TAVERN - Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises.

TEMPORARY USE, BUILDING OR STRUCTURE - A use or building permitted to exist during period of construction of the main building or use, or for special events.

TEMPORARY DWELLING - See TEMPORARY USE.

TOWNSHIP BOARD - The Backus Township Board of Trustees

Sec. 2.21 Definitions - U

USE - The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

USE, PRINCIPAL - See PRINCIPAL USE.



USE, TEMPORARY - See TEMPORARY USE

Sec. 2.22 Definitions - V

VEHICLE - A device for carrying or conveying persons or objects on wheels, runners, treads, skids, or combination thereof.

Sec. 2.23 Definitions - W

WILD OR EXOTIC ANIMALS - 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 include but are not limited to the following:

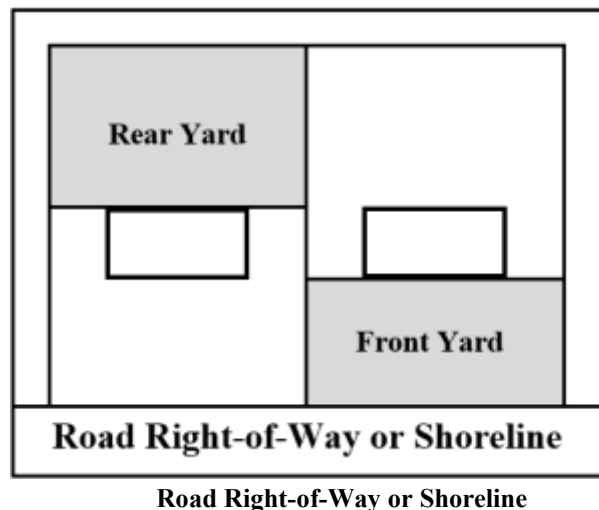
- A. venomous snake, python, or constrictor snakes which because of size pose a potential danger to human life.
- B. monkey;
- C. raccoon;
- D. skunk;
- E. leopard, lion, tiger, lynx, bobcat, or other large carnivorous feline;
- F. badger;
- G. fox, coyote, wolf, or other similar canine;
- H. llamas;
- I. camels;
- J. ostriches and emus;
- K. potbelly pigs;
- L. Any canine with a genetic make-up of 25% or higher wolf, coyote, or fox; and
- M. A hybrid of any of the above animals shall be considered a wild animal.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Sec. 2.24 Definitions - Y

YARDS - The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise permitted in this Ordinance, and as defined herein.

- A. **FRONT YARD** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, or secondary front lot line, and the building line of the main building. In the case of a lot fronting on a river or lake, the front yard shall face the water.

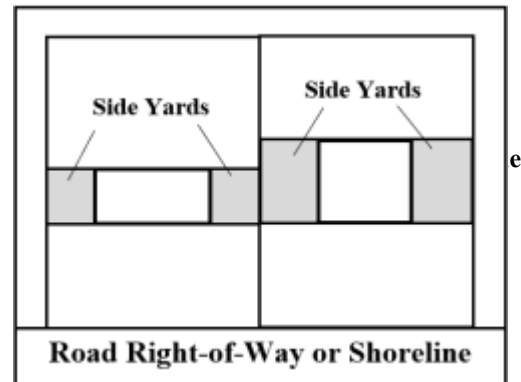




B. REAR YARD - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard shall be opposite the street frontage of the principal street.

C. SIDE YARD - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

YARD, REQUIRED - The required yard shall be that set forth as the minimum yard setback requirements for each district.



Sec. 2.25 Definitions - Z

ZONING ADMINISTRATOR - The administration officer appointed by the Township Board to carry out the provisions of this Ordinance.

ZONING DISTRICT - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.