

ARTICLE II DEFINITIONS

Section 2.1 PURPOSE & INTERPRETATION

- A. It is the purpose of this article to establish the definitions of the words, terms and phrases that comprise the text used in this Ordinance. Many of these words, terms and phrases have a meaning that is different than their use in everyday conversation. Illustrations of many definitions are offered to enhance understanding of the meaning of the word, term or phrase.
- B. Where a question arises as to the interpretation of the text of a definition relative to an accompanying illustration, that meaning which appears to not conflict from a careful analysis of both the text and the illustration in context with the various uses of the word, term or phrase in this Ordinance, shall be the meaning ascribed to the word, term or phrase, until or unless the Zoning Board of Appeals reaches a different conclusion, or the governing body amends this ordinance.
- C. See also the provisions of Section 1.7 and the formal interpretation procedure of the Zoning Board of Appeals in Section 29.7 concerning interpretations of the text of this Ordinance.
- D. Some words, terms and phrases are only used in special sections of this Ordinance and so are defined there for the convenience of the reader.

Section 2.2 DEFINITIONS

For the purpose of this Ordinance, certain words, terms or phrases used herein shall be interpreted or defined as follows:

Accessory Building or Structure: A subordinate building or structure on the same lot with a principal or main building, but detached from it. When appropriate, an accessory building may only be built with or after the construction of the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building. In some cases, as with certain home occupations, it may be a part of the main or principal building devoted exclusively to an accessory use.

Access Easement: A vehicular access or right-of-way to an abutting lot or lots or parcel(s) of land constructed and maintained to a standard which will provide access for safety services operating within the Townships. For purposes of this Ordinance, an access easement to a single lot shall be a minimum of twenty (20) feet in width, and, for two (2) to four (4) lots, a minimum of thirty-three (33) feet in width, and for five or more lots a minimum of sixty-six (66) feet in width.

Access Lot: See Lot, Access.

Actual Construction: The commencement of new construction and the purchase of building materials of a substantial character toward erecting the subject project. The making of preparatory plans, landscaping, removal of an existing structure, vegetation or soils, or approvals of a site plan or a building permit is not actual construction.

Act of God or Natural Disaster: Severe destruction caused by the violence of nature, as in a flood, tornado, earthquake, windstorm, ice storm, lightning strike or fire.

Affordable Housing: A sales price or rent within the means of a low- or moderate-income household and calculated as follows:

1. For moderate-income households: eighty (80) percent of the median family income for households in the area as established by the U.S. Department of Housing and Urban Development, and as adjusted for household size, and with not more than thirty (30) percent of the family income used for rent (including utilities) or twenty-eight (28) percent for purchase (including principal and interest, condo fees, and insurance) (see www.huduser.org/datasets/il.html select current year "Income Limits", State of Michigan, Benzie County).
2. For low-income households: fifty (50) percent of median family income.
3. Affordable housing may be market housing or subsidized housing that meets the above affordability criteria.

Agriculture or Agricultural Use: Means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot. [AS DEFINED IN PA 116 OF 1974]

Agriculture, Animals (Large): Members of the animal kingdom other than human beings and small animals raised on a farm including livestock such as cattle, sheep, new world camelids, goats, bison, captive cervidae, swine, and equine.

Agriculture, Animals (Small): Members of the animal kingdom other than human beings and large animals raised on a farm including poultry, rabbits, bees and apiary, mink, and aquaculture.

Agriculture, Crops: A harvestable product, planted, grown and cultivated in the soil.

Agriculture Service Establishments: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another in accordance with all approved field changes.

Anemometer Tower: A freestanding tower containing instrumentation designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid or multi-tower community WECS.

As-Built Plans: Revised plans which are based on actual measurements of a completed building or development, including the exact building footprints, elevations, driveways, parking areas, landscaping, utilities, sidewalks, bikepaths and trails.

Bed and Breakfast Establishment: A single family, owner occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the single-family dwelling. A continental or American breakfast, lunch and/or dinner may be served to overnight guests only. A bed and breakfast operation has four (4) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

Basement: That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 2-1). A cellar is a basement. See also definition of "story".

Benefit, Recognizable and Substantial: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

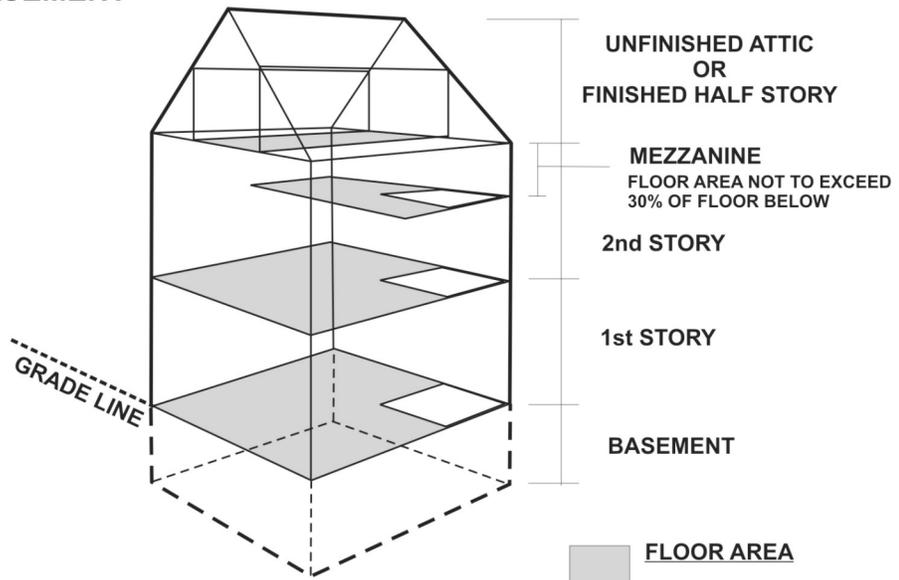
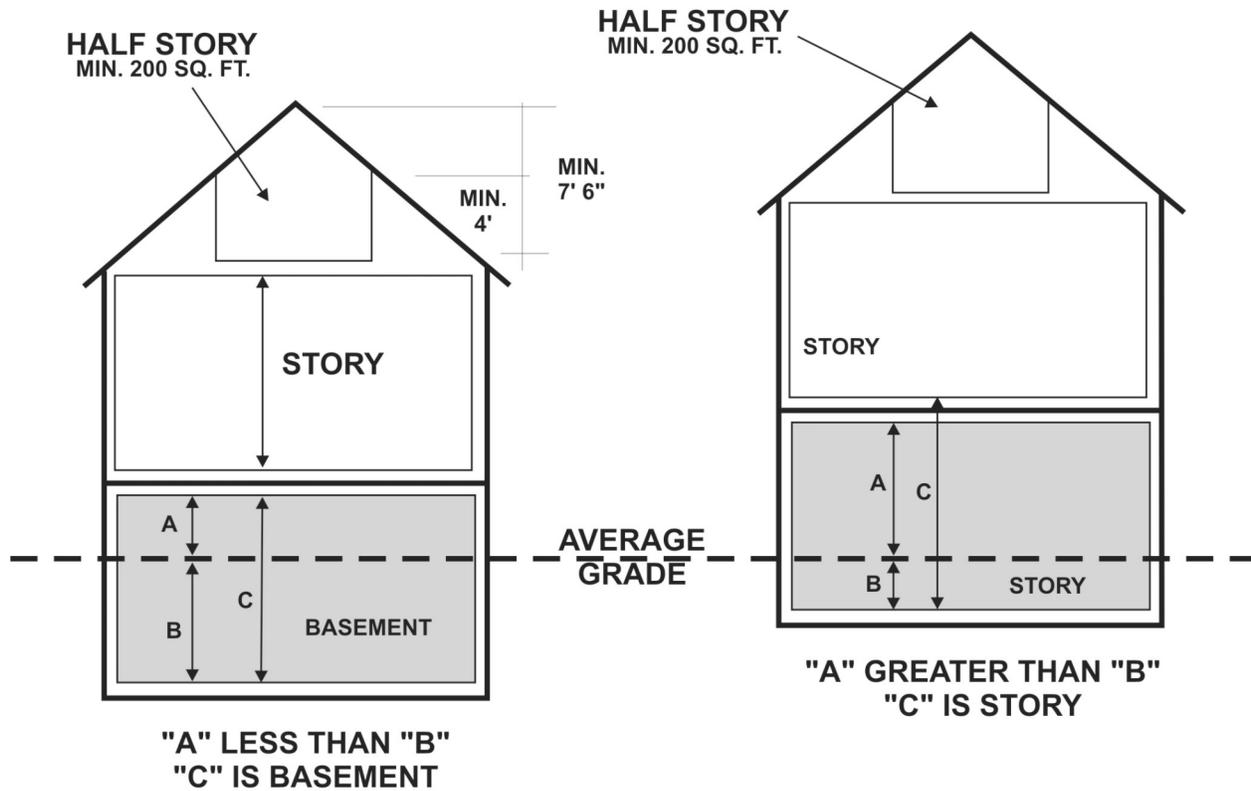
Blade Clearance: Minimum distance between the lowest point of the blade or air foils and the ground.

Board of Appeals: Benzonia or Platte Townships Zoning Boards of Appeals (ZBA).

Boat: See Watercraft.

Figure 2-1

BASEMENT AND STORY



BASIC STRUCTURAL TERMS

Boat Dock: A platform or walkway, either permanent or temporary, extending outward from shore, used as a means to access boat dockages.

Boat Dockage: Any means to secure a watercraft in or above the water, whether it be a dock, mooring, shore station, slip, hoist, tether, or any other means, regardless of the distance from the water's edge.

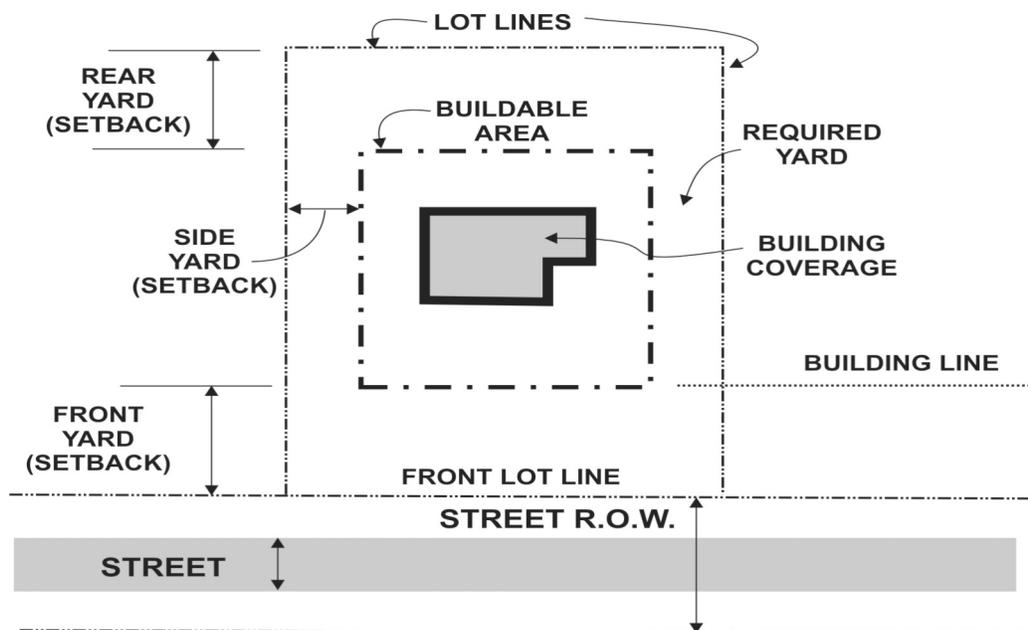
Bottom-land: The land area of an inland lake or stream which lies below the ordinary high water mark and which may or may not be covered by water at a particular time.

Buffer strip: Natural, landscaped and open space areas or any combination thereof used to filter, impede or control storm water runoff or physically separate or screen one use or land feature from another in order to visually shield or reduce noise, artificial lighting, or other nuisances.

Buffer Strip or Greenbelt: Open spaces, landscaped areas, walls, berms, or any combination thereof that meets the terms of this Ordinance to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other potential nuisances. See requirements in Article XXI.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met. See Figure 2-2.

Figure 2-2



Building: Any structure, either temporary or permanent, having a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind or for the conduct of business. This shall include but is not limited to tents, awnings, mobile homes, inflatable structures, sheds, garages, greenhouses and other principal and accessory buildings. It shall also include tents, trucks, vans, recreational vehicles or other vehicles or parts of vehicles

situated on private property for more than thirty (30) days, and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of area taken on a horizontal plane at the average grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, patios and steps.

Building, Height Of: In the case of a principal building, the vertical distance measured from the average grade in the yard with the greatest building height to the highest point of the roof surface for flat roofs and A-frames, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs (see Figure 2-3). A cupola, widows watch or tower that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. The measurement of the height of an accessory building or structure shall be determined as the greatest vertical distance from the average grade of any side to the highest point of the roof surface.

Building Line or Setback Line: A line parallel to a street right-of-way line, shore of a lake, or stream bank, side or rear lot line established for the purpose of prohibiting the erection of a structure between such line and road right-of-way, side or rear lot line.

Business Center: A building or group of buildings on one or more parcels of land constructed as an integral land use for commercial, institutional and similar occupancy.

Business Service Establishments: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis as well as finance, insurance and real estate services.

Campground: Means any part or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units, and as otherwise defined within Michigan Public Act 368 of 1978 as amended.

Commercial Agriculture or Horticulture: The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as defined in the Michigan Right to Farm Act, Public Act 93 of 1981; except that the raising of livestock and other animals in animal confined feedlot operations is not included in this definition. See definition of confined feedlot.

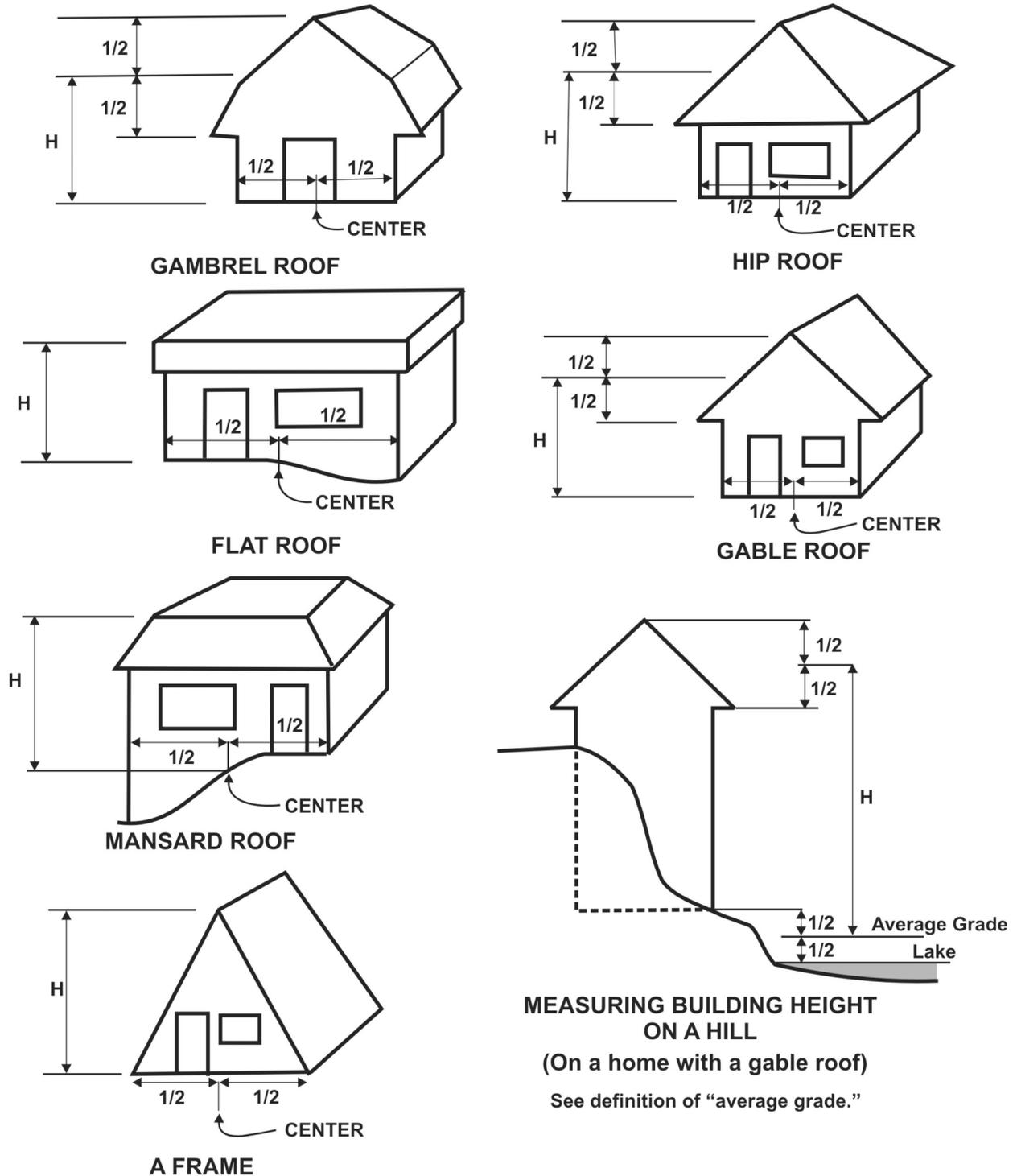
Commercial Development: A facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

Common Land: A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners

and occupants of the individual building units in a planned unit development or condominium project.

Figure 2-3

BUILDING HEIGHTS



Common Open Space - Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.

Community Residential Care Facilities: Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings for six or less persons or in larger facilities when more persons are assisted. These are all state-regulated facilities.

Community Wind is a WECS that is owned by more than one entity, by a co-operative organization or by a public entity. Community wind will be locally-owned and managed. Community wind can include the following:

- Single tower WECS designed to supply some or all of its owners but not to supply energy to the power grid.
- Single tower WECS designed primarily to supply energy to the power grid.
- Multiple, interconnected towers designed to either supply energy to the owners, to the larger community, or the power grid.
- Community wind may also include a DISTRIBUTED WECS, where multiple towers are owned on a community basis as described above but are located on non-contiguous sites.

Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of Community WECS.

Comprehensive Development Plan (or Master Plan): A plan adopted by the Benzie County Planning Commission pursuant to the County Planning Act, Public Act 282 of 1945, for the physical development of the Townships, showing the general location of major streets, parks, schools, public building sites, land use and other similar information. The plan may consist of maps, data and other descriptive matter. By resolution adopted by the West Benzie Joint Planning Commission, said plan is that plan on which this Zoning Ordinance is based for purposes of MCL 125.3203.

Condominium Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision, the condominium subdivision plan and the road maintenance agreement for any private roads in the condominium project.

Condominium Project: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act, Public Act 59 of 1978.

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions

of the Land Division Act, Public Act 288 of 1967, as amended. Also known as a site condominium or site condo. As used in reference to a "Condominium Subdivision" in this ordinance, the terms below are defined as follows:

- A. **Condominium Unit:** That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" or "building site", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.
- B. **General Common Area:** That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the Master Deed.
- C. **Limited Common Area:** That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.
- D. **Building Envelope:** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the Master Deed.
- E. **Building Site:** That portion of a condominium project that shall include the condominium unit and that may also include limited common elements as described in the Master Deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, "building site" shall be considered to be the equivalent of a "lot."
- F. **Limited Common Element:** That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the condominium unit.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Confined Feedlot: The place of confined keeping of livestock or other animals in yards, lots, pens, building, or other areas not normally used for pasture or crops, and in

which abnormal amounts of manure or other related animal wastes may originate by reason of keeping such animals.

Convenience Retail Establishments: A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.

County Board: The Benzie County Board of Commissioners.

County Drain Commissioner: An elected official of Benzie County.

County Health Department: The District Health Department serving the County of Benzie.

County Plat Board: The Benzie County Plat Board.

County Road Commission: The Benzie County Road Commission.

County Zoning Act: Any reference in this ordinance to the County Zoning Act shall mean the Michigan Zoning Enabling Act, 2006 PA 110, as amended [MCL 125.3101 et seq] (MZEA).

Crosswalkway (Pedestrian Walkway): Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Dangerous Chemicals, Manufacturing, Storage and/or Distribution: Manufacturing establishments which produce flammable, explosive or corrosive substances subject to state or federal regulation.

Decibels: A decibel is a unit of measurement of the intensity of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and protrudes twelve (12) or more inches above finished grade.

Dedication: The intentional appropriation of land by the owner to public use.

Density: The number of dwellings or dwelling units per net acre of land. Density is established by the minimum lot size standards in each district as listed in Article V. A minimum lot size of one acre equals a density of one dwelling unit per acre. A minimum lot size of 10 acres equals a density of one dwelling unit per 10 acres. A minimum lot size of 12,000 square feet equals a density of one dwelling unit per 0.275 acres or 3.63 dwellings per acre. The number of dwelling units situated on or to be developed on a

net acre (or smaller unit) of land, shall be calculated by taking the total gross acreage of the parcel and subtracting the area in rights-of-way for streets and roads and any other area excluded from consideration by a particular Ordinance requirement. (See Figure 2-7 and definitions of Lot Area, Gross and Lot Area, Net). If a parcel description includes no area in a right-of-way, or access easement, or none will be included on a lot proposed for creation, or there is no other excepted area, then a net acre equals a gross acre.

Development Rights: The right to develop land by a land owner who maintains fee-simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing zoning. For example, one development right may equal one unit of housing or may equal a specific number of square feet of gross floor area in one or more specified zone districts.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height limitations.

Dockage: See “boat dockage”.

Drive-Through Establishments: An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided (as in a drive-in theater).

Dwelling, Dwelling Unit: Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more persons either permanently or transiently regardless of whether cooking facilities exist. The number of persons occupying such units shall not exceed that for which the septic system is sized, or in the case of “holding tanks”, two (2) persons per actual bedroom. See Figure 2-4.

Dwelling, Multiple or Multiple family: A building, other than a single or a two (2) family dwelling, including apartment houses, co-operatives and condominiums, used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage. See Figure 2-4.

Dwelling, Rental Cottage: A detached building designed for and occupied by one (1) family, but in no event occupied by a group or a family of unrelated individuals, of no more than two (2) people per bedroom as authorized by the Benzie-Leelanau District Health Department and/or Benzie County Building Department or no more than a maximum of ten (10) individuals who occupy the building for a set duration of no less than one week.

Dwelling, Single Family: A detached building designed for or occupied exclusively as the home, residence or sleeping place of one (1) family. See Figure 2-4.

Dwelling, Temporary: A dwelling unit, recreational vehicle or other approved structure used during on a temporary basis per the requirements of Section 3.14(a). See also definition of ‘temporary housing’.

Dwelling, Two Family: A building containing not more than two dwelling units, each designed and used exclusively as the home, residence or sleeping place of one-family. An ECHO unit approved pursuant to the provisions of this Ordinance does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance. See definition of ECHO housing and Figure 2-4.

Easement to water: The interest in or the ownership or use of property having water frontage on a water resource by the occupants of one or more easement grantee lots.

ECHO Housing or ECHO Unit: A small dwelling unit added as accessory to a principal dwelling usually to provide a residence for an elderly relative, caregiver, maid’s quarters or similar purpose.

Educational and Social Institutions: An educational institution is any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

A social institution is any building or part thereof which is designed, constructed, or used to provide a service of a public, nonprofit or charitable nature to the people of the community on an ongoing basis (not just special events).

Educational and social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.

Effective Date of this Ordinance: Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to also include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a non-conforming situation.

Emergency Vehicle Set-up Area: An unobstructed reasonably level area or improved surface area at least twenty (20) feet wide, forty (40) feet long and clear to a height of fifteen (15) feet above the ground. This area is for use by fire trucks, ambulances and other police or rescue vehicles as a set-up or operations area in an emergency.

Erected: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premise or lot.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communication, television, telephone transmission or distribution system including poles, wires, steam, fuel or water distribution or transmission systems, collection, supply or disposal systems including main drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare but not including towers or office buildings, substations, or structures for service equipment, or maintenance depots buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments, or commissions.

Figure 2-4

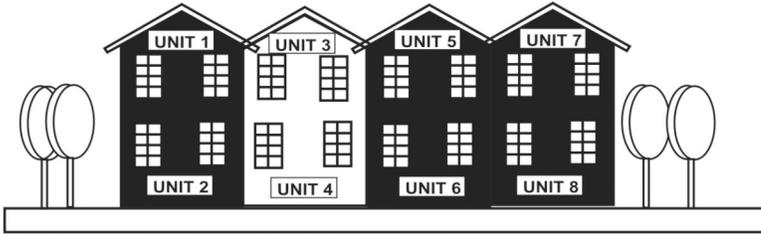
DWELLING, ROW HOUSE OR TOWN HOUSE



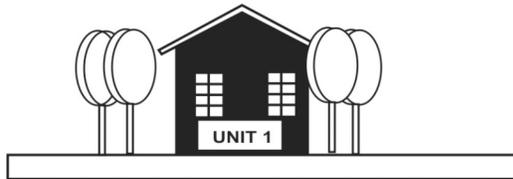
DWELLING -- ATTACHED



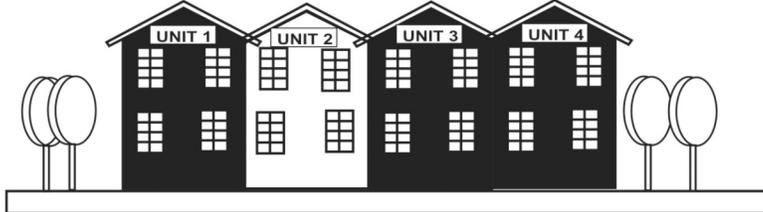
DWELLING -- DETACHED



DWELLING -- MULTI-FAMILY



DWELLING -- SINGLE FAMILY



DWELLING -- TOWNHOUSE



DWELLING -- TWO FAMILY

Existing Building: A building existing or for which the foundation is in place prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A use of premises or structure actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

Fall Zone: The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. The fall zone radius will be assumed to be equal to the tower height. This distance may be reduced if the applicant provides a registered engineer's certification that the WECS is designed to collapse, fall, curl, or bend within a distance shorter than the tower height, or such certification is provided by the tower manufacturer.

Family:

A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing domestic character and who are cooking and living as a single unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coteries, organization, or group whose domestic relationship is of a transitory or seasonal nature.

Flood Plain: The area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region to occur at a frequency of once each one-hundred years.

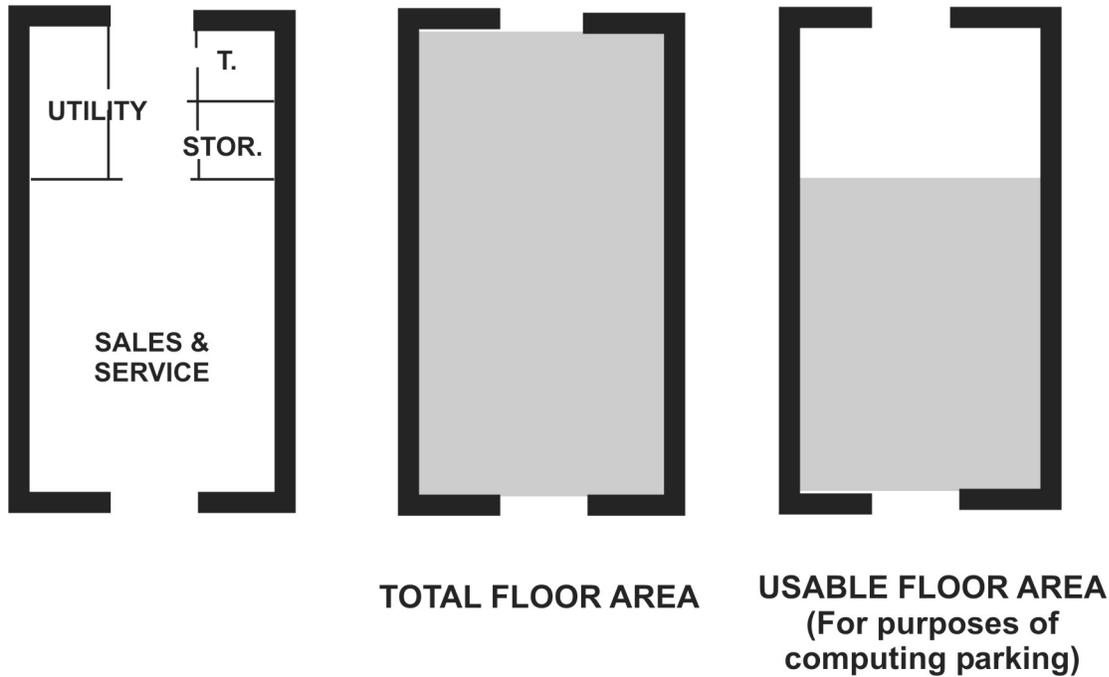
Floor Area, Usable (for the purposes of computing parking): The term "usable floor area" as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing or mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. "Floor area" shall be measured from the interior faces of exterior walls. See Figure 2-5.

Food Service Establishment: An establishment where food and drink are prepared, served and consumed primarily on the premises.

Footprint or Building Footprint: The ground area a structure covers.

Figure 2-5

FLOOR AREA



Forest: A tract of land that is at least ten (10) percent stocked by trees of any size, whether of commercial or noncommercial species, or formerly having tree cover and not currently developed for nonforest use including woodlands, woodlots, windbreaks, and shelter belts. [SEE PA 676 OF 2002, RIGHT TO FOREST ACT.]

Forestry Use or Forestry Operations: Activities related to the harvesting, reforestation, and other management activities, including but not limited to thinning, pest control, fertilization, and wildlife management, that are consistent with principles of sustainable forestry. [SEE PA 676 OF 2002, RIGHT TO FOREST ACT.]

Forest Management: Activities conducted on or directly pertaining to forest land relating to the growing, managing, harvesting, and interim storage of merchantable timber for commercial value.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for non-commercial storage.

Gasoline Service Station: Any area of land, including any structures thereon, used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

General Retail Establishments: The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.

Governing Bodies: The Benzonia or Platte Township Boards of Trustees.

Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (see Figure 2-6).

Gross Decommissioning Costs: The cost of removal of all towers and turbines, removal of all related infrastructure, removal of all accessory building and access road, and restoration and revegetation of lands changed as a result of WECS construction and operation. These costs will exclude any salvage or re-use revenues associated with the decommissioning process.

Group Housing: Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It is a form of transient lodging. There is usually a common eating area for residents.

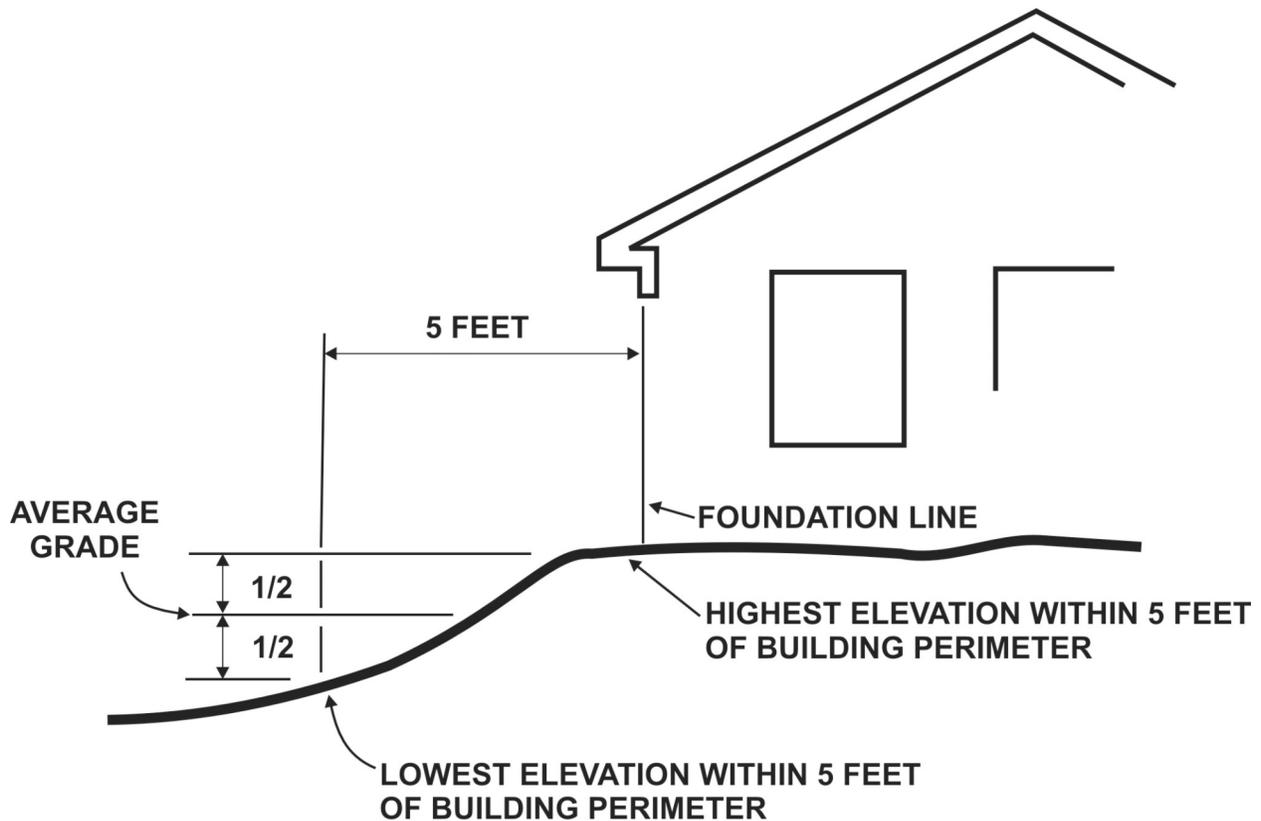
Health Department: See County Health Department.

High Water Mark: See Water Mark, High.

Highway: Any public thoroughfare in Benzonia or Platte Townships including Federal, State, and County highways. (See Road)

Home Occupation: An accessory use of professional, service, or business character conducted within a residential area by the family residents thereof, which is clearly secondary and incidental to the use of the structure for living purposes and does not change the character thereof.

Figure 2-6
AVERAGE GRADE



Housing, Temporary: A dwelling unit, recreational vehicle or other approved structure, which is permitted on-site only during the actual construction of a principal residence. See Section 3.14.B. See also definition of “temporary dwelling”.

Hunting Cabin: Seasonal building or structure with a fixed roof used incidental to hunting; are exempt from minimum floor area, but use is limited to sixty (60) days in any calendar year and fifteen (15) days in succession, unless built to comply with all Building Code and zoning requirements applicable to a single family dwelling. A tent or recreational vehicle is not a hunting cabin. See also regulations for temporary dwellings in Section 3.14.A.

Impervious Surface: Any surface, including streets, roads, driveways, parking lots, sidewalks, patios and rooftops, which prevents storm water from percolating into the ground.

IEC: The International Electrotechnical Commission (IEC) refers to the organization that prepares and publishes international standards for all electrical, electronic and related technologies. These standards serve as a basis for national standardization and as references when drafting national and international tenders and contracts.

Improvements: Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, roadways, lighting, screening, drainage and other appropriate ties, with appurtenant construction.

Indoor Entertainment Establishments: Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments.

Industrial Service Establishments: Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Institutions for Human Care and Habitation: Institutions for human care include a broad spectrum of public and private facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.

Junk Yard: Any land or building where waste, used, recycled or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled; including, but 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 fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of five (5) or more household pets over the age of six (6) months.

Land Use Permit: A Zoning Permit required for any change in use of land or structure in accordance with the provisions of this Ordinance.

Lease Unit Boundary: A boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways. In cases where a lease unit is present, the lease unit boundary will be considered the property line in determining WECS setbacks.

Line, Street: The dividing line between a street right-of-way and property line of a lot.

Local Ownership: At least one of the owners of a WECS has permanent residence in Benzie County or one of the surrounding counties. A WECS capitalized by non-local ownership is considered local if there is an explicit plan to transfer majority ownership to residents of Benzonia or Platte Townships or one of the surrounding townships over a period of 10 years. If during the tenth year, the period needed to complete this transfer needs to be extended, the owners may apply to the Zoning Administrator or West Benzie Joint Planning Commission for an extension.

Lodging Accommodations: A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.

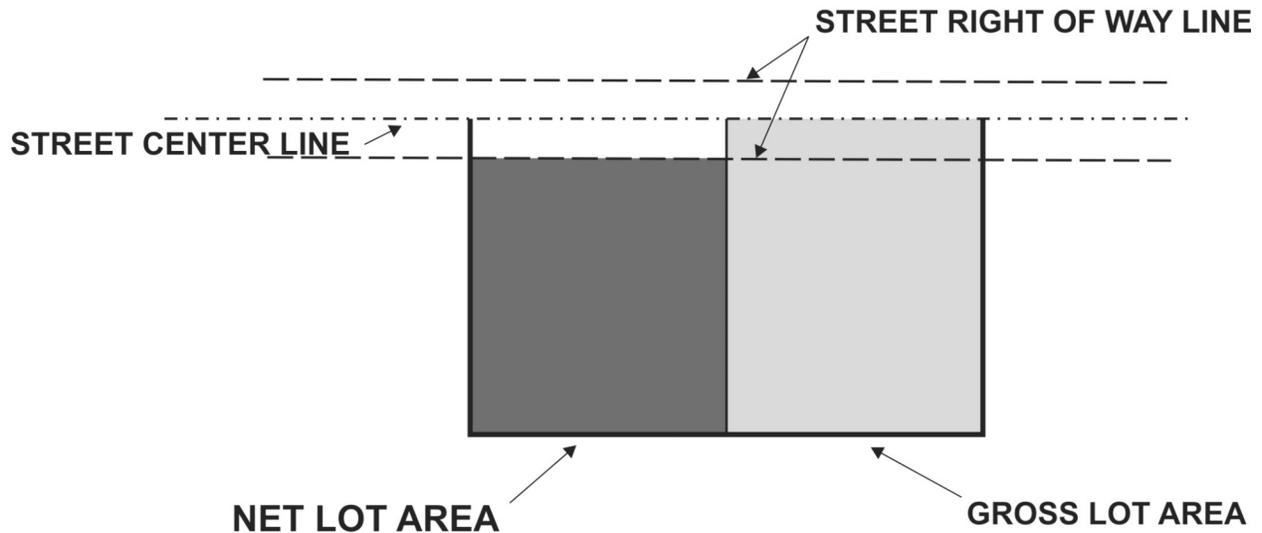
Lot/Parcel or Building Site: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on an approved private road or approved access easement (see Figure 2-7). Such lot may consist of: a) a single lot of record; b) a portion of a lot of record; c) a combination of contiguous lots of record or portions of contiguous lots of record , or; d) a parcel of land described by metes and bounds; provided that in no case shall a division or combination of any residential lot or parcel be created which does not meet the requirements of this Ordinance.

Lot, Access: A lot having frontage on a lake, river, or stream which does not meet the dimensional lot requirements of the zoning district in which it is located and is of insufficient lot area to accommodate the minimum dimensional requirements for a dwelling.

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way (see Figure 2-7).

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot (see Figure 2-7).

Figure 2-7
NET AND GROSS LOT AREA



Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (see Figure 2-8).

Lot Coverage: The amount of impervious surface on a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, as well as sidewalks, driveways, garage aprons and parking areas, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (twelve (12) inches or more above the finished grade) or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (See Figure 2-9).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. See Figures 2-8 and 2-10. Flag lots are discouraged.

Lot Frontage: The length of the front lot line. (See Figure 2-9.)

Lot, Front of: That lot line which is the street line of the principal street or right-of-way providing access to a lot.

Lot, Interior: Any lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 2-8).

Figure 2-8
LOT TYPES

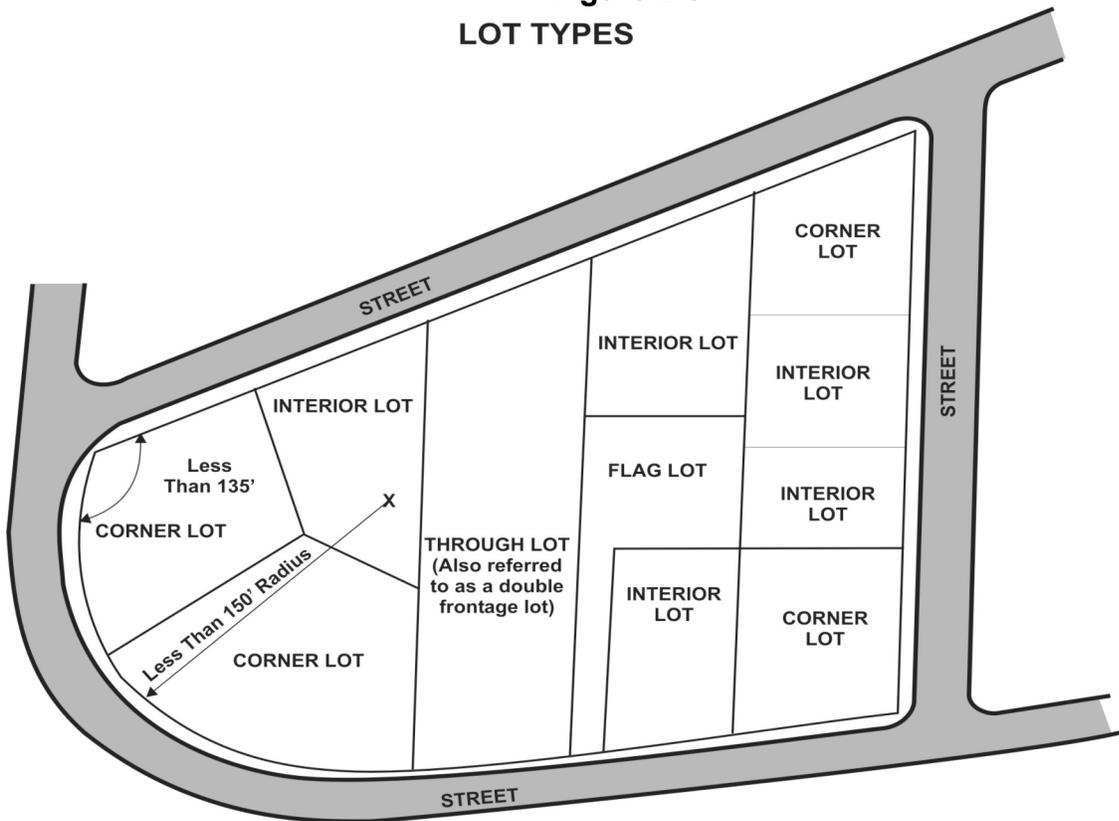
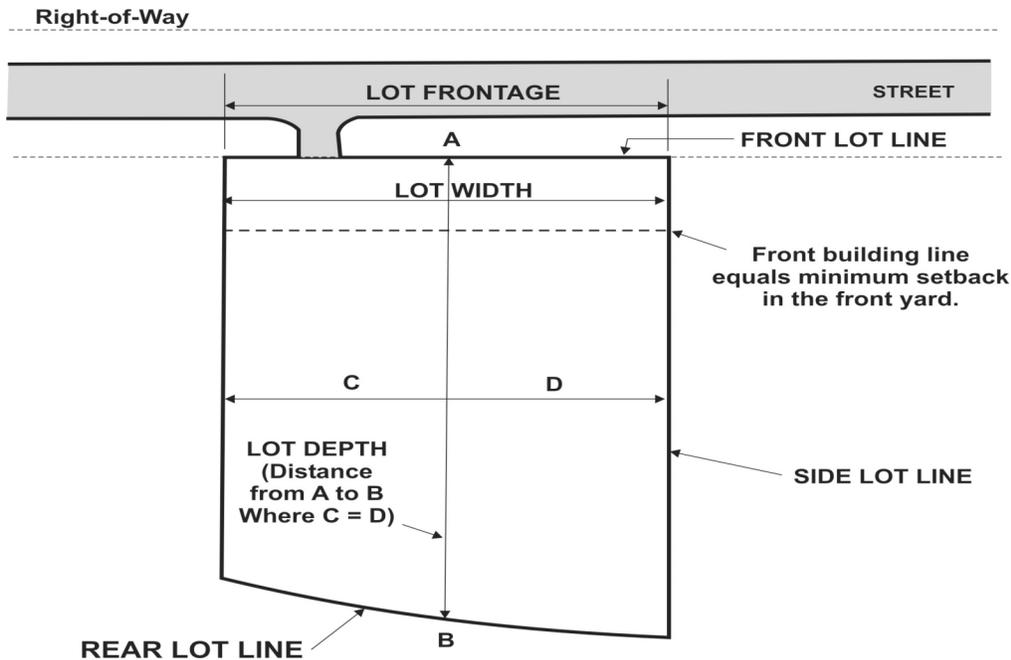


Figure 2-9

LOT FRONTAGE, WIDTH & DEPTH



Lot Line:

Front: In the case of an interior lot, that line separating said lot from the street, a private road, or other access easement. In the case of a through lot, that line separating said lot from either street private road, or other access easement. In the case of a flag lot, that line parallel to the main roadway, not the side lot line which is perpendicular to the main roadway. (See Figure 2-9 and 2-10).

Rear: The line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line which is opposite the street address. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. (See Figure 2-9 and 2-10).

Side: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See Figure 2-9 and 2-10).

Lot of Record: A lot which is part of a subdivision, the map of which was recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance or a lot described by metes and bounds, the deed, survey or land contract, or land contract memoranda, which had been recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance. Any one lot of record created after the effective date of this Ordinance without frontage on any public road or

right-of-way shall not be occupied without access to a public road or right-of-way and must have access provided by an easement or other right-of-way no less than 20 feet wide.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 2-8). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required. Through lots in residential districts may only be accessed by motor vehicles from the side on which the street address is assigned. Through lots are discouraged.

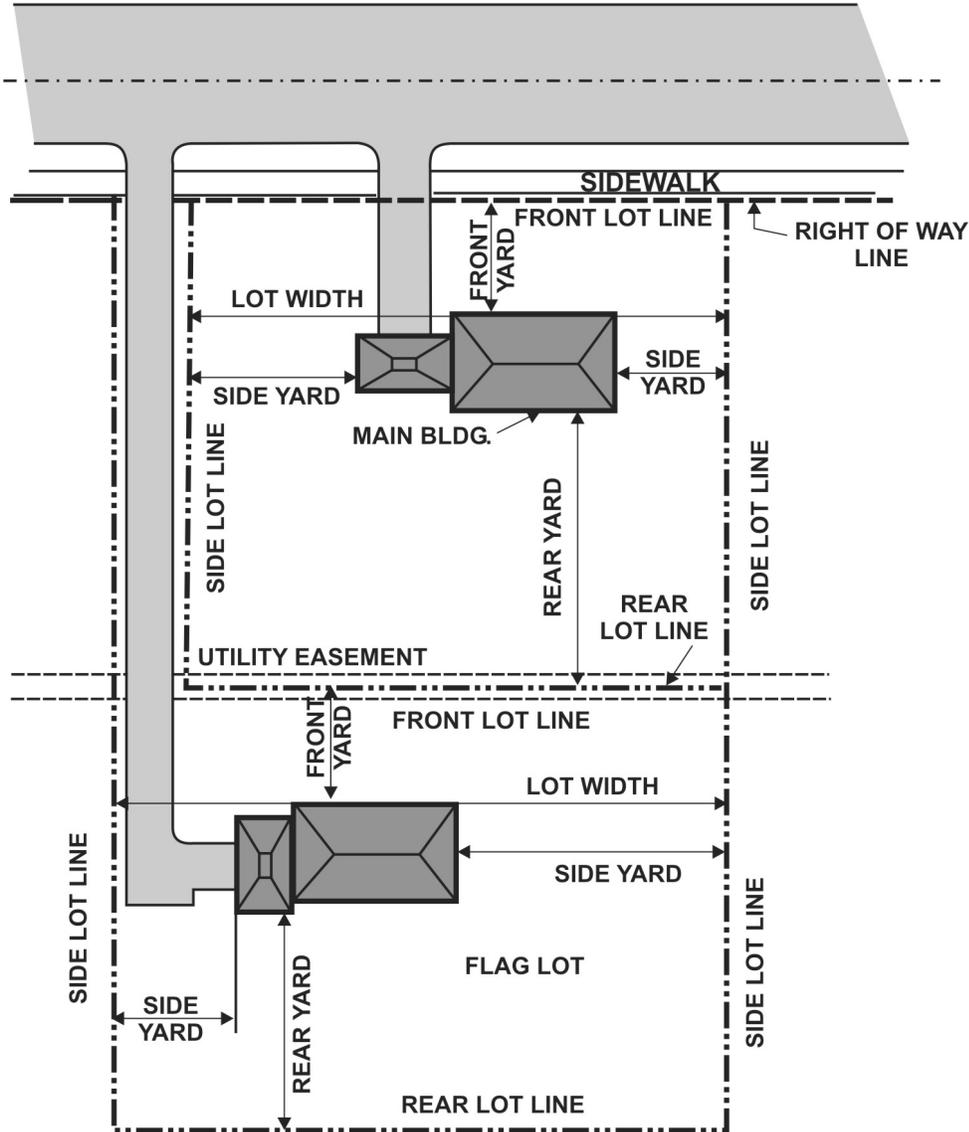
Lot, Water Front: A lot that has water frontage on a water body.

Lot line, Water Front: The ordinary high water mark of surface water or watercourses or boundary line of a wetland area (as defined by Section 307 of 1994 P.A. 451).

Lot, Width of: The horizontal straight line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard (also known as the front building line) intersects the side lot lines. (See Figure 2-9).

Figure 2-10

LOT LINES AND YARDS



Lot Width/Depth Ratio: Newly created lots shall not exceed four (4) times the lot width in depth.

Manufacturing Establishments—Light or Heavy: Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is a County Primary, State Trunkline, Interstate Highway, or is classified as a “principal arterial” or “major collector” on the Street and Highway Classification Map (see Figure 2-11).

Minor Thoroughfare: A public street identified as a secondary street or road or “minor collector” on Figure 2-11.

Marina: A facility engaged in the sale, service and storage of all types of watercraft and small engine recreational vehicles and other related equipment and supplies, including, if with water frontage, docking and mooring facilities.

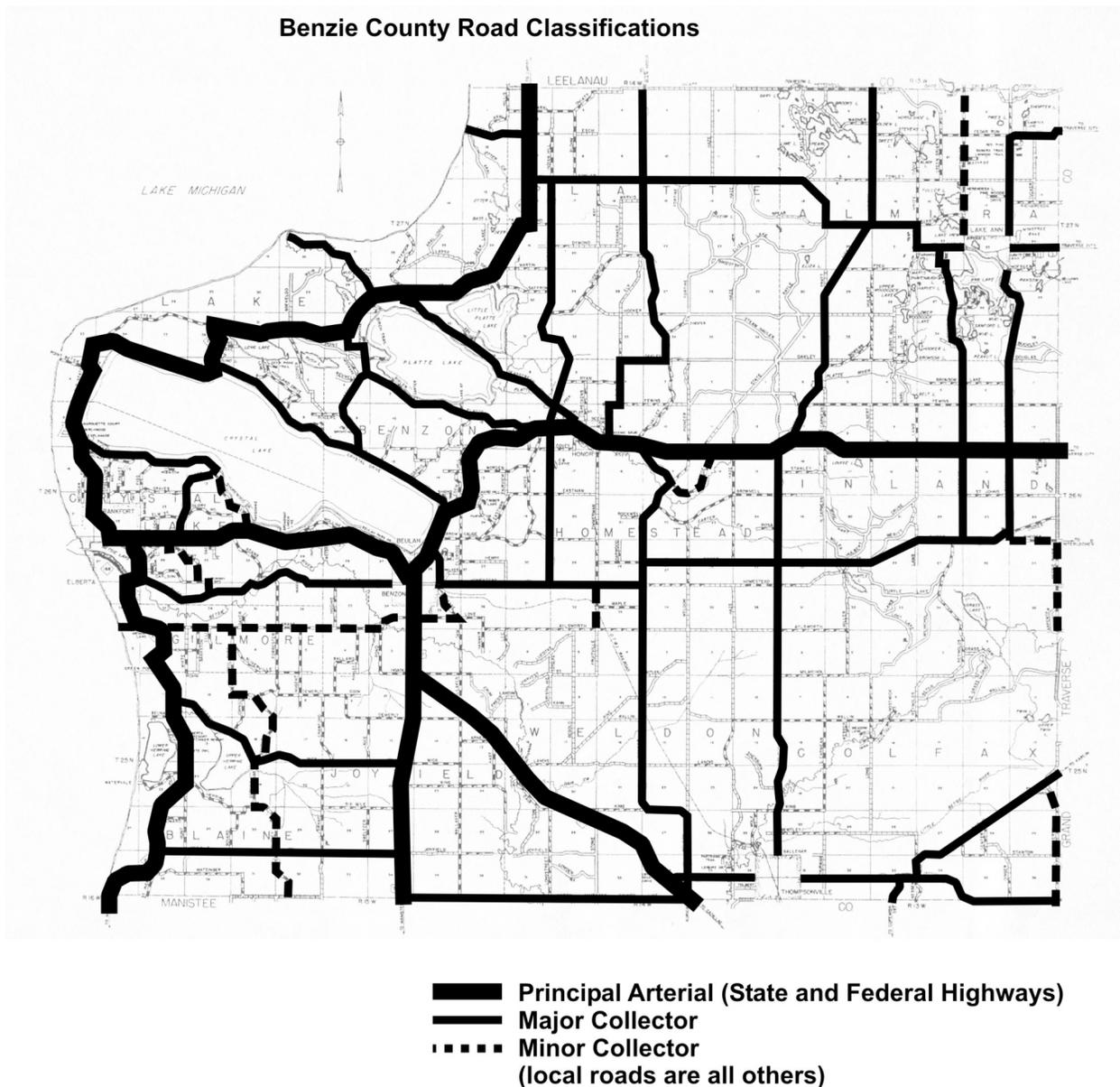
Mechanical Amusement Arcades: Any place or premises occupied by or under the control of the operator of mechanical amusement devices, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For purposes of this Ordinance, a mechanical amusement arcade shall not include mechanical amusement devices located in restaurants or bars, motels or hotels and private clubs, where the devices are only available primarily to guests or patrons, nor to vending machines which dispense food, drink, tobacco or other similar items.

Mechanical Amusement Device: Any machine which, upon the insertion of a coin, slug, token, plate or disk or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including but not limited to games registering a score, electronic video games, mechanical and/or electronic devices such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables, billiard tables and all game operations or transactions similar thereto, whether operated by hand, electric power, or combination thereof. For purposes of this Ordinance, a mechanical amusement device shall not include the following:

- A. Jukebox or other similar device which plays only music for money;
- B. Full-size bowling lane or alley;
- C. Movie theater seating more than ten persons.

Medical Service Establishments: Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories, medical suppliers and service establishments.

**Figure 2-11
Street and Highway Classification Map**



Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile 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

therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.

Mobile Home Subdivision: A mobile home development in which lots are privately owned.

Mowing and Cutting: The process of cutting the grass or ground vegetation in a way which allows the cuttings to be removed for deposition elsewhere.

Non-conforming Dimension: A non-conforming situation that occurs when the height, size, or minimum floor area of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Non-conforming Lot: A lot lawfully existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area, width or depth requirements of the district in which the lot is located.

Non-conforming Sign: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in the Ordinance.

Non-conforming Situation: A situation that occurs when, on the effective date of this Ordinance, a lawfully created existing lot or structure or use of a lawfully-created existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities: a non-conforming situation may arise because a lot does not meet minimum area or size requirements; because structures exceed maximum height limitations; because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance; or, because land or buildings are used for purposes made unlawful by this Ordinance. Non-conforming signs shall not be regarded as non-conforming situations for purposes of this Ordinance.

Non-conforming Use: A building, structure or use of land lawfully existing at the time of enactment of this Ordinance, or an amendment, and which does not conform to the regulations of the district or zone in which it is situated.

Non-Point Source Pollution: General storm water runoff from impervious surfaces and sediment from urban, agriculture and forestry sources, as well as subterranean water influx to a waterbody.

Office Establishments: Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or

financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.

On-Site System (Small): A wind energy conversion system under 200 feet in height and is intended to primarily reduce on-site consumption of utility power.

On-Site System (Large): A wind energy conversion system that has a tower height 200 feet or greater and is intended to primarily reduce on-site consumption of utility power.

Open Space: Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Ordinary High Water Marks: The line between upland and bottom land which 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.

Organic Beach Debris: Organic matter that washes up on the shoreline. To include but not be limited to leaves, aquatic plants, chara, filamental algae, dead fish, dead animals and shoreline vegetation that has broken loose and washed up, etc

Outdoor Recreation and Entertainment Establishments: Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses.

Outlot: When included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

Overlay Zone - A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Parking Space: A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley. See Figure 2-12.

Pattern Book: A book detailing the explicit design details for a new urbanist or traditional neighborhood development including all the public spaces and private

buildings.

Patio: An open space area used for outdoor living purposes constructed of any materials which provide a hard, durable surface and which protrudes less than twelve (12) inches above the finished grade of the property.

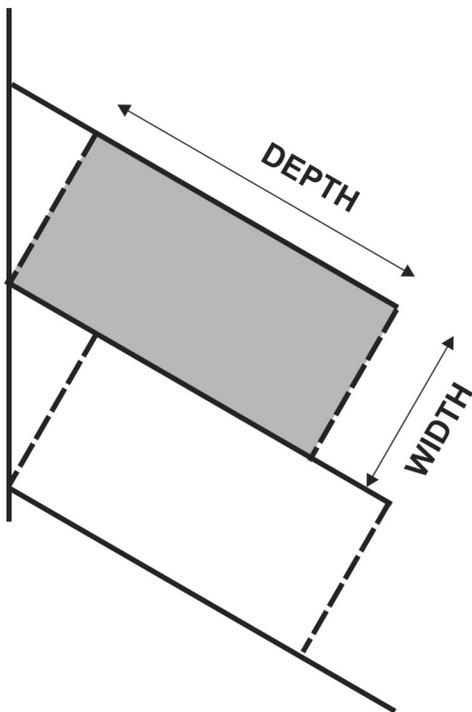
Performance Guarantee: Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the Township as assurance that required improvements or conditions associated with project approval are properly built or conformed with.

Permeable Materials: Materials that permit full or partial absorption of storm water into underlying soils, including, but not limited to shredded bark, wood chips, paving bricks if installed without mortared joints, landscape stone and wood decks.

Person: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

Figure 2-12

PARKING SPACE DIMENSIONS



Personal Services Establishments: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Phosphate Containing Fertilizer: Any fertilizer of any type that contains phosphorus.

Plan, General Development: Benzie County Comprehensive Plan or other plan adopted pursuant to the County Planning Act, Public Act 282 of 1945, as amended.

Planned Unit Development (PUD): A land area comprised of one or more lots or parcels, or portions of lots or parcels, which has both individual building sites and common property such as a park, or permanently preserved open space, and which is designed and developed under the control of one (1) person as a separate project, neighborhood or community unit pursuant to the requirements of Article XVII.

Planner: Any reference in this ordinance to “Planner” shall mean the person or persons assigned by the Township Board to perform those duties associated with planning for the Township.

Planning Commission: Any reference in this ordinance to “Planning Commission” shall mean the “West Benzie Joint Planning Commission” representing Benzonia and Platte Townships.

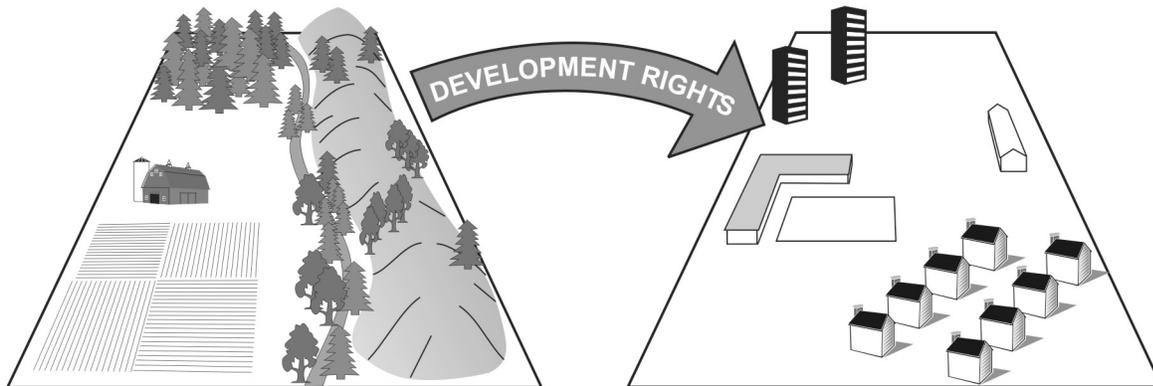
Plat: A map representing a tract of land showing the boundaries and location of individual lots and streets; or a map of a subdivision of land created under the provisions of the Land Division Act, Public Act 288 of 1967, as amended, or a predecessor statute.

- A. **Pre-Preliminary Plat:** An informal plan or sketch, drawn to scale, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- B. **Preliminary Plat:** A map showing the main features of a proposed subdivision of land for purposes of preliminary consideration.
- C. **Final Plat:** A map of a subdivision of land made up in final form ready for approval and recording.

Preservation Zone: Land designated for permanent preservation. Also known as the sending area. Development rights are sold by the landowner and transferred to a receiving zone where a developer is allowed to build at a higher density using the transferred development rights. See Figure 2-13.

Figure 2-13

TRANSFER OF DEVELOPMENT RIGHTS



PRESERVATION ZONE

Existing permitted low development density reduced further by transfer of development rights to transfer zone.

[Also known as Sending Area]

TRANSFER ZONE

Zoning regulations allow density increase to accommodate development rights accepted from the preservation zone.

[Also known as Receiving Area]

Principal Use or Principal Permitted Use: The main use to which the premises are devoted and the principal purpose for which the premises exists. Also known as a use permitted "by right".

Proprietor, Subdivider or Developer: A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Public Buildings: Buildings housing public services usually in offices; but not including "Utility and Public Service Installations" or "Educational and Social Institutions".

Public Utility: Any person, firm, corporation, municipal department or board, regulated by the Michigan Public Service Commission and fully authorized to furnish to the public electricity, gas, steam, telephone, cable television, transportation or water.

Public Open Space: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Receiving Area or Transfer Zone –Land designated for development at a higher density or intensity than the base district because development rights were purchased from a qualified seller in the preservation zone or sending area. See Figure 2-13.

Recreation, Private: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or other artificial apparatus which are necessary to form the basis for said use.

Recreational Unit: A tent, or vehicular type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreation unit shall include "travel trailers", "camping trailer", "motor home", "truck camper", "slide-in-camper", and "chassis-mount camper" as defined in Public Act 525, Michigan Public Acts of 1982.

Recreational Vehicle: Means a recreational unit, exclusive of tents and including a trailer used for the transport of motorized recreational equipment such as snowmobiles, watercraft, non-motorized recreational equipment such as a fish shanty, or a trailer along with motorized or non-motorized recreational equipment loaded for transport.

Religious Institutions: Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent or friary (group housing), provide caretaker housing, or a parsonage on-site (as an accessory use).

Removal of Vegetation: Includes but is not limited to the cutting, pruning, pulling, digging out, chemical treatment, etc. such that a sufficient amount of the plant and or related root structure are removed/destroyed such that the plant will no longer continue to grow and bare soil is exposed.

Repair Services: Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.

Replat: The process of changing of the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Research and Development Establishments: An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.

Right-of-Way: A road, street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

Riparian Buffer: The area surrounding all natural waterbodies including creeks, rivers, intermittent waterways and lakes that attenuate and filter overland runoff, provide space for water storage and natural alterations in the pattern and profile of streams, supply

natural organic material that supports downstream aquatic ecology, controls water temperature and provide necessary wildlife habitat.

Road: A public or private thoroughfare, easement or right-of-way for the ingress, egress and regress of motor vehicles, which affords the principal means of access to abutting property.

- A. **Arterial (Primary) Road:** Designated state and federal highways and those roads of considerable continuity which are designated primary roads or major or minor collectors by the Benzie County Road Commission or which may be used primarily for fast or heavy traffic. See Figure 2-11.
- B. **Cul-de-sac:** A minor road of short length having one end terminated by a vehicular turn-around.
- C. **Local Road:** A road intended primarily for access to abutting properties and is designated a local road by the Benzie County Road Commission.
- D. **Marginal Access Road:** A minor road which is parallel and adjacent to arterial roads and which provides access to abutting properties and protection from through traffic.
- E. **Road Width:** The shortest distance between the lines delineating the right-of-way of roads.

Road, Private: Any non-public road serving two (2) or more dwellings or principal uses (See Access Easement).

Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or Department of Transportation.

Roadside Stand: A "roadside stand" is a structure for the display and sale of agricultural products, without space for customers within the structure itself.

Roof-Mounted WECS: A wind generating facility which generates original power on site for on-site use by the property owner or home-owner, mounted on the principal building's roof and with a maximum height no greater than 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

Sale, Garage (or Yard Sale, Moving Sale or Estate Sale): The sale or offering for sale to the general public of items of personal property by the owner or tenant of an improved lot in a residential district, whether within or outside any building.

Satellite Signal-Receiving Antennas: Also referred to as "satellite dish", "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- A. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.
- B. A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- C. "Dish" shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or a dish.
- D. "Grounding rod" shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.
- E. "Receiver" shall mean a television set or radio receiver.

Sediment: Solid particulate matter, mineral or organic that has been deposited in water, is in suspension, or being transported by water, or has been removed from its site of origin by the process of soil erosion whether natural or induced.

Sending Area or Preservation Zone – See Preservation Zone and see Figure 2-13..

Sexually Oriented Businesses: Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character. For special definitions of certain types of sexually oriented businesses, see Section 25.3.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Shed: A term used to describe a wide array of accessory structures or accessory buildings used to store equipment, materials or supplies; such as but not limited to a tool shed, garden shed, storage shed or similar small building. See especially Sections 3.10 and 3.11 in Article III.

Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.

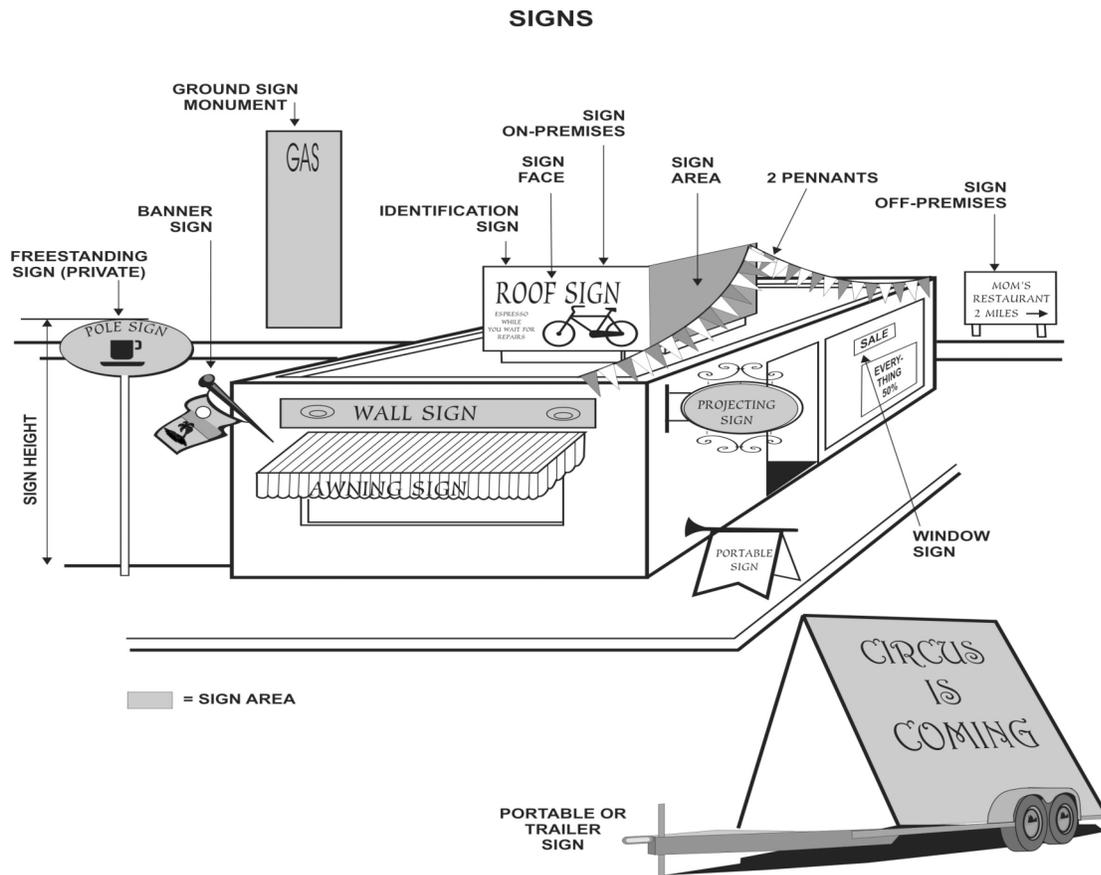
Sign Regulation Definitions (see Figure 2-14):

- A. Banner: A sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.
- B. Billboard Highway Advertising Sign: An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.
- C. Business Center Sign: A sign which gives direction, name, and identification to a business center and which does not contain any additional information regarding individual stores, businesses, institutions, organizations, located within the planned complex or contiguous stores.
- D. Directional Sign: An on- or off- premises sign which sets forth no advertising display, but is used to direct visitors or customers to a particular land use.
- E. Entrance Way Sign: A sign that designates the street entrance way to a residential or industrial sub- division, apartment complex, condominium development, or permitted institution, from a public right-of-way.
- F. Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.
- G. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.
- H. Ground or Pole Sign: A free standing sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.
- I. Highway Advertising Sign: See Billboard.
- J. Home Occupation Sign: A non-illuminated sign announcing a home occupation or professional service.
- K. Identification Sign: A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address and sets forth no other advertisement display.
- L. Illuminated Sign: A sign that provides artificial light by either emission or reflection.

- M. Informational Sign: A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps and similar features.
- N. Ingress-Egress Sign: A sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
- O. Marquee Sign: An "identification or business" sign attached to a marquee, canopy, or awning projection from the building.
- P. Off-Premises Advertising Sign: A sign which advertises a business or activity conducted elsewhere than on the premises where the sign is located.
- Q. Pennant: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.
- R. Portable Sign: A freestanding sign not permanently anchored or secured to either a building or the ground, but are trailored or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.
- S. Projecting Sign: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
- T. Roof Sign: Any sign which is erected above the roof of a building.
- U. Sign: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures.
- V. Subdivision Sign, Site Condominium Sign or PUD Sign: A free-standing sign used in connection with a subdivision plat, condominium project, or PUD illustrating said plat, condominium project or PUD, for the purpose of indicating the location of lots within the plat or project and/or their availability for purchase.

- W. Seasonal Commodity Sign: An on- or off-premise sign which indicates the name of the farm, the sale of farm products produced seasonally on the premises, the location of the premises, and/or the hours open to the public.
- X. Temporary Sign: A display sign, banner, or advertising device with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations.
- Y. Wall Sign: A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches therefrom. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower). The sign shall not extend above the height of the building, wall or structure.

Figure 2-14



Site Plan - A drawing showing all salient features of a proposed development and accompanying documents that are submitted along with a permit application so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance (see Article XIV, Part IV). A plot plan depicts a subset of the information required by this Ordinance for a site plan

Site Plan Review Committee: Any reference in this ordinance to the Site Plan Review Committee shall mean the West Benzie Joint Planning Commission.

Sketch Plan: A pre-preliminary plat or simplified residential site plan.

Slope: A portion of land that has either an upward or downward inclination.

Slope, Steep: A slope that has a topographic grade of eighteen percent (18%) or greater.

Soil Erosion: The wearing away of land by the action of wind, water, gravity or a combination thereof including ice.

Sound Level, Ambient: The amount of background noise at a given location prior to the installation of a WECS which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB(A) – weighted scale as defined by the American National Standards Institute (ANSI).

Story: That part of a building, except a mezzanine included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story (see Figure 2-1).

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 feet six inches (7'-6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling. See Figure 2-1.

Stream: Any natural flow of water which has a defined bank and bottom, whether it be continuous or intermittent.

Street: See road.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings, mobile homes, signs and sign boards, towers, poles, antennae, swimming pools, decks, fences (4) four feet in height or more or other like objects; but not including fences up to four (4) feet in height, uncovered steps, docks, access steps required to negotiate changes in site elevation, and sidewalks, drives, paved areas and patios which protrude more than twelve (12) inches above the finished grade.

Subdivision: The partitioning or dividing of a parcel or tract of land pursuant to the standards and restrictions on the number, size and shape of lots for sale, lease or building development as provided in the Land Division Act, Public Act 288 of 1967, as amended.

Subdivision Control Act: The former name of the Land Division Act, being State of Michigan Public Act 288, of 1967, as amended.

Substation: Any electrical facility designed to convert electricity produced by wind turbines for interconnection with high voltage transmission lines.

Supervisory Control and Data Acquisition (SCADA) System: An operations control facility that maintains two-way communications with each wind turbine.

Surveyor: A land surveyor licensed to practice in the State of Michigan.

Survival Speed: The maximum wind speed a turbine and tower is designed to withstand before sustaining damage.

Third-Party, Qualified Professional: An individual holding the normal educational and experiential credentials to establish expertise in their field.

Topographical Map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of grades and drainage.

Tower Height: The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WECS.

Township: Any reference to the “Township” shall mean the Townships of Benzonia and/or Platte, Benzie County, Michigan.

Township Board of Trustees: Any reference in this ordinance to the “Township Board of Trustees” shall mean the Township Board of Trustees of Benzonia Township or Platte Township.

Township Planning commission: Any reference in this ordinance to “Township Planning commission” shall mean the “West Benzie Joint Planning Commission”, representing Benzonia and Platte Townships.

Township Zoning Act: Any reference in this ordinance to the Township Zoning Act shall mean the Michigan Zoning Enabling Act, 2006 PA 110, as amended [MCL 125.3101 et seq] (MZEA).

Township Zoning Commission : Any reference in this ordinance to the Township Zoning Commission shall mean the “West Benzie Joint Planning Commission” representing Benzonia and Platte Townships.

Trailer Coach: Mobile Home as defined herein.

Trailway: A cleared way for pedestrians and/or bicycles that may or may not be improved.

Transfer Zone: See Receiving Area and Figure 2-13.

Travel Trailer Park: Campground as defined herein.

Traveled Surface of Roadway: For the purpose of establishing setbacks, it is that portion of the roadway surface whose principal function is to provide for the passage of motor vehicles as they traverse the roadway, excluding therefrom the shoulder of the road which is principally used for the emergency stopping or parking of motor vehicles or for the passage of pedestrians and bicycles. On a road with a white “fog line” it shall demarcate the edge of the traveled surface of the roadway. The Townships will declare such traveled surface of each lane of the roadway to be no less than eleven (11) feet wide, thereby having a minimum of eleven (11) feet of traveled surface either side of the centerline of a two (2) lane road; three (3) traveled surfaces of eleven (11) feet each in width for a three (3) lane road or a two (2) lane road with a passing lane or turning lane at an intersection; and four (4) traveled surfaces of eleven (11) feet each in width for a four lane road or a three (3) lane road with a passing lane or a turning lane at an intersection.

Underlying Zone - A zoning district that lies underneath an overlay zone.

Upland: The land area that lies above the ordinary high water mark or wetland.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

Utility Grid Wind Energy System: Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. This may include wind towers at multiple locations and accessory uses such as but not limited to a SCADA TOWER, and electric substation. This definition shall not include Community WECS or any individual WECS erected and used primarily for private use.

Utility and Public Service Installation: A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare (an essential service) is provided to the public by an entity under public franchise or ownership; including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas, steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance. Also see definition of Essential Services.

Vehicle Sales and Service Establishments: Retail sales and service of motorized land and water vehicles. Generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.

Water Body: Any natural or artificial inland lake or stream, all being water resources.

Waterbody: Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

Watercraft: Any motorized boat or water vehicle, regardless of size or length, or any nonmotorized boat or water vehicle more than sixteen (16) feet in length.

Water Frontage – The horizontal distance measured along the water front line.

Water Mark, High (or Ordinary High): The highest normal water level of the major lakes, rivers or streams within the Townships based on the water level history of each respective body of water, or as established by the Benzie County Circuit Court.

Watershed: A land area, known as a drainage area, which collects precipitation and contributes runoff and flow to a receiving body of water; the entire region drained by a waterway or watercourse that drains into a lake or reservoir.

Way: A roadway, See Road.

WECS: Shall be the approved form of abbreviation of "wind energy conversion system". The following associated definitions are also pertinent.

A. **WECS:** A combination of:

1. A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and
2. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.

B. **Tower Height:**

1. **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a

horizontally-mounted WECS exceeds the structure which supports the rotor and blades;

2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

C. **Survival Wind Speed**: The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

D. **Interconnected WECS**: A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

West Benzie Joint Planning Commission: Any reference in this ordinance to the West Benzie Joint Planning Commission shall mean the Planning Commission appointed by the Benzonia and Platte Township Boards of Trustees pursuant to section 301 of the Michigan Zoning Enabling Act [MCL 125.3301](MZEA).

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. Additionally, any area that has the presence of saturated hydrological conditions during ten percent (10%) of the growing season and a dominant presence of hydrophilic vegetation or hydric soils.

Wholesale Trade Establishments: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.

Wildlife Habitats: Areas of natural environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection or food supply. Wildlife may include mammals, birds, reptiles, amphibians, fishes, and invertebrates. Areas may include nesting areas, aquatic habitat, waterfowl staging areas, deeryards and habitat of endangered and threatened species.

Wind Energy Conversion Systems (WECS): Shall mean any mechanism designed for the purpose of converting wind energy into electrical energy.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a

yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the front line of the lot and the nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a side line.

Yard, Waterside: The open space extending across the full width of a lot between the building line and the ordinary high water mark of any water resource and measured perpendicular to the building at the closest point to the ordinary high water mark. This shall be the rear of the yard for a water front lot.

Zoning Administrator: See Article 14.4 Zoning Administrator.

Zoning Permit: Permit required for any change in use of land, or structure in accordance with the provisions of this Ordinance. See Land Use Permit.

Zoning Ordinance: The West Benzie Joint Zoning Ordinance.

Section 2.3 WORDS NOT DEFINED

Any words requiring special interpretation and not listed above shall be used as defined in the dictionary maintained in the office of the Zoning Administrator, unless defined by specific action of the Zoning Board of Appeals.

(Revised 5/28/2024)