

VILLAGE OF BRECKENRIDGE ZONING ORDINANCE



EFFECTIVE OCTOBER 16, 2006

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Chapter 1 ■ Title and Purpose

SECTION 1.1 SHORT TITLE

- A. This ordinance shall be known as the "Village of Breckenridge Ordinance."

SECTION 1.2 PURPOSE

- A. The provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Among other purposes, such provisions are intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers, to avoid undue concentration of population by regulating and limiting the height and bulk of buildings, limiting and determining the size of yards, courts, and other open spaces, regulating the density of population and regulating and restricting the location of uses and buildings.

SECTION 1.3 INTENT

- A. This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

SECTION 1.4 PRIOR REGULATIONS AND REQUIREMENTS

- A. The adoption of this Ordinance does not nullify or make void any previous judgments and agreements between the Village and a property owner or agent under any zoning ordinance in effect before the adoption of this Ordinance nor does it nullify the requirements and standards that were applied in any particular instance under a zoning ordinance in effect before the adoption of this Ordinance.

SECTION 1.5 LEGAL BASIS

- A. This ordinance is enacted pursuant to P.A. 207 of 1921, as amended (being the City and Village Zoning Act, MCL 125.581 et. seq.) The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.) hereinafter referred to as the "Zoning Act."

SECTION 1.6 EFFECTIVE DATE

- A. The Village of Breckenridge zoning ordinance is effective on October 16, 2006.

Chapter 2 ■ Definitions

SECTION 2.1 GENERAL

- A. When not inconsistent with the context, words in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" or vice versa. Terms not herein defined shall have the meaning customarily assigned to them.

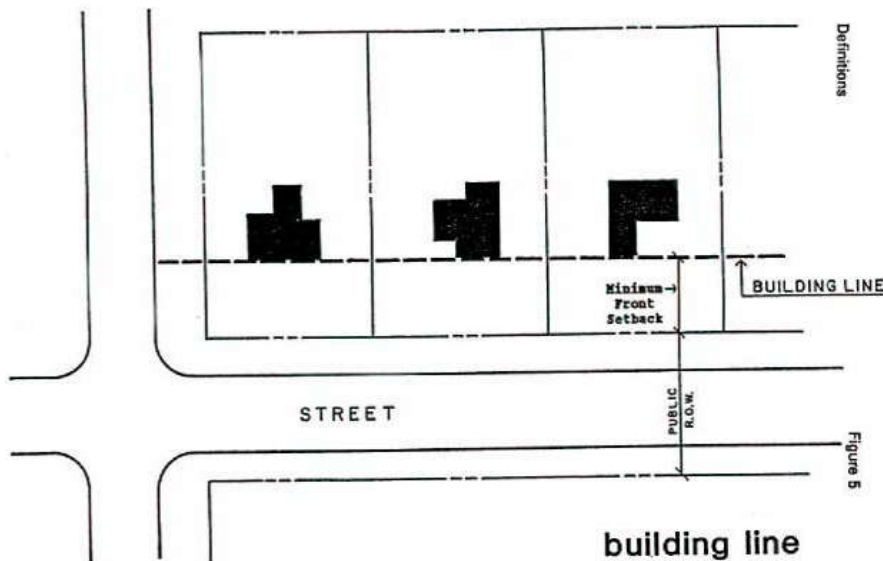
SECTION 2.2 SPECIFIC TERMS

- A. For the purpose of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning.
1. **ABANDONMENT:** The cessation of a permitted activity in, or a permitted use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, and that has fallen into disrepair or is neglected in some way for a period of twelve (12) months or longer.
 2. **ABOVE GROUND LEVEL (AGL):** A measurement of height from the natural grade of a site to the highest point of a structure.
 3. **ABUTTING:** Having property or district line in common, e.g., two lots are abutting if they have property lines in common.
 4. **ACCELERATED SOIL EROSION:** The increased removal of the land surface that occurs as a result of human activities.
 5. **ACCESS:** A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway.
 6. **ACCESSORY BUILDING or ACCESSORY STRUCTURE:** Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use.
 7. **ACCESSORY USE:** Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches and carports.
 8. **ACRE:** A measure of land area containing 43,560 square feet.
 9. **ACTIVITY (see PERMITTED USE)**
 10. **ADDITION:** A structure added to the original structure at some time after the completion of the original.

11. **ADJOINING LOT OR LAND:** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.
12. **ADULT MEDIA:** Magazines, books, slides, CD-ROMs or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexually oriented hard-core material.
13. **ADULT MEDIA STORE:** An establishment that rents and/or sells media, and that meets any of the following three tests:
 - a. 40 percent or more of the gross public floor area is devoted to adult media.
 - b. 40 percent or more of the stock in trade consists of adult media.
 - c. It advertises or holds itself out in any form as “XXX,” “adult,” “sex,” or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.
14. **ADULT MOTION PICTURE THEATER:** An establishment emphasizing or predominately showing sexually oriented movies.
15. **AISLE:** The traveled way by which cars enter and depart parking places.
16. **ALLEY:** A public thoroughfare that affords only a secondary means of access to abutting property.
17. **ALTERATION OF BUILDING:** A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.
18. **ALTERNATIVE FUEL:** Any non-petroleum based fuel.
19. **AMENITY:** A natural or artificial feature that enhances or makes a particular property more attractive or satisfying.
20. **ANIMAL (SMALL):** A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other creature that can be kept in a relatively small or confined space and normally treated as a pet.
21. **ANIMAL FEEDING OPERATIONS.** (See LIVESTOCK PRODUCTION)
22. **ANIMAL HOSPITAL.** (See KENNEL)
23. **ANTENNA:** The surface from which wireless radio signals are sent and received by a personal wireless facility.
24. **APPEAL:** The process, as prescribed in this Ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.
25. **APPLICANT:** A person or entity submitting an application for review and action by the City or any of its departments or commissions.

26. APPROVED PLAN: A plan that has been granted final approval by the appropriate approving authority.
27. APPROVING AUTHORITY: The agency, board, group, or other legally designated individual or authority that has been charged with review and approval of plans and applications.
28. AREA (see LOT AREA)
29. ASSEMBLY BUILDING: A building for the primary purpose of group gatherings of 50 people or more for any purpose.
30. ATTACHED: Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to it.
31. ATTIC: That part of a building that is immediately above the ceiling beams of the top story and wholly or partly within the roof framing.
32. AUTOMOBILE: A self-propelled, free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.
33. BANK: A financial institution.
34. BAR: A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.
35. BASEMENT: See Village of Breckenridge adopted building code.
36. BED AND BREAKFAST: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.
37. BERM: An earthen mound of definite height and location designed to serve as an obscuring device in carrying out the requirements of this Ordinance.
38. BLOCK: A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.
39. BOARD OF APPEALS: The Zoning Board of Appeals of the Village of Breckenridge
40. BODY SHOP (see VEHICLE REPAIR)
41. BUFFER: Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. A greenbelt is considered a buffer.

- 42. **BUILDABLE AREA:** The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.
- 43. **BUILDING:** A structure erected on-site, a manufactured home, a mobile home or mobile structure, or a premanufactured or precut structure that is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.
- 44. **BUILDING COVERAGE:** The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.
- 45. **BUILDING HEIGHT (see HEIGHT OF BUILDING)**
- 46. **BUILDING LINE:** A line formed by the face of the building and, for the purposes of this Ordinance, a minimum building line is the same as a front setback line.



- 47. **BUILDING OFFICIAL:** Village Staff appointed by the Village Manager and licensed pursuant to the State of Michigan’s regulation to enforce and administer the Village’s adopted building code.
- 48. **BUILDING PERMIT:** A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, density and with the requirements of all other development codes and Ordinances currently in effect in the County and applicable to the Village of Breckenridge.
- 49. **BUSINESS CENTER:** A business center is more than one (1) business on the same parcel.
- 50. **BUSINESS SERVICES:** Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

51. CALIPER: The diameter of a tree trunk measured two feet above grade.
52. CAMOUFLAGE: A building or use that is disguised or hidden.
53. CANOPY: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.
54. CAR WASH: A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.
55. CARRIER: A company that provides wireless service.
56. CARRY-OUT RESTAURANT (see DRIVE-IN RESTAURANT/FAST FOOD)
57. CELLULAR TOWER (see WIRELESS COMMUNICATION FACILITY)
58. CEMETERY: Any publicly or privately owned place for the interment of human remains.
59. CERTIFICATE OF OCCUPANCY: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and Ordinances and approved plans and specifications.
60. CHILD CARE ORGANIZATION: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:
 - a. CHILD CARE CENTER or DAY CARE CENTER means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two 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, pay 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. FOSTER FAMILY HOME is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
 - c. FOSTER FAMILY GROUP HOME means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a

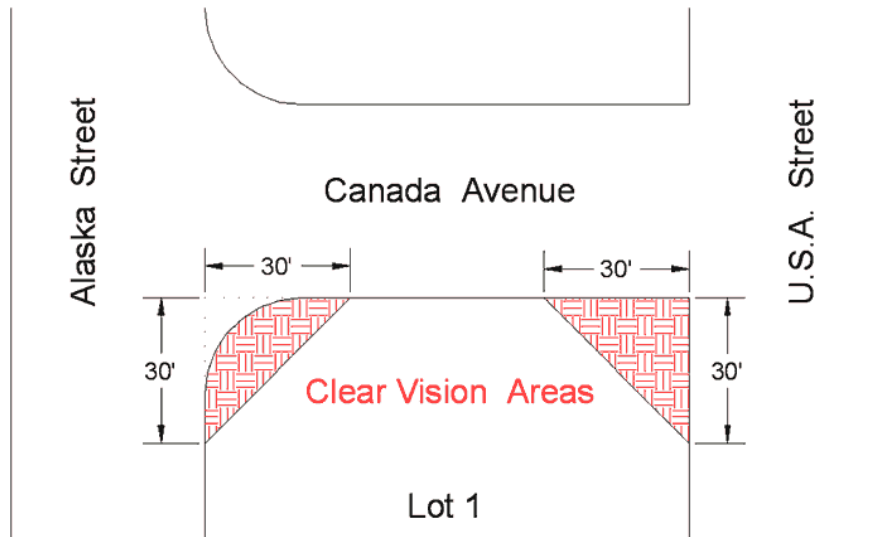
day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

- d. FAMILY DAY CARE HOME means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 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 weeks during a calendar year.
- e. GROUP DAY CARE HOME means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 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 weeks during a calendar year.

61. CHURCHES/SYNAGOGUES/MOSQUES (see INSTITUTION, RELIGIOUS)

62. CIRCULATION PATTERN: Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or shipment points.

63. CLEAR VISION: An area thirty (30') feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist above thirty-six (36") inches from established street grades.



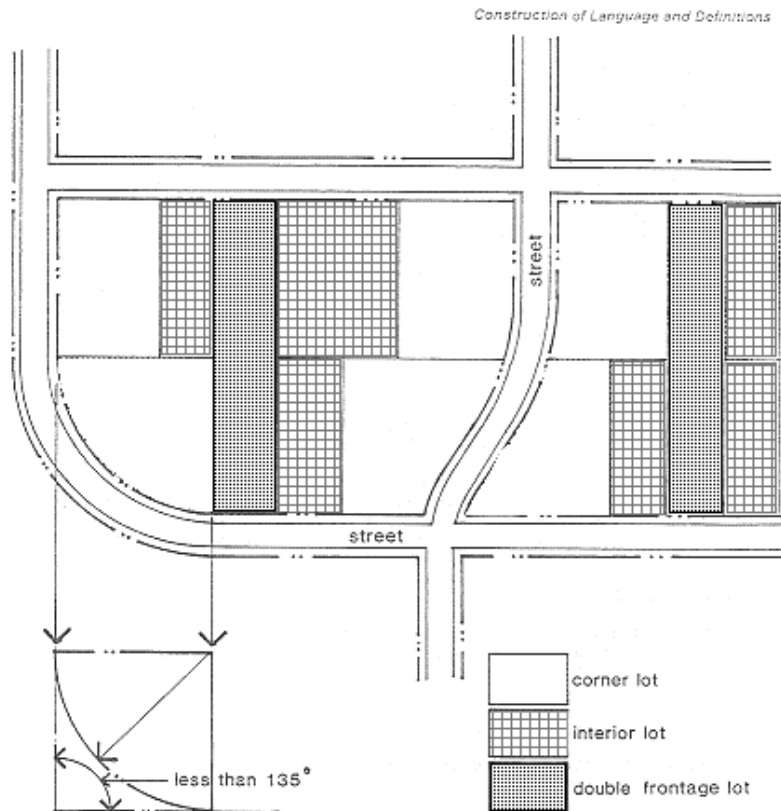
64. CLUBHOUSE: A building to house a club or social organization not conducted for private profit, as documented by State or federal records, and that is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.
65. CLUB/LODGE (see INSTITUTION, SOCIAL)
66. CLUSTER: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
67. COLLOCATION: The use of a single mount on the ground by more than one telecommunications carrier (vertical collocation) and/or several mounts on an existing building or structure by more than one carrier.
68. COMMERCIAL: A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.
69. COMMERCIAL RECREATION: Establishments with the primary purpose of providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.
70. COMMERCIAL SCHOOL: A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.
71. COMMISSION: The Planning Commission of the Village of Breckenridge.
72. CONDOMINIUM (See Planned Unit Development)
73. CONTIGUOUS: Next to, abutting, or touching and having a common boundary or portion thereof that is co-terminus.
74. CONTRACTOR: General contractors and builders engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.
75. CONTRACTOR, LANDSCAPE: Landscaping includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also includes businesses that apply fertilizers, pesticides and other treatments for plants,

trees and grass. This definition also includes tree services and commercial plant maintenance services.

- 76. **CONTRACTOR'S STORAGE YARD:** An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a "contractor's storage yard" and will be required to conform to all applicable Zoning District standards and other legislative regulations.

- 77. **CONVALESCENT OR NURSING HOME** (see INSTITUTION, HUMAN CARE)

- 78. **CORNER LOT** (see #177 LOT on page 20): Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides 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 if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lines with the street line, intersect at an interior angle of less than 135 degrees. The outside yard shall be the side yard adjacent to the street.



Corner, Interior & Double Frontage Lots

- 79. **COVERAGE** (see LOT COVERAGE)
- 80. **CROSS-POLARIZED:** A low mount dual polarized antenna that has three panels flush mounted or attached very close to the shaft.
- 81. **DECK:** A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

82. DENSITY: The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.
83. DENSITY, HIGH RESIDENTIAL: Fifteen (15) or more dwelling units per acre.
84. DENSITY, LOW RESIDENTIAL: Fewer than five (5) dwelling units per acre.
85. DENSITY, MEDIUM RESIDENTIAL: Five to fifteen (5-15) dwelling units per acre.
86. DEVELOPMENT: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
87. DISH SATELLITE SIGNAL-RECEIVING ANTENNAE: Also referred to as "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 extra-terrestrial sources.
 - b. A low-noise amplifier (LNA) that 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. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.
88. DISTRIBUTION CENTER: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.
89. DISTRICT (see Zone)
90. DRIVE-IN: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons.
91. DRIVE-IN RESTAURANT/FAST FOOD: A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume State for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:
 - a. Food, frozen deserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
 - b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

92. **DUMPSTER:** A container capable of holding a volume of material greater than two (2) cubic yards and used for the purpose of collecting garbage, solid or liquid waste, or refuse of any type.
93. **DWELLINGS:** Any building or portion thereof usable exclusively for residential purposes. A dwelling is classified as one of the following:
- a. **SINGLE-FAMILY DWELLING:** A building containing not more than one dwelling unit designed for residential use.
 - b. **TWO-FAMILY DWELLING (Duplex):** A building containing no more than two separate dwelling units designed for residential use
 - c. **MULTIPLE-FAMILY DWELLING:** A building containing three or more dwelling units designed for residential use
 - d. **GROUP DWELLINGS (Congregate Living):** A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.
94. **DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family.
95. **EASEMENT:** Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.
96. **EAVE:** The projecting lower edges of a roof overhanging the wall of a building.
97. **EGRESS (EXIT):** An exit from a building or site.
98. **ELDERLY HOUSING (see SENIOR HOUSING)**
99. **ELEVATION, TOPOGRAPHIC:** The measurement of height above sea level.
100. **ELEVATION, VIEW:** An architectural or engineered rendering of each side of a building for purposes of site plan review.
101. **EMISSION:** A discharge into the air or water.
102. **ENGINEERED HOME (see MANUFACTURED HOME)**
103. **ENVIRONMENTAL ASSESSMENT (EA):** An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in a certain designated area.
104. **ENVIRONMENTALLY SENSITIVE AREA:** An area with one or more of the following characteristics:
- a. Slopes in excess of twenty (20%) percent
 - b. Floodplain
 - c. Soils classified as having a high water table
 - d. Soils classified as highly erodible, subject to erosion, or highly acidic
 - e. Land incapable of meeting percolation requirements
 - f. Land formerly used for landfill operations or hazardous industrial uses

- g. Fault areas
 - h. Stream corridors
 - i. Estuaries
 - j. Aquifer recharge and discharge areas
105. EQUIPMENT RENTAL/SALES: A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.
106. EQUIPMENT SHELTER: An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.
107. ERECTED: As used in this Ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving and filling of earth.
108. EROSION: The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.
109. ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission, distribution or collection systems, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith. Essential Services are those that are reasonably necessary to furnish adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but do not include buildings other than the buildings that are primarily enclosures or shelters of the mentioned equipment in this definition. Private wireless communication facilities are not considered Essential Services.
110. ESTABLISHMENT: An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.
111. EXCAVATION: The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.
112. FALL ZONE: The area on the ground within a prescribed radius from the base of a personal wireless facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
113. FAMILY: A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.
114. FAMILY DAY CARE HOME (see CHILD CARE ORGANIZATION)

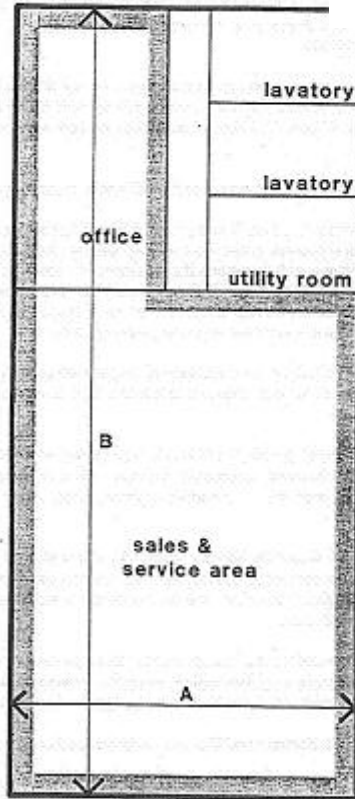
115. FAST FOOD RESTAURANT (see DRIVE-IN RESTAURANT/FAST FOOD)
116. FENCE: A permanent or temporary partition or structure erected as a divider, barrier, or enclosure.
117. FIRE STATION: Public building devoted to the storage and housing of fire equipment and personnel.
118. FIREWORKS: Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks include Class B fireworks and Class C fireworks.
- a. CLASS B FIREWORKS. These are toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, airplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two (2) ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than seventy-two (72) grains of flash powder each and other similar devices.
 - b. CLASS C FIREWORKS. These are toy smoke devices, toy caps containing not more than twenty-five (25) grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, signal cartridges, sparklers, explosive auto alarms, and other similar devices.

Should the definitions of these items change per the Michigan Penal Code, 1931 PA 328, as amended, the Village of Breckenridge Zoning Ordinance definitions will change with the State law and must be interpreted as those contained in the State law.

119. FLAG LOT: A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.
120. FLEA MARKET (see OUTDOOR TEMPORARY USE)
121. FLOODPLAIN: The relatively flat area or low lands adjoining the channel of the watercourse or a body of standing water, that has been or may be covered by floodwater. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance and consists of:
- a. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.
 - b. Principal estuary courses of wetland areas that are part of the river flow system.
 - c. Contiguous area paralleling a river stream or other body of water that exhibits unstable soil conditions for development.

122. FLOOR AREA, USEABLE: That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

123. FLOOR AREA: The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.



(A) x (B): Gross Floor Area

Usable Floor Area (Nonresidential)

Floor Area Terminology

124. FOSTER FAMILY GROUP HOME (see CHILD CARE ORGANIZATION)

125. FOSTER FAMILY HOME (see CHILD CARE ORGANIZATION)

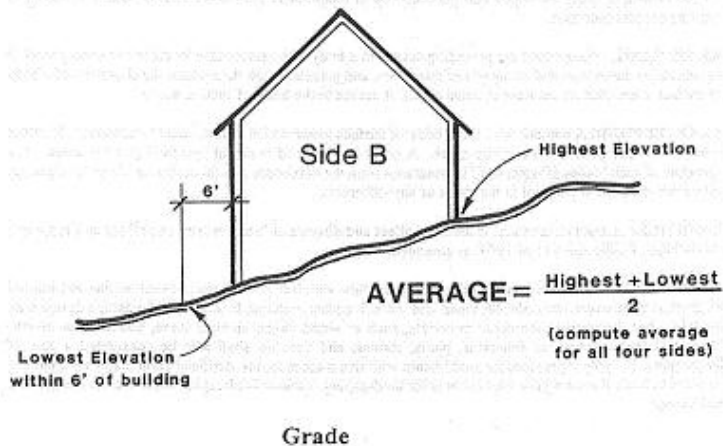
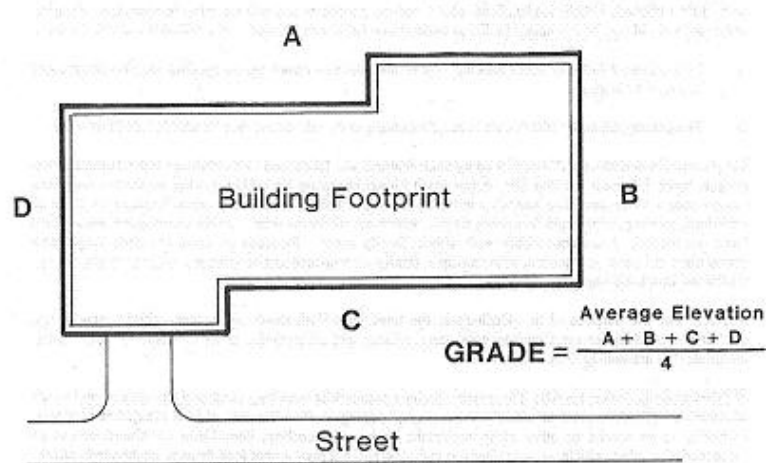
126. FRATERNAL ORGANIZATION (see INSTITUTION, SOCIAL)

127. FUNCTIONAL EQUIVALENT SERVICES: Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

128. FUNERAL HOME/MORTUARY: A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

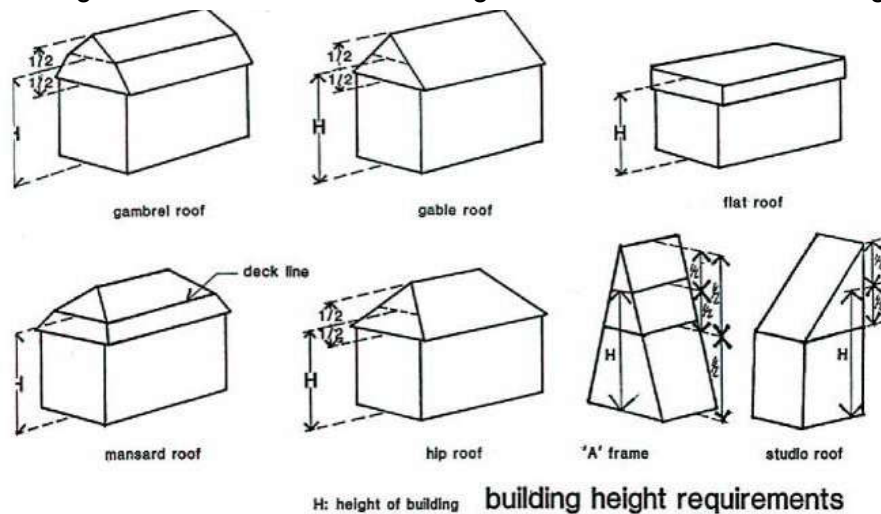
129. GARAGES: Includes the following:
 a. ATTACHED. An attached outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

- b. PRIVATE GARAGE. A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.
 - c. SERVICE GARAGE. Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.
130. GARBAGE: Animal, vegetable and mineral waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.
131. GAS STATION/SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.
132. GLARE: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
133. GRADE: For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



- 134. GRADING: Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.
- 135. GRADING PERMIT: The written authority issued by the Village of Breckenridge permitting the grading, excavating or filling of land including drainage and soil erosion control in conformity with the Erosion Control Section of this Ordinance and Public Act 347 of 1972.
- 136. GREEN AREA: Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.
- 137. GREENBELT (see BUFFER)
- 138. GREENHOUSE: A temporary or permanent building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.
- 139. GROUND COVER: Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

- 140. GROUNDWATER RUNOFF: Storm water that is discharged into a stream channel as spring or seepage water.
- 141. GROUP DAY CARE HOME (see CHILD CARE ORGANIZATION)
- 142. GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by cables.
- 143. HARD CORE MATERIAL: Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- 144. HAZARDOUS MATERIALS: Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.
- 145. HEALTH CARE (SERVICES) FACILITIES (see INSTITUTION, HUMAN CARE)
- 146. HEIGHT OF BUILDING: (See illustrations below) The vertical distance, measured from the adjoining curb level, to the highest point of the roof of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.



- 147. HIGHWAY: A public thoroughfare or street, excluding alleys, but including federal, State and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.
- 148. HIGH INTENSITY FOOD PROCESSING: A food processing establishment shall mean a commercial establishment greater than 25,000 square feet in size in which

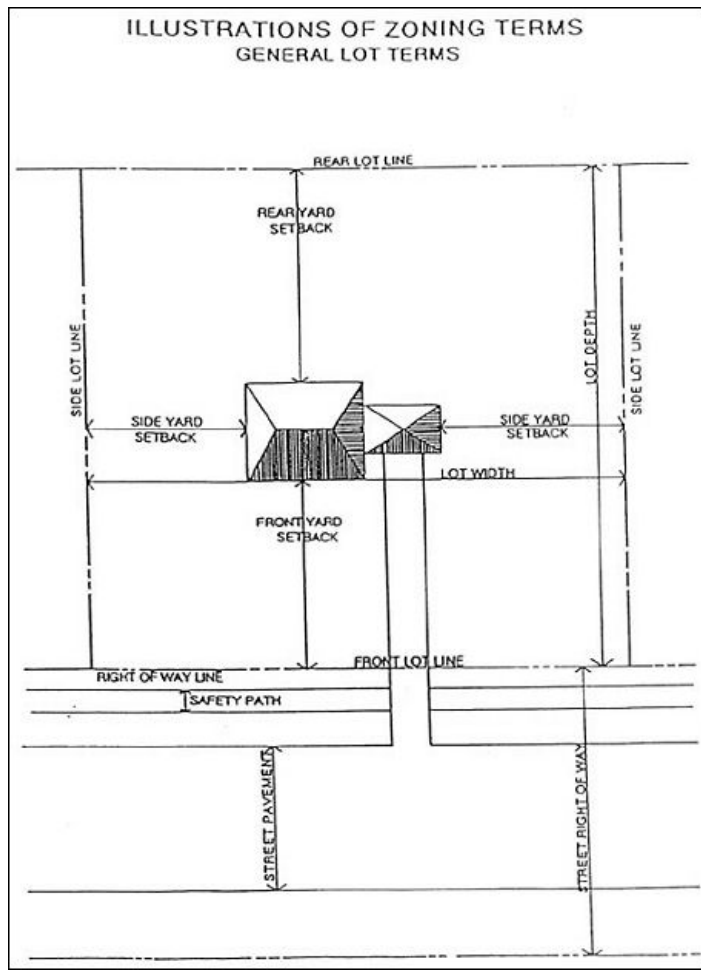
- food is processed or otherwise prepared, packaged, or manufactured for human consumption.
149. HOME OCCUPATIONS: Any business carried on by one or more members of a family residing on the premises, provided it:
- a. Is operated in its entirety within the principal dwelling;
 - b. Does not have a separate entrance from outside the building;
 - c. Does not involve alteration or construction not customarily found in dwellings;
 - d. Does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
 - e. Does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, with a maximum total area for the home occupation of five hundred (500) square feet;
 - f. Does not display or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, unilluminated wall sign having an area of not more than two (2) square feet;
 - g. Does not employ any persons other than family members residing on the premises.
150. HORTICULTURE: The cultivation of a garden or orchard. Horticulture specifically excludes operation of a landscaping business.
151. HOSPITAL (see INSTITUTION, HUMAN CARE)
152. HOTEL (see MOTEL)
153. IMPERVIOUS SURFACE: Any material that reduces and prevents the absorption of storm water into previously undeveloped land.
154. INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.
155. INFRASTRUCTURE: Facilities and services needed to sustain Industrial, Residential and Business activities.
156. INGRESS: Access or entry.
157. INSTITUTION, EDUCATIONAL: A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.
158. INSTITUTION, HUMAN CARE: A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include homes for the mentally disadvantaged or substance abuse rehabilitation facilities.

159. **INSTITUTION, REHABILITATION:** A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.
160. **INSTITUTION, RELIGIOUS:** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.
161. **INSTITUTION, SOCIAL:** Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, parks and playgrounds.
162. **INTERSECTION:** The point where two or more roads cross at grade.
163. **JUNK MOTOR VEHICLE:** An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with State or City laws or Ordinances.
164. **JUNK/SALVAGE YARD:** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. A junk or salvage yard shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.
165. **KENNEL or ANIMAL HOSPITAL:** Any building or land used for the sale, boarding, treatment, or breeding of more than two (2) dogs or three (3) cats or other household pets as a business.
166. **LABORATORY:**
- a. **Medical or dental:** A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
 - b. **Experimental:** A building or part of a building devoted to the testing and analysis of any product or animal.
167. **LAND:** Ground, soil, or earth, including structures on, above, or below the surface.
168. **LAND USE:** A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.
169. **LAND USE PLAN:** A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential,

commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

- 170. LATTICE TOWER: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.
- 171. LEGISLATIVE BODY: The Village Council of the Village of Breckenridge.
- 172. LIBRARY: Institutions for the storage and circulation of books, compact discs, videotapes and other materials for use by the general public.
- 173. LICENSED CARRIER: A company authorized by the FCC to construct and operate a commercial mobile radio services system.
- 174. LIVESTOCK PRODUCTION FACILITY means a facility where farm animals, as defined in the Right to Farm Act, such as dairy cattle, poultry, beef cattle, sheep, swine, horses, etc. are confined with a capacity of 50 animal units or greater and the associated manure storage facilities. Pasture systems are excluded.
- 175. LOADING/UNLOADING SPACE An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- 176. LOT: A parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description, as on a subdivision of record or survey map.
- 177. LOT AREA: The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

- 178. LOT, CORNER (see 77. CORNER LOT on page 8).
- 179. LOT COVERAGE: The part or percent of the lot occupied by buildings, including accessory buildings.
- 180. LOT DEPTH: The mean horizontal distance from the front street line to the rear lot line.
- 181. LOT, INTERIOR: Any lot other than a corner lot. See graphic for Corner Lot.

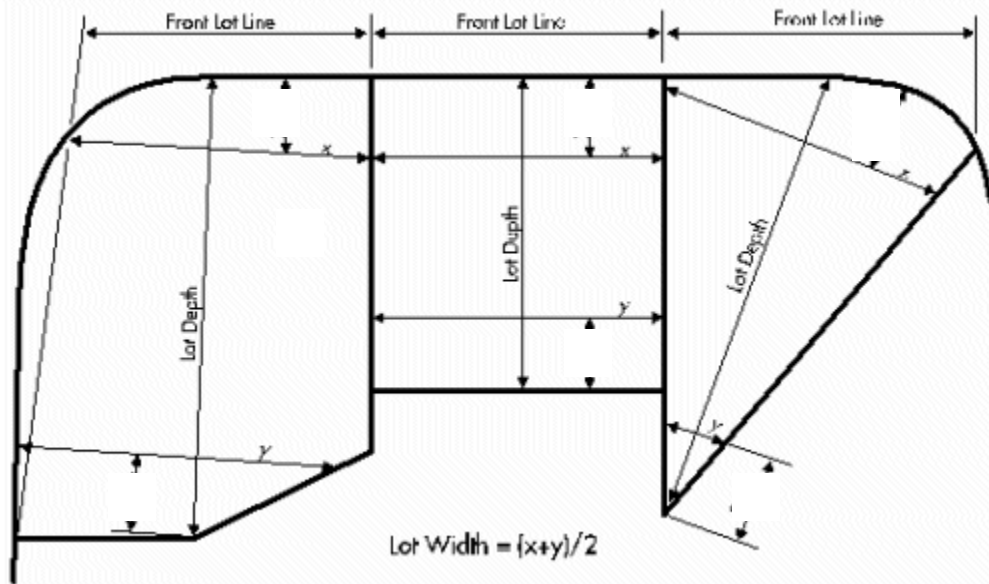


- 182. LOT LINES: Any line bounding a lot, including the following:
 - a. FRONT LOT LINE. The line separating the lot from the right-of-way of the street; in the case of a corner line, the address of record is the front lot line.
 - b. REAR LOT LINE. The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.
 - c. SIDE LOT LINE. Any line other than front or rear lot lines.

- 183. LOT, THROUGH: Is any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. See graphic for Corner Lot.

- 184. 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 Village or County officials, and which actually exists as so shown, or any part of such parcel held in separate recorded ownership at the time of adoption of this ordinance.

- 185. LOT WIDTH: The lot width shall be considered the average of the width between side lot lines.



- 186. LOT, ZONING: A single tract of land that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

- 187. LOUNGE (see BAR)

- 188. LUMBER YARD: A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

- 189. MALLS: A shopping center where stores front on both sides of a pedestrian way that may be enclosed or open.

190. **MANUFACTURED HOME:** A dwelling unit, designed and built in a factory.
191. **MANUFACTURING:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.
192. **MARQUEE:** Any hood, canopy, awning, or permanent structure that projects from a wall of a building, usually above an entrance.
193. **MASTER PLAN:** A comprehensive long-range Plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.
194. **MINISTORAGE/SELF STORAGE:** A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.
195. **MIXED USE ZONING:** Regulations that permit a combination of different uses within a single development, under special regulations.
196. **MOBILE HOME:** A structure, transportable in one or more sections, that is built on a chassis and designed for use as a dwelling with or without a permanent foundation, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
197. **MANUFACTURED HOME DEVELOPMENT:** A parcel 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 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 mobile home.
198. **MOBILE HOME SITE/MANUFACTURED HOME SITE:** A measured parcel of land within a Manufactured Home Development that is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.
199. **MOBILE HOME SUBDIVISION:** A Manufactured Home Development except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.
200. **MONOPOLE:** The type of mount that is self-supporting with a single shaft of wood, steel, or concrete, without guy wires, and a platform (or racks) for panel antennae arrayed at the top.

201. MORTUARY (see FUNERAL HOME)
202. MOTEL: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term “motel” shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this Ordinance, “motel” and “hotel” have the same meaning.
203. MOUNT: The structure of surface upon which antennae are mounted, including the following four types of mounts:
- a. Roof-mounted. Mounted on the roof of a building.
 - b. Side-mounted. Mounted on the side of a building.
 - c. Ground-mounted. Mounted on the ground.
 - d. Structure-mounted. Mounted on a structure other than a building.
204. MUNICIPAL BUILDING: A structure housing an operation of the Village of Breckenridge.
205. MUNICIPALITY: The Village of Breckenridge.
206. MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
207. NATURAL RETENTION AREA: A naturally occurring pond or wetland that retains storm water runoff.
208. NONCONFORMING BUILDING, LEGAL: Any building or portion thereof lawfully existing at the time this Ordinance became effective and that does not comply with this Ordinance’s regulations.
209. NONCONFORMING LOT, LEGAL: A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the Zoning District.
210. NONCONFORMING SIGN, LEGAL: Any sign lawfully existing as of the effective date of an ordinance, or amendment thereto, that renders the sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.
211. NONCONFORMING USE, LEGAL: Any property use that was lawful at the time the zoning Ordinance became effective and which now does not comply with its regulations. A legal nonconforming use is a use that is in compliance with the requirements of this Ordinance.

212. **NONPROFIT ORGANIZATION.** The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in the Village of Breckenridge.
213. **NORTH POINT or NORTH ARROW:** The designation on a map illustrating the direction of north.
214. **NOXIOUS:** Offensive or disturbing.
215. **NUISANCE:** An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity that invades the property line of another so as to cause harm or discomfort to the owner or resident of that property.
216. **NURSERY, PLANT MATERIALS:** Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.
217. **OCCUPANCY PERMIT:** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable Ordinances.
218. **OCCUPANCY PERMIT, TEMPORARY:** A certificate of occupancy that is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.
219. **OFFICE:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.
220. **OFFICE BUILDING:** A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity; it may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.
221. **OMNIDIRECTIONAL (WHIP) ANTENNA:** A thin rod that beams and receives signals in all directions.
222. **OPEN SPACE:** Is that part of a zoning lot, including courts or yards, which:
- a. Is open and unobstructed from its lowest level to the sky, and
 - b. Is accessible to all residents upon the zoning lot, and
 - c. Is not part of the roof of that portion of a building containing dwelling units, and
 - d. Is comprised of lawn and landscaped area, and
 - e. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.
223. **ORCHARD:** The establishment, care, and harvesting of more than 25 fruit-bearing trees or vines, such as apples, cherries, or grapes for the purpose of selling the fruit to others.

224. **OUTDOOR AMUSEMENT FACILITY:** A commercial business that provides amusement facilities, such as miniature golf, carnival rides, petting zoo, and other similar attractions and open to the general public.
225. **OUTDOOR ASSEMBLY.** These uses include outdoor amphitheaters, race tracks, drive in theaters and similar uses. These uses may also include special purpose assembly such as music festivals, fairs and similar activity.
226. **OUTDOOR SALES:** Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:
- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
 - b. Outdoor display and sale of garages, swimming pools, and similar uses.
 - c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
 - d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
227. **OUTDOOR USE:** A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.
228. **OUTDOOR USE, TEMPORARY:** A use carried out in an open area or uncovered or temporary structure that is disbanded when the designated time period, activity or use for which the temporary structure was erected has ceased.
229. **PANEL ANTENNA:** A flat surface antenna usually developed in multiples.
230. **PARK, NEIGHBORHOOD:** City- or county-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park. A neighborhood park is less than 2.5 acres in size.
231. **PARK, RECREATIONAL:** An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.
232. **PARKING AISLE:** The area behind a parking space used for backing and turning into and out of the parking space. See Chapter 6 for parking space and aisle required sizes.
233. **PARKING AREA:** An area used for the parking, parking aisle, or access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.
234. **PARKING AREA, TOTAL:** The parking lot and all connecting access drives and landscaping.

235. **PARKING ACCESS:** The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of not longer than one hundred (100') feet.
236. **PARKING BAY:** A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.
237. **PARKING LOT:** An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.
238. **PARKING, OFF-STREET:** Any parking area located on the same property it is intended to serve, or in a joint use lot.
239. **PARKING SPACE:** Any vehicle accessible area designated for vehicle parking and exclusive of drives and aisles.
240. **PATIO, PORCH:** Roofed open area that, while it may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.
241. **PERFORMANCE STANDARDS:** A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.
242. **PERMANENTLY AFFIXED:** To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.
243. **PERMITTED USE:** Any use allowed in a Zoning District and subject to the restrictions applicable to that Zoning District.
244. **PERSON:** Any individual, partnership, organization, association, trust or corporation. When used as a penalty provision, 'person' shall include the members of such partnership, the trustees of such trust, and the officers and members of such organization, association or corporation.
245. **PERSONAL SERVICES FACILITIES:** Establishments primarily engaged in providing services involving the care of a person or his or her apparel.
246. **PERSONAL WIRELESS SERVICE FACILITY:** A facility for the provision of personal wireless services, as defined by the Telecommunications Act.
247. **PERSONAL WIRELESS SERVICE:** The three types of services regulated by this Ordinance as specified in the Special Use Permit regulations. These services are cellular, radio and satellite.
248. **PETROLEUM BULK PLANT:** An establishment for the purpose of storage of petroleum products, in bulk or in packages, distributed by tank car, tank vehicle, or motor truck.
249. **PLAN, FINAL:** A site plan that has been approved by the Planning Commission.

250. **PLAN, PRELIMINARY:** A site plan that is under review by the Planning Commission or proper review authority and indicates the proposed layout of the subdivision, Planned Unit Development (PUD), or other development.
251. **PLAN, TENTATIVE PRELIMINARY:** A conceptual site plan or sketch showing ideas for development and site use.
252. **PLANNED UNIT DEVELOPMENT OR "PUD":** An area of minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, business, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified. A site condominium is defined as a PUD.
253. **PLANNING COMMISSION:** The duly designated advisory plan commission of the municipality.
254. **POND:** A permanent or temporary body of man-made open water that is more than 0.25 acres in size and less than 1.0 acre in size.
255. **POOL, COMMERCIAL SWIMMING:** An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.
256. **POOL, PRIVATE SWIMMING:** Any artificially constructed basin or other structure for holding water for use in swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water and not over 24" deep. Section AG102 of Appendix G in the 2003 Michigan Residential Code defines "swimming pool" as any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.
257. **POTABLE WATER:** Water suitable for drinking or cooking purposes.
258. **PRINCIPAL BUILDING:** A building in which is conducted the principal use allowed of the lot in the district in which it is situated.
259. **PRINCIPAL USE:** The primary and predominate use of the premises including customary accessory uses.
260. **PRIVATE:** Not publicly owned or otherwise regulated by the State of Michigan either by statute or by rules and regulations of one of its administrative bodies.
261. **PROFESSIONAL SERVICES:** Services offered to the general public such as law, medicine, engineering, accounting, and architecture.
262. **PROCESSING:** Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

263. PUBLIC FACILITIES: Facilities that are owned and operated by a municipality, government agency, or publicly owned utility.
264. PUBLIC HEARING: A meeting announced and advertised in advance and open to the public, with the public being given an opportunity to speak or participate.
265. PUBLIC SERVICE INSTALLATION: A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a PUBLIC UTILITY.
266. PUBLIC UTILITY (PUBLIC SERVICE UTILITY): Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, State, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.
267. PUBLIC WAY: A highway, street, avenue, boulevard, road, lane, alley or other area specifically designated and continuously maintained for public access.
268. QUASI PUBLIC AGENCY: A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.
269. QUORUM: A simple majority of the full membership of a board or agency.
270. RADIO ANTENNA: A signal-receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.
271. RADIO FREQUENCY (RF) ENGINEER: An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.
272. RADIO FREQUENCY RADIATION (RFR): The emissions from personal wireless service facilities.
273. RADIO TOWER: A signal-sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.
274. RECREATION, COMMERCIAL INDOOR: A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.
275. RECREATION, OUTDOOR: Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses.
276. RECREATION, PRIVATE: Recreational, playgrounds and parks activities that are not open to the general public and for which a fee may or may not be charged.

277. RECREATIONAL EQUIPMENT: Includes travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off-road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.
278. RECREATIONAL VEHICLE: 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.
279. RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND: A parcel of land reserved for the location of recreational vehicles, including building sites set aside for group camping and similar recreational vehicles.
280. RECYCLING FACILITY: The process by which waste products are reduced to raw materials and transformed into new and often different products.
281. RELIGIOUS INSTITUTION (see INSTITUTION, RELIGIOUS)
282. RESEARCH AND DEVELOPMENT FACILITY: Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full-scale production.
283. RESIDENCE: A home, abode, or place where an individual is residing at a specific point in time.
284. RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT: The use of land parcels for human habitation under the terms of this Chapter. RESIDENTIAL shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.
285. RESOURCE RECOVERY FACILITY: A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose of such a building is to reuse the recovered materials.
286. RESTRICTION: A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.
287. RESTRICTIVE COVENANT: A restriction on the use of land usually set forth in a deed or other appropriate document.
288. RETAIL TRADE: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

289. **RESTAURANT:** A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with State and federal health regulations.
290. **RIGHT-OF-WAY:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.
291. **RIGHT-OF-WAY LINE:** The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities. See graphic for Lot Lines.
292. **RINGLEMANN CHART:** A device to measure the opacity of smoke emitted from stacks and other sources.
293. **ROAD FRONTAGE:** The length of the lot line that borders a public or private road at the right-of-way line.
294. **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.
295. **SALVAGE YARD:** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. SALVAGE YARD shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; and the processing of used, discarded or salvaged materials as part of manufacturing operations.
296. **SANITARY LANDFILL:** Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.
297. **SCALE:** The relationship between distances on a map and actual ground distances.
298. **SCHOOL** (see INSTITUTION, EDUCATIONAL)
299. **SCREENING:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
300. **SEASONAL BUSINESS:** A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.

301. SEASONAL RESIDENCE: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.
302. SECURITY BARRIER: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.
303. SENIOR HOUSING: A Residential complex containing multiple family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care where patients are confined to bed.
304. SEPARATION: The distance between one carrier's array of antennae and another carrier's array.
305. SETBACK: The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot. See graphic for Lot Lines.
306. SEWAGE TREATMENT PLANT: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.
307. SEXUALLY ORIENTED BUSINESS. An inclusive term used to describe collectively: adult cabaret; adult motion picture theater; video arcade; bathhouse; massage studio; and/or sex shop.
308. SIGNS:
- a. A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.
 - b. For the purpose of this Ordinance, the following sign or sign-related terms are here defined:
 - 1) AREA, OR SURFACE AREA, OF SIGN. Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric

- address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.
- 2) **ABANDONED SIGN.** If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted at that site for a period of (14) fourteen days, that sign shall be considered abandoned.
 - 3) **BANNER.** Either a Temporary Sign or Portable Sign, depending on how it is used.
 - 4) **DIRECTIONAL SIGNS:** Signs posted to show direction of traffic flow through the property.
 - 5) **ELECTRIC SIGN.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
 - 6) **ELECTRONIC MESSAGE BOARD.** Changeable copy/image signs in which the copy/image consists of an array of lights activated and deactivated.
 - 7) **FREESTANDING SIGNS:** Signs that are supported from the ground by a structure and are not attached to a building. Types:
 - a) A sign elevated high above ground level, typically on a pole or other structure.
 - b) **Ground Sign:** A sign low to the ground and typically used to identify large buildings, institutions and real estate developments.
 - 8) **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.
 - 9) **INTEGRAL SIGN.** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
 - 10) **JOINT SIGN.** A sign that gives direction and identification to a group of adjacent businesses whether or not under single management.
 - 11) **LOCATION.** A lot, premise, building, wall or any place whatsoever upon which a sign is located.
 - 12) **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
 - 13) **MERCHANDISING SIGNS:** Signs identifying products or services available at the establishment and their prices. This is a descriptive term. Regulation depends on whether the sign is permanent, portable, temporary, a sign cover or a safety concern.
 - 14) **MONUMENT or GROUND MOUNTED.** A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.
 - 15) **MULTI-TENANT SIGNS:** Wall, ground or freestanding signs for unified developments, such as shopping centers and office parks, shall identify only the development, individual tenants or establishments.
 - 16) **NONDWELLING USE SIGN.** A sign located on a parcel that does not have a dwelling as its principal structure and is located in the R-1, or R-2 district. Examples of the uses that may be associated with nondwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings, cemeteries and agricultural retail facilities.

- 17) POLITICAL SIGNS/POSTERS: Signs intended for use in promoting either a candidate for public office or proposal or similar issue that will be placed before the public to vote.
- 18) PORTABLE SIGNS: Portable Signs are those signs that are designed to be transported. Illustrations of signs designed to be transported include, but are not limited to, signs on a trailer or trailer frame and designed to be transported by means of wheels; signs converted to "A" or "T" frames that sit on the ground or lean against a permanent structure; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operation of the business. Portable Signs may be a printed banner, changeable copy or portable LED messaging units. If a sign more accurately fits the definition of a Temporary Sign, it shall not be considered portable for the purposes of this Sign Ordinance.
- 19) REAL ESTATE SIGNS: Signs intended for temporary use in promoting the sale of real estate, with or without structures, shall conform to Section 7.6.
- 20) ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels; this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- 21) ROOF SIGNS: Signs placed on the roofs of buildings, supported by the roof and within the lines of exterior walls. If a wall extends above a roofline and supports a sign, it shall be considered a Wall Sign and not a Roof Sign in this Ordinance.
- 22) SETBACK. A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right-of-way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.
- 23) SIGN: A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and that is intended to direct attention to an object, product, place, activity, person, institution, organization or business. This includes changeable copy and LED (light-emitting diode) Portable Signs. For this Ordinance, a *national flag* or official court or public office notice is not considered a sign. A sign located inside of a window shall not be regulated under this Ordinance.
- 24) SIGN COVER: Signs are defined as "Sign Cover" ONLY when they are located on permitted signs and cover up the content of the permitted sign. This includes a display sign, banner or other advertising device, with or without a structural frame, constructed of nondurable materials and intended for a limited period of use.
- 25) STREET BANNERS. Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Village of Breckenridge.

- 26) SUBDIVISION SIGN. A sign intended as identification for a Residential subdivision.
 - 27) TEMPORARY SIGN: A display sign, banner or other advertising device, with or without a structural frame, intended for a limited period of use. Signs are defined as temporary when they are attached to a permanent structure, including but not limited to a building, light pole, trees, bushes, or fences. If a sign more accurately fits the definition of a Portable Sign, it shall not be considered temporary for the purposes of this Sign Ordinance.
 - 28) WALL SIGNS: Signs permanently attached to the exterior wall of a building and projecting out from such walls no more than fourteen (14) inches. The area of the Wall Sign includes that area within a continuous line enclosing all letters and graphic symbols of the sign.
 - 29) WINDOW SIGNS: Signs hung outside of a window and within the framework of any window of a business or residence.
309. SINGLE OWNERSHIP: Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.
310. SITE: Any plot or parcel of land or combination of contiguous lots or parcels of land.
311. SITE CONDOMINIUM (see PLANNED UNIT DEVELOPMENT)
For purposes of regulation and site plan review, the Village of Breckenridge defines all site condominiums as PUDs.

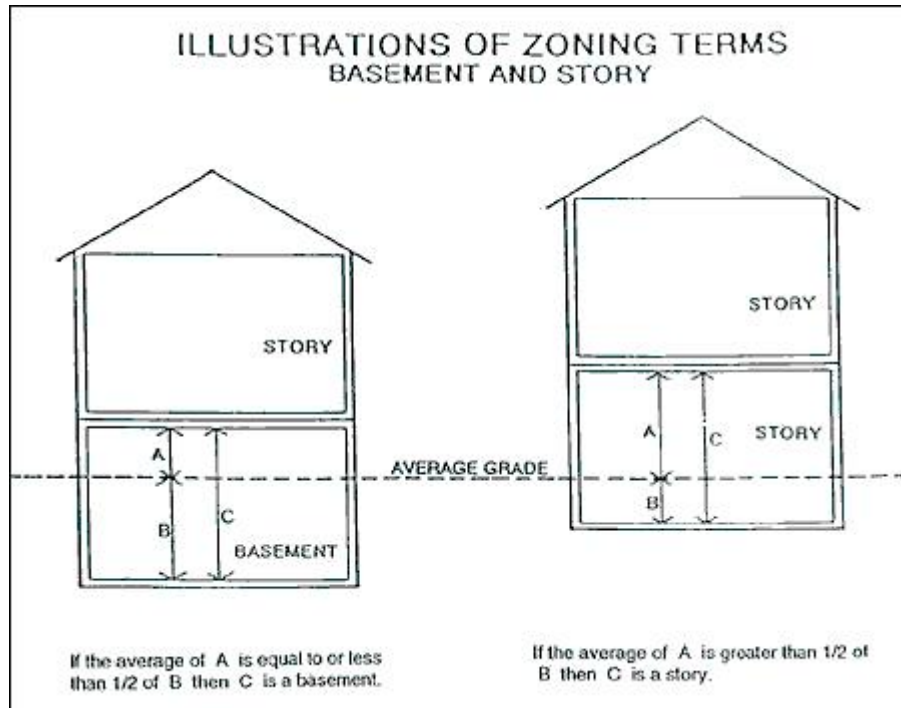
The Michigan state law related to site condominiums uses the following definitions: A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended). The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

- a) "Condominium Act" means Act 59 of 1978, as amended.
- b) "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- c) "Condominiums subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- d) "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

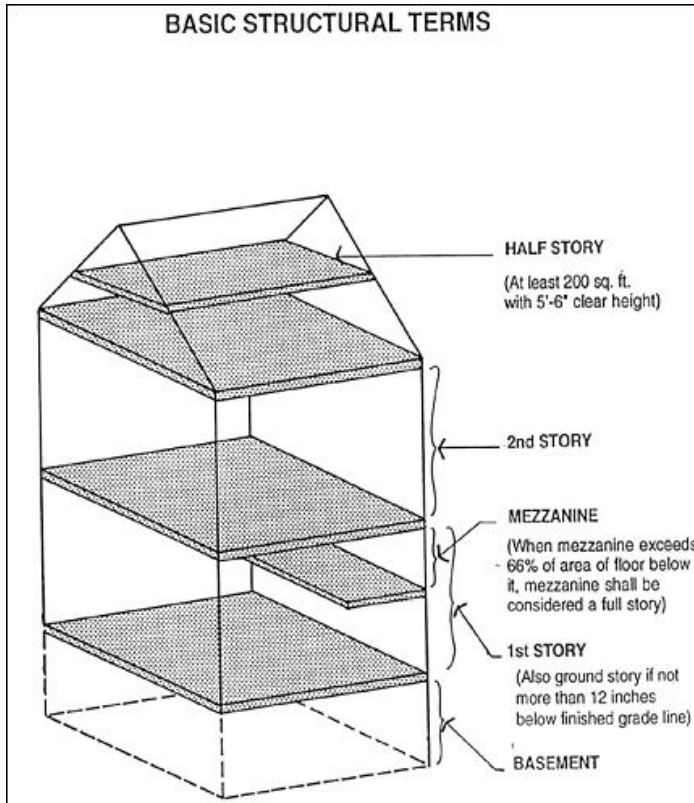
- e) "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
 - f) "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - g) "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
 - h) "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - i) "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - j) "Front yard setback" means the distance between the front yard area line and the condominium dwelling.
 - k) "Lot" shall mean the same as "Home site" and "Condominium Unit."
 - l) "Master deed" means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
312. SITE PLAN: The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot.
313. SITE PLAN REVIEW AND APPROVAL: The submission of plans for review and approval, as required by this Ordinance and special use permits.
314. SLOPE: The degree of deviation of a surface from the horizontal, usually expressed as percent or degrees.
315. SOIL: All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.
316. SOIL RESOURCE EXTRACTION: All or any part of the process involved in the mining of minerals by removing excess materials and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

317. SPECIAL LAND USE: A use, permitted within certain Zoning Districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in this ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Village.
318. SPECIFIED ANATOMICAL AREA:
- a. Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola.
 - b. Human genitals in a discernable turgid state, even if completely and opaquely covered.
319. SPECIFIED SEXUAL ACTIVITY: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
320. SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Village of Breckenridge Master Plan.
321. SQUARE FOOTAGE: The length times width of a building, structure or use.
322. STADIUM: A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.
323. STALL, PARKING: The parking space in which vehicles park.
324. STATE LICENSED RESIDENTIAL FACILITY: A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.
325. STORAGE, BULK: The holding or stockpiling on land of material and/or products where such storage constitutes 40 percent of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity: (1) in a bulk form or in bulk containers; (2) under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposure to the elements; (3) in sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site; (4) the major function is the collection and/or distribution of the material and/or products rather than processing; (5) the presence of fixed bulk containers or visible stockpiles for a substantial period of a year.
326. STORAGE, INDOOR (see WAREHOUSE)

- 327. STORAGE, OUTDOOR (SEE OUTDOOR USE)
- 328. STORM SEWER: A conduit that collects and transports runoff of storm water.
- 329. STORM WATER DETENTION: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.



- 330. STORY: That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- 331. STORY, HALF: Is 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.



332. STREET: A public right-of-way that has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

333. STREET, COLLECTOR: A street that collects traffic from local streets and connects with minor and major arterials.

334. STREET, CUL-DE-SAC : A street with a single, common ingress and egress, and with a turnaround at the end.

335. STREET, GRADE: The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

336. STREET, LOCAL: A street designed to provide vehicular access to abutting property and to discourage through traffic.

337. STREET, MAJOR ARTERIAL: A street or highway so designated on the major road plan of the Village Master Plan that is designed and intended to carry heavy traffic volumes.

338. STREET, MINOR ARTERIAL: A dedicated public way or recorded private street that affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

339. STREET, PRIVATE: A street that is not public as defined by this Ordinance.

340. STREET, PUBLIC: Any public right-of-way, conforming to the Village of Breckenridge standards, that provides vehicular access to adjacent properties.

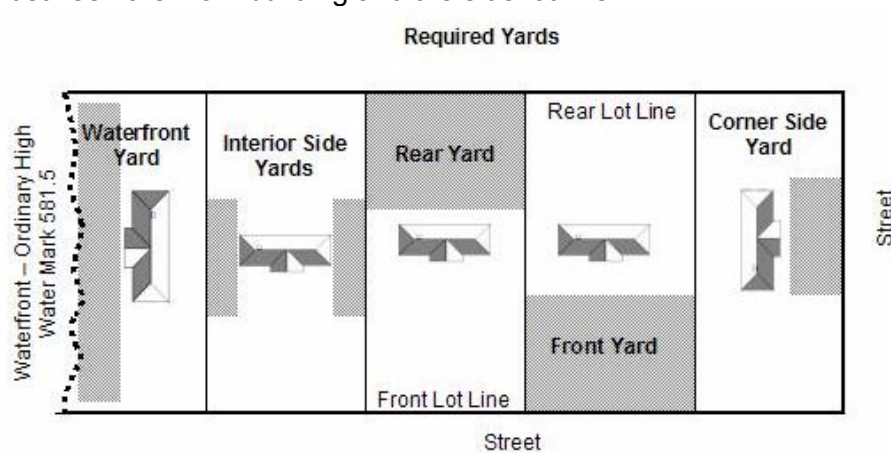
341. STRUCTURE (see #42, BUILDING)

342. STRUCTURAL CHANGES OR ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

343. **SUBDIVISION:** The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes, provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.
344. **SUBSTANCE ABUSE REHABILITATIONS CENTER (see INSTITUTION, REHABILITATION)**
345. **SUPPLY YARD:** A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.
346. **SWALE:** A depression in the ground that channels runoff.
347. **SYSTEM BUILT HOME (See MANUFACTURED HOME)**
348. **TAVERN (see BAR)**
349. **TENANT:** An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.
350. **THEATER:** A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.
351. **TOWING:** An establishment that provides for the removal and temporary storage (7 days) of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.
352. **TRAILER:** Any vehicle designed to be drawn by an automotive/motorized vehicle.
353. **TRUCK AND RAILROAD TERMINALS:**
- a. A place where transfer between modes of transportation takes place.
 - b. A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.
354. **TRUCK TRACTOR:** The driving and control component of a trailer rig. A truck tractor is a self-propelled vehicle to which a trailer is attached.
355. **UNIFIED CONTROL:** The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.
356. **USE, BY RIGHT:** Any use that is listed as a use by right in any given Zoning District in this Ordinance. Uses by right are not required to show need for their location.

357. **USE, CHANGE OF:** Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.
358. **USE, LAWFUL:** The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exists at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.
359. **USE, TEMPORARY:** A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit.
360. **USED CAR LOT (see VEHICLE SALES)**
361. **VARIANCE:** A modification of the required provisions of the physical development or land use standards of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted.
362. **VEHICLE, MOTOR:** A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.
363. **VEHICLE REPAIR:** General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.
364. **VEHICLE SALES:** A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.
365. **VETERINARY HOSPITAL (see KENNEL)**
366. **WALL, OBSCURING:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
367. **WAREHOUSE:** A building primarily used for the storage of goods and materials.
368. **WATER SUPPLY SYSTEM:** The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.
369. **WETLANDS:** Areas delineated by the Department of Environmental Quality as wetlands.
370. **WHOLESALE SALES:** Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

- 371. **WIRELESS COMMUNICATION FACILITY:** Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.
- 372. **YARDS:** Includes the following:
 - a. **FRONT YARD.** The open space, on a corner lot or otherwise, extending the full width of the lot between the main building and front lot line.
 - b. **YARD, LEAST DEPTH OR WIDTH.** The shortest horizontal distance from each of the lot lines to the building thereon.
 - c. **REAR YARD.** The open space extending the full width of the lot between the main building and rear lot line.
 - d. **SIDE YARD.** The open space extending from the front yard to the rear yard between the main building and the side lot line.



- 373. **ZERO LOT LINE:** The location of a building in such a manner that one or more of the building's sides is directly on a lot line.
- 374. **ZONE:** A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.
- 375. **ZONING:** The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
- 376. **ZONING PERMIT:** A permit signifying compliance with the provisions of this ordinance regarding use, activity, bulk, density and with the requirements of all developed codes and ordinances in effect in the Village of Breckenridge. The permit is issued by the Village of Breckenridge before applying for a building permit from the Gratiot County Permits office. A zoning permit is valid for six months. From the issue date, during which construction must have begun.

Chapter 3 ■ District Regulations

SECTION 3.1 DIVISION OF THE VILLAGE.

A. For the purposes of this Ordinance, all land within the Village of Breckenridge except streets are divided into the following Zoning Districts:

- A-1 Agriculture
- R-1 Residential: Single and Two Family
- R-2 Residential: Multiple Family
- R-3 Residential: Manufactured Home Development
- C-1 Business
- C-2 Business
- I Industrial

SECTION 3.2 OFFICIAL ZONING MAP

A. The boundaries of Zoning Districts are defined and established as shown on a map, entitled "Village of Breckenridge Zoning Map," that accompanies this Ordinance. This map, with all explanatory text, is a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Village Clerk or his/her designee.

SECTION 3.3 INTERPRETATION OF BOUNDARIES.

A. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
2. Boundaries indicated as approximately following Village boundary lines or property lines shall be presumed to follow said lines.
3. Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel to and at such distance from as indicated by given distance or scaled dimension.

SECTION 3.4 SCOPE OF REGULATIONS.

- A. No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.
- B. The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

- C. The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

SECTION 3.5 DISTRICT REGULATIONS TABLES.

- A. Regulations for all Zoning Districts are contained together in the following tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in the Village of Breckenridge.
1. INTENT AND PURPOSE—TABLE A. This table lists the intent and purpose of each Zoning District.
 2. USES—TABLE B. This table describes permitted activities for two to four related Zoning Districts that are identified in the left-hand column of each page. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Permit are subject to the process described by Chapter 7, Special Use Permit Regulations.
 3. DIMENSIONS—TABLE C. This table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

| VILLAGE OF BRECKENRIDGE | |
|--|---|
| TABLE A—INTENT AND PURPOSE OF ZONING DISTRICTS | |
| A-1 Agriculture | The A-1 district is for agricultural and single family residential uses associated with farming operations together in a compatible environment. The purpose of this zone is to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance. |
| R-1 Residential Single and Two Family | The R-1 district is intended for single-family and two-family residential uses. The purpose of this zone is to encourage a residential environment of low-density dwellings. |
| R-2 Multiple Family | The R-2 district is to provide a variety of housing styles, designs and costs to meet the needs of existing and potential residents while promoting development and preservation of neighborhoods of higher density than in the R-1 district. |
| R-3 Manufactured Home Development | The R-3 Manufactured Home Development district is intended to preserve the interests of alternate types of residential developments that should be permitted in every community and to protect the residents of any manufactured home type development. The regulations applicable to this district are considered as minimum standards to be applied to all Manufactured Home Developments in the district. |
| C-1 Business District | The C-1 District is hereby established to provide areas of concentrated commercial development in the business district of the community. Preferred uses are those of a retail or personal services nature which do not necessarily require large spaces for the display or sale of goods or services and which do not require immediate access to the site for motor vehicles as well as to provide essential service needs to the highway traveler and to accommodate businesses serving a regional market. |
| C-2 Business District | The C-2 District is hereby established to provide areas of general commercial development for the location of uses which are of a retail or personal services nature and for uses which require large spaces in which to conduct a commercial operation. |
| I Industrial | This district is intended for light industrial uses and also permits nonretail business and service establishments. It is designed to permit manufacturing, production, processing, assembling, packaging and treatment of products from previously prepared or finished products. The purpose of this district is to promote industrial areas that are protected from incompatible uses. |

| VILLAGE OF BRECKENRIDGE | | |
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| TABLE B—TABLE OF PERMITTED USES | | |
| District | Uses Permitted by Right | Uses Permitted by Special Use Permit |
| A-1 Agricultural | <ul style="list-style-type: none"> • Agricultural and Forestry Activities - forestry, field crops, fruit orchards, horticulture, aviaries, hatcheries, apiaries, plant and tree nurseries, greenhouses and sod farming. • Cemeteries. • Home occupations • Public buildings, service installations. • Single family dwelling. • State licensed residential facility. • Temporary Buildings or Trailers • Veterinary hospital • Accessory Uses | <ul style="list-style-type: none"> • Agricultural retail facilities • Animal Feeding Operations • Bed and Breakfast • Campground/RV Park • Golf Courses • Grain and seed elevators • Kennels • Livestock auction/production yards • Ponds/Artificial wetland • Raising and keeping small animals and livestock • Riding stables • Wholesale agricultural products storage • Wireless communication facilities. |
| R-1 Residential Single and Two Family | <ul style="list-style-type: none"> • Day Nurseries, limited size • Home Occupations • Public parks • Single-Family dwellings • State Licensed Residential Facilities for 6 or fewer residents • Two-Family dwellings • Accessory Uses | <ul style="list-style-type: none"> • Bed and Breakfasts • Cemeteries • Public Service Installations • Religious and Educational Institutions • Senior housing • State Licensed Residential Facilities for 7 or more residents |
| R-2 Multiple Family | <ul style="list-style-type: none"> • All uses by right in R-1 • Multifamily dwellings • Museums, Libraries • Public Parks • Senior Housing | <ul style="list-style-type: none"> • All uses by special use permit in R-1 • Planned Unit Development • Ponds/Artificial wetland • Public Service Installations • Religious, Social, Educational and Human Care Institutions • State Licensed Residential Facilities for 7 or more residents |

| VILLAGE OF BRECKENRIDGE | | |
|--|---|---|
| TABLE B—TABLE OF PERMITTED USES | | |
| District | Uses Permitted by Right | Uses Permitted by Special Use Permit |
| R-3 Manufactured Home Development | <ul style="list-style-type: none"> • Accessory uses or structures such as Manufactured Home Development business office, laundry facilities, and home occupations. • Clubhouse, swimming pool, playgrounds, common areas and recreation facilities. • Home Occupations • Manufactured Home Developments, subject to the requirements established and regulated by the Manufactured Housing Commission rules, and the provisions of this article • Public Service Installations | None |
| C-1 Business District | <ul style="list-style-type: none"> • Bed and Breakfasts • Day Nurseries • Drive-in establishments • Funeral Homes/Mortuaries • Gas Stations • Libraries • Museums • Dwellings above the first floor • Other retail goods, service, repair • Personal Services • Professional and Admin. Offices • Public Buildings • Restaurants • Senior Housing • Accessory Uses | <ul style="list-style-type: none"> • Assembly Buildings • Car Wash • Hotel/Motel • Planned Unit Developments • Religious, Social, Rehabilitation and Human Care Institutions • Temporary Outdoor Uses |
| C-2 Business District | <ul style="list-style-type: none"> • Uses permitted by right in C-1 district • Commercial Recreation • Commercial Schools • Contractors • Equipment Rental/Sales • Lumber Yard • Outdoor sales • Vehicle sales • Theaters, including drive-ins • Utility Service Buildings • Veterinary hospitals • Wholesale sales | <ul style="list-style-type: none"> • Uses permitted by special use permit in the C-1 district • Kennels • Mini storage • Outdoor Assembly • RV Parks |

| VILLAGE OF BRECKENRIDGE | | |
|--|--|---|
| TABLE B—TABLE OF PERMITTED USES | | |
| District | Uses Permitted by Right | Uses Permitted by Special Use Permit |
| I Industrial | <ul style="list-style-type: none"> • All uses allowed by right in C-2 district • Accessory Uses • Agricultural bulk storage and processing • Commercial schools • Distribution • Fuel sales • Greenhouses • Heavy Vehicle repair • Laboratories • Manufacturing • Mini storage • Production, processing, assembling, treatment or packaging of goods • Public Utility installations • Research and Development • Towing • Truck terminals • Vehicle Repair • Warehousing and storage | <ul style="list-style-type: none"> • Fireworks Storage • High Intensity Food processing • Incarceration Facility • Incinerators • Industrial parks • Junk Yard • Petroleum or flammable liquid production, refining and storage • Sewage treatment and disposal • Sexually Oriented Business • Soil Resource Extraction |

| TABLE C – DIMENSIONS TABLE | | | | | | | |
|--|---|---|---|--|-----------------------------|---------------|------|
| District | A-1 | R-1 | R-2 | R-3 | C-1 | C-2 | I |
| Lot area Minimum | 43,560 s.f. | 12,000 s.f. | 12,000 s.f. | See Section 306. for Mobile Home Park District Regulations | None | 21,780 s.f. | None |
| Lot width minimum | 80' | 80' | 80' | | None | None | none |
| Front yard Minimum for lots of > 12,000 s.f. | 35' | 35' | 35' | | None | 25' | 50' |
| Front yard Minimum for lots of 8,400 – 12,000 s.f. | 18' | 18' | 18' | | None | 25' | 10' |
| Front yard Minimum for lots of < 8,400 s.f. | 10' | 10' | 10' | | None | 10' | 10' |
| Rear yard Minimum | 35' | 35' | 35' | | None | 25' | 25' |
| | Accessory structures: 6' See footnote a. | Accessory structures: 6' See footnote a. | Accessory structures: 6' See footnote a. | | | | |
| Side yard, minimum each, lots > 12,000 s.f. | 10' | 10' | 10' | | None | 15' | 30' |
| | Accessory Structures -6' | Accessory Structures 6' | Accessory Structures 6' | | | | |
| Side yard Minimum for lots of 8,400 – 12,000 s.f. | 10' | 10' | 10' | | None | None | None |
| | Accessory Structures 6' | Accessory Structures 6' | Accessory Structures 6' | | | | |
| Side yard Minimum for lots < 8,400 s.f. | 10' | 10' | 10' | | None | None | None |
| | Accessory Structures 6' | Accessory Structures 6' | Accessory Structures 6' | | | | |
| Corner Lot minimum yards | 25' outside yard, 4' interior side yard | 25' outside yard, 4' interior side yard | 25' outside yard, 4' interior side yard | None | None | None | |
| Minimum housing unit one family | 1,000 s.f. 20' min. across any one side. | 1,000 s.f. 20' min. across any one side. | 1,000 s.f. 20' min. across any one side. | Not permitted except in PUD | Not permitted except in PUD | Not permitted | |
| Minimum housing unit two family | Not permitted | 1,500 s.f. | 1,500 s.f. | Not permitted except in PUD | Not permitted except in PUD | Not permitted | |

| TABLE C – DIMENSIONS TABLE | | | | | | | |
|----------------------------------|---|---|---|-----|---|--------------------|---------------|
| District | A-1 | R-1 | R-2 | R-3 | C-1 | C-2 | I |
| Minimum housing unit multifamily | Not permitted | Not permitted | See footnote b. | | No min. Permitted above the first floor | See footnote b. | Not permitted |
| Maximum structure height | 35' or 2.5 stories. No Max for accessory structures | 35' or 2.5 stories | 35' or 2.5 stories | | 40' or 3.0 stories | 40' or 3.0 stories | None |
| Accessory Structures | See Chapt. 4- General regulations | See Chapt. 4- General Regulations See footnote b. | See Chapt. 4- General regulations See footnote b. | | See Chapt. 4- General regulations See footnote b. | See footnote b. | None |

FOOTNOTES TO THE DIMENSIONS TABLE:

- a. Rear yards may be occupied by accessory structures provided accessory structures or use provided the permitted accessory use or structure does not occupy more than thirty (30%) percent of the rear yard in which it is located.
- b. All accessory structures not to exceed the height of the primary structure in R-1, R-2, C-1 and C-2 districts.
- c. Minimum required square footage per unit by unit type:

Efficiency Unit – Is a dwelling unit containing a minimum floor area of five hundred (500') square feet per unit, consisting of not more than one room and sanitary facilities.

One Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.

Two Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.

Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

SECTION 3.6 R-3 DISTRICT - MANUFACTURED HOME/MOBILE HOME PARK

- A. PERMITTED USES. Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this article.
1. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
 2. Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.
 3. Public Service Installations
- B. GREENBELT BUFFER. Within the premises upon which a manufactured home park is located there shall be constructed a greenbelt buffer. After approval as a part of the preliminary plan review process, there shall be no requirement that the buffer be changed due to future development.
1. The greenbelt buffer shall be twenty (20') feet wide on all side and rear lot lines abutting adjoining property. Existing manufactured housing developments are not required to buffer between the existing development and any new adjacent development that did not exist at the time the preliminary plan was approved.
 2. Landscaping Materials. If the mobile home park abuts an existing residential development, screening shall be required in the buffer zones. Screening shall be with plants of six (6') feet in height at the time of planting, which shall obscure fifty (50%) percent of the view of the park, or a solid fence eight (8') feet in height obscuring one hundred (100%) percent of the view, or any combination of the above may be used to meet the intent of this Ordinance, to screen the mobile home park from abutting developed residential use district classifications, or residences, and also from any previously existing adjoining single-family residence, regardless of the zone in which the latter residence is located. All the screening shall obscure one hundred (100%) percent of the view at maturity. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber. If a masonry fence is used, it shall have a foundation of at least forty-two (42") inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer, must be appropriate to the climate and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.
 3. Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be replaced. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants which will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.
 4. The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant any exception during the preliminary plan review process.

5. The greenbelt buffer, whether utilizing a fence, or trees and plantings, or both, shall in any event be compatible with the surrounding environment.

C. **STREETS, SIDEWALKS AND PUBLIC WAYS.** Every mobile home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

1. Access to public ways. Where adverse topographic conditions of entry streets are encountered, a second entry street must be provided. Such adverse conditions might be, but are not limited to, a stream, swamp and/or steep grade. The purpose of the second entry street is to provide adequate access to the community in cases of emergencies, poor weather or heavy traffic conditions.
2. All streets within the mobile home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction that includes Construction Details of the Michigan Department of Transportation.
3. Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to the design standards of the Michigan Department of Environmental Quality drainage standards.
4. Two-way streets within the mobile home park shall have a minimum traveled width of twenty-one (21') feet of pavement with no parking. One-way streets shall have a minimum traveled width of thirteen (13') feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the mobile home park the minimum width of each street, in addition to the traveled portion, shall be ten (10') feet wide for each parallel parking lane and sixteen (16') feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.
5. Each street intersection within the mobile home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30') feet from the intersection or taller than three (3') feet from the center line elevation of the street.
6. Each intersection within the mobile home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
7. If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.

D. **OFF STREET PARKING AND DRIVEWAYS.**

1. All mobile home sites within the mobile home park shall be provided with not less than two (2) hard-surfaced parking spaces. If the parking spaces are off-street, they shall be hard-surfaced and shall be sized to accommodate at least one (1) full-sized vehicle. All off-street parking shall be connected to an adjacent mobile home park street by hard-surfaced driveway at least ten (10') feet in width. Parking may also be provided on-street, provided that the parking lane width requirements are complied with. Driveways shall also be provided for access to service entrances and buildings

- for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.
2. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Each visitor parking site shall be located within five hundred (500') feet of the mobile home site it is intended to serve.
 3. In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snow mobiles, and the like.
- E. ILLUMINATION. All streets and sidewalk and areas open to travel by mobile home park
1. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
 2. At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
 3. All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
 4. If a central park mail box or park directory or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
 5. All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.
 6. All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.
- F. WATER SUPPLY, FIRE HYDRANTS, AND SANITARY SYSTEM. Each mobile home park shall be connected to a common water supply and sanitary sewage disposal system. Adequate water supply shall be provided for firefighting purposes. Water supply shall be designed and installed and sewer service provided in accordance with the Michigan Department of Public Health Engineering Standards and the Safe Drinking Water Act, Section 325.1105 administrative rules and shall be properly maintained and readily accessible for immediate use at all times. Fire hydrants shall be situated within the mobile home park in such locations and at such intervals such that no lot shall be more than three hundred (300) feet measured parallel to the street from a fire hydrant. Each fire hydrant shall be located within ten (10) feet of the edge of the street paving surface. If the central water system cannot support fire hydrants, 'dry' fire hydrants shall be installed. When the property is more than one hundred fifty (150) feet along a public right-of-way from either municipal water or sewer supply lines or sewers, a private system may be installed as approved by the County Health Department. Otherwise, each mobile home park shall be connected to the Village water and/or sanitary sewage disposal systems and each mobile home site shall be connected.
- G. SOLID REFUSE, GARBAGE AND RECYCLABLES. The disposal of solid refuse shall comply with all government requirements for refuse disposal.

- H. UTILITIES. All local distribution lines for telephone and electric services, exclusive of main supply and perimeter feed lines shall be placed entirely underground throughout the mobile home park.
- I. OPEN SPACE. An open space dedicated to use by Mobile Home Park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2%) percent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to mobile home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.
- J. MOBILE HOME INSTALLATION. Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

Chapter 4 ■ GENERAL REGULATIONS

SECTION 4.1 NONCONFORMITIES

- A. **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Village and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- B. **HISTORIC PROPERTIES.** Any nonconforming property in the Village of Breckenridge that is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
- C. **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
- ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.
- LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
1. The nonconformity existed legally before the effective date of this Ordinance.
 2. The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
 3. Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
 4. Nonconforming Buildings or Structures only: The building or structure does not extend into a public right of way, or over a neighboring property line.
- D. **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of six (6) months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.
- E. **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
- F. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is

damaged may be restored, rebuilt, or repaired, provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.

- G. REPAIR. Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, wear or depreciation. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
- H. CHANGING USES. If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- I. NONCONFORMING LOTS. In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- J. INVENTORY OF NONCONFORMITIES. The Village Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in the Village of Breckenridge. Listed properties shall be arranged in the order of the Township Assessor's parcel identification numbers. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Zoning Administrator. In theory, the inventory of legal nonconformities should only expand if a Board of Appeals action allowing the nonconformity is issued.

All listed properties shall also be identified on a large scale map of the Village which shall be available for public inspection. Each listing in the Inventory of Nonconformities shall include the following information.

1. Date each parcel listed on inventory.
2. Parcel identification number.
3. Property address.
4. Current owner(s).
5. Property description.
6. Parcel dimensions.
7. Current zoning district.
8. Current use of property.
9. Description of all nonconformities (Use, lot, structures, and signs), and date nonconforming status occurred, if known.

SECTION 4.2 USE REGULATIONS.

- A. PERMITS REQUIRED.
1. All construction requires a building permit.
 2. All accessory structures and uses require a zoning permit.

- B. **PRIOR ZONING PERMITS.** Any zoning permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- C. **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
1. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
 2. Buildings or structures necessary for provision of essential services.
 3. Gardens, garden ornaments and usual landscape features within required yard space.
 4. Retaining walls.
 5. Off street parking for licensed autos, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated capacity.
 6. Home Occupations.
 7. Use of premises as a voting place.
 8. Storage sheds, playhouses, and shelters for transit or school bus passengers.
 9. Radio or TV antennas.
 10. Swimming Pools – See applicable State laws.
 11. Front yard handicap access facilities in residential districts, with proof of need.
 12. Alternative fuel storage in the R-1, R-2, C-1, C-2 district is a permitted accessory use provided storage of the fuel is contained in a structure of like building materials as the principal structure.
- D. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the Central Michigan District Health Department and applicable State agencies.
- E. **INOPERATIVE OR DISMANTLED VEHICLES.** The storage of dismantled, wrecked and/or unlicensed vehicles exceeding ten (10) days within any district is expressly prohibited unless contained within a licensed junkyard or an enclosed structure.
- F. **CORNER CLEARANCE.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- G. **STORAGE OF GARBAGE.** All garbage and rubbish must be stored in well maintained closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties. All dumpsters must be screened from view on all sides and located on an impermeable surface that is a minimum of 4" in

depth.

- H. **FENCES, WALLS AND BOTANICAL SCREENS.** In all agricultural, residential and commercial districts, no fence, wall or hedge plantings shall exceed a height of three (3') feet within thirty (30') feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3') feet in any front yard or six (6') feet in any side or rear yard. Fences that enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed eight (8') feet in height and shall not obstruct vision.
- I. **STORAGE OF EQUIPMENT AND MATERIALS.** In all commercial and industrial districts, the open storage of any equipment, vehicles and all materials, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall said wall be less in height than four feet six inches (4'6") measured from the surface of the adjacent building flooring.
- J. **HEAVY EQUIPMENT STORAGE.** Overnight parking of commercial vehicles licensed for road use, in excess of one and one half (1.5) tons rated capacity, including all semi truck tractors and trailers, is allowed in all districts except in any Residential Zoning District where the lot is less than one (1) acre in area. If there is deed restriction to limit heavy equipment storage, that deed restriction will take precedence over this regulation. This regulation does not apply to emergency vehicles or equipment.
- K. **FIRE AND EXPLOSIVE HAZARDS.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the municipality.
 2. All such buildings or structures shall be constructed and located per state and federal requirements.
 3. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941 as amended.

SECTION 4.3 DWELLING REGULATIONS.

- A. **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a Manufactured Home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Manufactured Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
- B. **MANUFACTURED HOME INSTALLATION.** In the event that a dwelling is a Manufactured Home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the rules and regulations of the Michigan

Manufactured Home Commission. Each Manufactured Home must have a perimeter wall or skirting which has the same dimensions as the Dwelling. No Manufactured Home shall have any towing mechanism, undercarriage or chassis exposed.

- C. SITUATIONS WHERE TEMPORARY DWELLINGS ARE ALLOWED. Use of a Manufactured Home for a temporary Dwelling may be authorized under the following circumstances.
1. SINGLE FAMILY HOME UNDER CONSTRUCTION BY OWNER. One (1) Manufactured Home, housing only the owner(s) of a Parcel and their immediate family members, may be placed on any Parcel. The Temporary Permit shall be valid for up to one (1) year, and may be renewed not more than once for the same period by the Zoning Administrator.
 2. REPAIR OF DAMAGED CONFORMING SINGLE FAMILY DWELLING. One (1) Manufactured Home may be placed temporarily on a Parcel. The Manufactured Home may house only the owner(s) of the Parcel and immediate family members during the repair of a Single Family Home. The Temporary Permit shall be valid for up to six (6) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Building Inspector or per Gratiot County's rules.
 3. ADDITIONAL REQUIREMENTS. All of the following requirements must be met before any Temporary Permit may be issued for placement and temporary occupancy of a Manufactured Home.
 - a. UTILITIES. The proposed water supply and sanitary facilities must be inspected and approved by the Central Michigan District Health Department.
 - b. BUILDING PERMIT. A building permit must have been issued to the Parcel owner(s) for construction or repair of a Single Family Home on the Parcel. A zoning permit is required.
 - c. COMPLY WITH DISTRICT REGULATIONS. Placement of the Manufactured Home must comply with all Setback and Lot Coverage requirements for the applicable Zoning District.
 - d. APPLICATION CONTENTS. All applications for temporary manufactured home and recreational vehicle occupancy shall be made to the Zoning Administrator and shall contain
 1. The name of the owner of the manufactured home or recreational vehicle.
 2. The location of the proposed parking site as to street or road and house number, business address or by legal property description where no house number or business address is available.
 3. The make, width and length of the manufactured home or recreational vehicle and the vehicle license number, if any.
 4. The date of the application.
- D. STRUCTURES TO BE OF UNIFORM QUALITY. Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in

quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.

- E. MAINTENANCE. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- F. ONE SINGLE FAMILY DWELLING PER PARCEL. Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- G. FOUNDATION. All single family dwellings, except manufactured homes located in manufactured home parks, must be firmly attached to a permanent foundation meeting the County Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
- H. DIMENSIONS. All single family dwellings must have a minimum width across any front, side and rear elevation of twenty (20') feet and comply in all respects with the County Building Code, including minimum heights for habitable rooms.
- I. ROOF. All one or two family dwellings, other than manufactured homes located inside manufactured home parks, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6") inches beyond the walls.
- J. EXTERIOR DOORS. Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
- K. ACCESSORY BUILDING NOT FOR DWELLING USE. No portion of an accessory building in any Zoning District is to be used as a dwelling. Recreational vehicles may not be used as dwellings.
- L. ATTACHED GARAGE YARD REQUIREMENTS. Attached garages shall be considered part of the principal building for the purpose of computing required yards.
- M. STATE LICENSED RESIDENTIAL FACILITY. No State licensed residential facility for six people or less shall be located within one thousand (1000') feet of another state licensed residential facility.

SECTION 4.4 PARCEL REGULATIONS.

- A. MINIMUM LOT FRONTAGE. The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.
- B. ACCESS TO A STREET. All parcels created after the effective date of this Ordinance shall have access to a public street. In addition, any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, shall have a hard surfaced approach to a public street.

SECTION 4.5 STRUCTURE REGULATIONS.

- A. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapters, must be adhered to, as well as any requirements listed herein.
1. Open porches, paved terraces and patios. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
 2. Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one half (2.5') feet.
 3. Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
 4. Signs, subject to provisions of Chapter 6.
- B. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
1. Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in any Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.
 2. Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the C Zoning Districts or in any Industrial Zoning District, subject to the Special Use regulations for accessory uses.
 3. Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the greater of forty-five (45') or the height of the roof peak by more than fifteen (15') feet.
- C. ABANDONED BUILDINGS AND STRUCTURES. Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than six (6) months shall be considered abandoned and come under the provisions of this ordinance and other County and Village codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six (6) months have passed, the building or structure shall have to meet all the current standards of all applicable County and Village codes.



SECTION 4.6 BUFFERING REGULATIONS.

- A. INTENT AND PURPOSE. The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris,

odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

The objectives of this approach are, to give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means, according to a specific list of options noted in item (D.2.b.), and to encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

- B. **SITUATIONS REQUIRING A BUFFER.** Buffers are required on commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.
- C. **LOCATION.** Buffer yards shall be located on any parcel of land where conflicts in land uses exist between the proposed new land use and existing adjacent land use. Responsibility for, and location of, the buffer yard will be 100% within the boundaries of the proposed new land use. These buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer yards shall not extend into or be located within any portion of an existing street right-of-way or yard.
- D. **BUFFERYARD REQUIREMENTS.** The type of buffer yard required shall be determined based on the proposed new land use and existing land use as a joint activity between the proponent, the neighboring land use and the Planning Commission. Buffers may consist of any suitable combination of landscaping, fences, berms, distance or other mutually agreed upon means.
1. The Planning Commission, proponent and any neighboring land user shall determine the character of the buffer based on the following criteria:
 - a. Traffic impact
 - b. Increased building and parking lot coverage.
 - c. Increased outdoor sales, display and manufacturing area.
 - d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
 - e. Visual, noise and air pollution levels
 - f. Health, safety and welfare of the Village.

Where consensus cannot be reached, the Planning Commission shall determine the appropriate buffer using information from all parties and sound judgment. The justification for any buffer determined under these conditions must be documented in the site plan and minutes of the meeting where the buffer was determined.

2. **Buffer yard Types and Development Standards:** buffer yard requirements are stated in terms of the depth of the buffer yard and the number of plant units required per every 100 linear feet of buffer yard. The requirements may be satisfied by any of the options indicated for any given buffer yard type.

- a. Where required, berms shall be a minimum of three (3) feet in height measured from the average grade at the base to the top of the berm with a slope not greater than three (3) feet of run for each one (1) foot of rise. Additional plant materials, sufficient to provide a virtually opaque barrier may be substituted for a fence, where an opaque fence is required, upon approval of the Planning Commission after consultation with adjacent property owners or occupants.
- b. Where required by this ordinance, plant material shall be as follows:
 1. Deciduous trees shall be planted not more than thirty (30') feet nor less than fifteen (15') feet on centers.
 2. Evergreen trees shall be planted not more than thirty (30') feet nor less than ten (10') feet on centers.
 3. Multi stem deciduous trees shall be planted not more than ten (10') feet on centers.
 4. Deciduous shrubs and spreading evergreens shall be planted not more than five (5') feet nor less than four (4') feet on centers.
 5. Where plant materials are planted in two (2) or more rows, planting shall be in staggered rows.
3. Existing plant material or fences may be counted as contributing to the total buffer yard requirement.
4. If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
5. Buffers are required to extend into the front yard area but shall not be closer to a road right of way than fifteen (15') feet. The Planning Commission may require the buffer to extend to the road right of way if it deems it necessary to accomplish the intent of this ordinance.
6. All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.
7. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.
8. The Planning Commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the Village. All financial deposits must be deposited with the Village prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the Village, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned. If the financial assurance does not cover the entire cost of installation, the excess cost will be billed to the owner of the property.

Chapter 5 ■ PARKING

SECTION 5.1 INTENT

This Section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

SECTION 5.2 CONSTRUCTION AND DESIGN

Regulations in this section apply to all districts.

- A. APPLICATION. Any person desiring to establish or change a parking area shall submit plans to the Village Manager or to the Village Engineer, and Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Any curb cuts, entrances, exits, drainage, and design shall have the written approval of the Village Manager and/or Engineer, the Chief of Police and Fire Department and shall be presented for site plan approval by the Planning Commission.
- B. STANDARDS. The design and construction of parking areas shall conform to the following requirements:
 - 1. Parking spaces shall be at a minimum ten (10') feet by eighteen (18') feet in SIZE. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
 - 2. HANDICAPPED SPACES - Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

| <u>Total in Parking Lot</u> | <u>Number of Accessible Spaces</u> |
|-----------------------------|------------------------------------|
| Up to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |

| | |
|--------------|------------------------------------|
| 401 to 500 | 9 |
| 500 to 1,000 | 2% of total |
| Over 1,000 | 20, plus 1 for each 100 over 1,000 |

3. There shall be a curb or CURB stop provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb or curb stop shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.
 4. Any LIGHTING used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
 5. Each off-street parking DRIVEWAY OPENING to a Public Street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90°) degree angle.
 6. All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20') feet of any Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.
 7. Except for parallel parking, all parking spaces shall be clearly marked with STRIPING which shall be maintained.
 8. Off-street parking areas shall be effectively SCREENED on any side that abuts a residentially zoned district or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
 9. ACCESS DRIVES to and from a parking area shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed and approved by the Village staff and in the instance of Gratiot Road (M-46), the Michigan Department of Transportation.
 10. In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be SURFACED with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
- C. SHARED ACCESS. The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved

prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- D. DRIVEWAY CLOSURE. Nonconforming driveways, per this ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.
- E. The OCCUPANCY of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.
- F. Parking spaces may COUNT TOWARD THE REQUIREMENT for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.

SECTION 5.3 RESIDENTIAL DISTRICTS

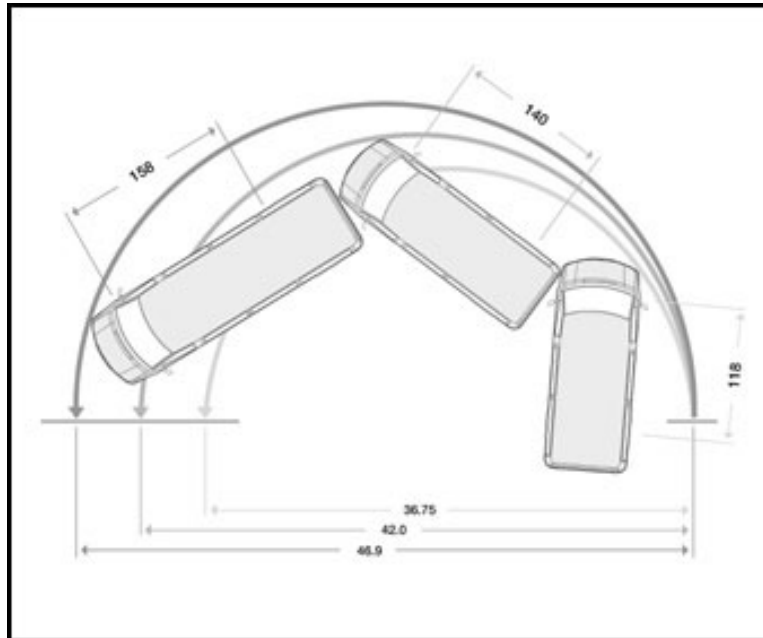
- A. Provisions shall be made for one usable off-street parking space for each dwelling unit, plus one for each bedroom over one, up to three spaces. Parking in residential zones is only permitted as an accessory use, and shall be limited to parking space or facilities for not more than four vehicles per dwelling unit. In no case is it intended that parking or access drives to parking spaces or facilities be permitted as a principal use of any residentially zoned lot.
- B. Apartments require two (2) spaces per dwelling unit. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles. Parking areas must be on an approved surface of asphalt, concrete or gravel.
- C. For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership.
- D. No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

SECTION 5.4 COMMERCIAL DISTRICTS

A. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES

1. An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.

2. Uses occupied or built for the purpose of serving customers in their vehicles by a service window or similar arrangements, off-street waiting spaces shall be provided as shown in the following chart.
3. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
4. Drive-through lanes shall have a minimum turning radius of fifty (50') feet. This graphic shows the maximum size wheel base for adequate turning radii.



5. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
6. No space shall be located closer than fifty (50') feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing-Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

| USE SERVED BY DRIVE-THROUGH LANE | MINIMUM STACKING REQUIREMENTS (PER LANE) |
|----------------------------------|---|
| 1. Restaurant | The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board) |
| 2. Financial Institution | Six (6) vehicles per lane inclusive of the vehicle at the window. |
| 3. Car Wash (coin-operated) | Three (3) vehicles in advance of the washing bay and storage for one and one-half (1½) vehicles beyond the washing bay as a drying and vacuum area. |
| 4. Car Wash (tunnel wash) | Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas. |
| 5. Child Care Centers | One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building. |
| 6. Dry Cleaners | Four (4) vehicles per lane inclusive of the vehicle at the window. |
| 7. Quick Oil Change | Four (4) vehicles per lane inclusive of vehicle being serviced. |
| 8. Convenience Market | Three (3) vehicles per lane inclusive of the vehicle at the window. |
| 9. Other Uses | For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and Village Planner. |

B. **LOADING AND UNLOADING SPACE.** In all districts for every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, or block of stores of over ten thousand (10,000) square feet, wholesale store or warehouse, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the planning commission.

No such space shall be located closer than fifty (50') feet to any lot in any residence district, unless wholly within a completely enclosed building or enclosed on all sides facing the residence district by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

C. **EMPLOYEE PARKING.** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.

- D. **PARKING SURFACE.** All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.

SECTION 5.5 INDUSTRIAL DISTRICTS

- A. Every parcel of land used as a public or private parking area in any "I" District shall be developed and maintained in accordance with the following requirements or other industrial property line, unless screened by a solid masonry wall.
- B. For every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, wholesale store or warehouse, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces as determined by the Planning Commission.
- C. Vehicle service garages shall contain one parking space for each five hundred (500) square feet of building floor area.
- D. Employee parking shall consist of three (3) parking space for every two (2) employees on the largest shift.
- E. In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.
- F. All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries parks and other outdoor recreational uses.

SECTION 5.6 NUMBER OF PARKING SPACES REQUIRED

- A. **PARKING PROVIDED.** Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply. Handicapped parking shall be provided.
- B. **MORE THAN ONE USE.** In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply. The Planning Commission shall have the power to reduce parking further in the case of shared drives, shared parking or other circumstances where a reduction in parking will contribute to the safety, function or overall site design.
1. For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 2. For three (3) uses, seventy-five (75%) percent.
 3. For four (4) uses, seventy (70%) percent.
 4. For five (5) or more, (65%) percent.
 5. In no case shall less than sixty-five (65%) percent be allowed.

- C. SINGLE USE. In cases where there is a single specified use, the following regulations shall apply:
1. Vehicle sales. One parking space per each five hundred (500') square feet of sales floor area.
 2. Vehicle service garages. One parking space for each five hundred (500') square feet of building floor area.
 3. Barber and beauty shops. Two (2) parking spaces for each chair or booth.
 4. Bowling alleys. Three (3) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses.
 5. Places of public assembly. One (1) parking space for each three (3) seats.
 6. Commercial recreation (outdoor). Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces.
 7. Commercial recreational (indoor). One (1) parking space for each one hundred (100) square feet of building floor space.
 8. Dance hall, roller rink, assembly hall. One (1) parking space per 200 square feet of gross floor area in the building.
 9. Funeral homes. One (1) parking space per twenty-five (25) feet of building floor area of assembly rooms.
 10. Furniture sales, retail. One (1) parking space for each five hundred (500) square feet of building floor area.
 11. Gasoline service stations. One (1) parking space for each employee on the largest shift, plus one for each service bay.
 12. Hospitals and convalescent homes. One (1) parking space for each hospital bed and one (1) parking space for each three (3) rest home beds.
 13. Laundromats. One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater.
 14. Motels, hotels, motor courts, tourists or lodging homes, trailer courts, and clubs. One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply.
 15. Office buildings, including banks, business and professional offices. One (1) parking space for each two hundred (200) square feet of building floor area, but in no case less than five (5) spaces.

16. Restaurants, taverns, bars, cocktail lounges, and similar eating establishments. One (1) parking space for each four (4) seats provided for patron use.
17. Retail sales and personal services Parking area equivalent to a minimum of one (1) space per one hundred fifty (150) and a maximum of two hundred square feet of the public floor area.
18. Theaters. One (1) parking space for each four (4) seats.
19. Warehouses, storage buildings, lumber and supply yards, wholesale sales. Two (2) parking spaces for each employee. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

Chapter 6 ■ SIGNS

SECTION 6.1 SCOPE

These Standards are adopted to:

- a. Maintain and enhance the aesthetics of the community.
- b. Enhance pedestrian and traffic safety.
- c. Preserve public health, safety, and welfare.
- d. Minimize the adverse effects of signs on nearby public and private property.
- e. Minimize driver distraction.
- f. Encourage appropriate plants and landscaping material.
- g. Avoid excessive signage.
- h. Protect and enhance the scenic views and natural landscapes.
- i. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- j. Promote the use of aesthetically pleasing sign materials and colors.
- k. Avoid obstacles, distractions, or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- l. Preserve the right to enjoy scenic amenities.
- m. Enhance the effectiveness of necessary directional and warning signs.
- n. Preserve property values.
- o. Provide for the effectiveness of permitted signs.
- p. Avoid adverse lighting or reflection.
- q. Require structurally safe signs.

SECTION 6.2 PERMIT PROCEDURE

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Village Zoning Administrator. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.

- A. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
 1. **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 2. **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- B. **APPLICATIONS.** Application for a permit to construct or locate a permanent sign shall be obtained from the Village Zoning Administrator. The application shall include the following information.
 1. Name, address, telephone number of the landowner, developer, or petitioner.
 2. A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or

adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.

3. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
4. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
5. The proposed dates of construction and completion of the sign.
6. Structural information necessary to comply with all current building codes.
7. In the case of a portable sign, the length of time the proposed sign will be on the site.
8. A fee shall be paid to the Village of Breckenridge for each sign permit. A schedule of fees shall be established and amended from time to time by the Village Council.

C. **DURATION OF PERMIT FOR PORTABLE SIGNS.** All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 3 days.

| Zoning District | Duration of Permit | Permits per Parcel |
|-------------------------|--------------------|--------------------|
| RESIDENTIAL(Non-Profit) | exempt | No limit |
| A-1/RES (All Other) | 14 days | 6 per year |
| COMMERCIAL | 30 days | 4 per year |
| INDUSTRIAL | 30 days | 4 per year |

SECTION 6.3 MEASUREMENT OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line.

SECTION 6.4 TABLE OF SIGNS PERMITTED

| District | Type | # per Parcel | Size | Placement | Height |
|------------|---------------------------|--------------|--------------------------|-----------------------------|-----------------------------|
| A-1 | •Non dwelling use sign | 1 | 24 sq. ft. | Within required yard | 5 ft. |
| | •Small sign | 1 | 6 sq. ft. | Within required yard | 5 ft. |
| | •Wall sign | 1 | no limit | Anywhere on bldg. | Height of wall |
| | •Portable | 1 | 32 sq. ft. | Within required yard | 5 ft. |
| R-1 | •Non dwelling use sign | 1 | 24 sq. ft. | Within required yard | 5 ft. |
| R-2 | •Small sign | 1 | 6 sq. ft. | Within required yard | 5 ft. |
| R-3 | •Wall sign | 1 | 12 sq. ft. | Any wall | Height of wall |
| | •Portable | 1 | 32 sq. ft. | Within required yard | 5 ft. |
| C-1 C-2 | •Wall | No limit | 64 sq. ft. (per sign) | Any where on bldg. | Height of wall |
| | •Monument/freestanding | 1 | 64 sq. ft. | Within required yard | 8 ft. |
| | •Marquee | 1 | 32 sq. ft. | On structure | Height of highest eave |
| | •Portable | 1 | 32 sq. ft. | Within required yard | 8 ft. |
| | •Electronic Message Board | 1 | 32 sq. ft. | <i>Within required yard</i> | 12 ft. |
| I | •Wall | 1 | no limit | Anywhere on bldg. | Height of wall |
| | •Monument/freestanding | 1 | 64 sq. ft. | Within required yard | 8 ft. at grade of lot line |
| | •Pole sign | 1 | 64 sq. ft. | Within required yard | 12 ft. at grade of lot line |
| | •Portable | 1 | 32 sq. ft. | Within required yard | 5 ft. |

NOTES TO TABLE

1. In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
2. In the case of a corner lot, situated on two or more streets, signs may be permitted on each street.
3. Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1') foot by four (4') feet for each business within the business center. The entire sign shall not exceed eight (8') feet in height. If more than five (5) businesses are located in one center, additional

monument signs will be allowed using the same one (1') foot by four (4') foot signs. "One (1) wall is allowed per individual business of sixty-four (64) square feet in a business center."

4. The height of wall signs may be up to the height of the wall.
5. Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
6. One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
7. Parcels with greater than four hundred (400') lineal feet of frontage may be granted additional signage at the site plan review phase.
8. POLITICAL CAMPAIGN SIGNS. Signs up to an area of 6 square feet for each parcel. Signs between six (6) and thirty-two (32) square feet require a permit and are not exempt from these requirements. These signs may be erected no more than thirty (30) days before, and must be removed no more than four (4) days after, the election for which they were made.
9. ELECTRONIC MESSAGE BOARDS. The message/symbol/picture change cycle of a changeable message sign shall be not less than ten (10) seconds per message/symbol/picture.
10. NON DWELLING USE SIGNS. In the A-1, R-1, R-2 and R-3 districts, only nondwelling use signs may be illuminated provided that the light is not visible from any street or adjoining property.

SECTION 6.5 SIGNS EXEMPT FROM PERMIT REQUIREMENTS

The following exempt Signs are allowed in all zoning districts within the Village. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

- A. CONSTRUCTION SIGNS. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of thirty-two (32) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.
- B. SMALL SIGNS. In the A-1 and R-1, R-2 and R-3 zoning districts, one (1) sign, no greater than six (6) sq. ft. or five (5') ft. in height is permitted without a permit, provided it is located within the required yard.
- C. PRIVATE TRAFFIC DIRECTION SIGNS. Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.

SECTION 6.6 PROHIBITED SIGNS

Signs are prohibited that:

- A. Are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.

- B. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- C. Are not properly anchored or secured to a building or the ground.

SECTION 6.7 ILLUMINATION

There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

In the A-1, R-1, R-2 and R-3 districts, only nondwelling use signs may be illuminated.

SECTION 6.8 NONCONFORMING SIGNS

Note that portable signs are not considered to be acceptable nonconforming structures.

- A. Nonconforming signs:
 - 1. Shall not be changed in such a way to remain nonconforming.
 - 2. Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

SECTION 6.9 CONSTRUCTION AND MAINTENANCE

- A. The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the Village Zoning Administrator and from the County Building Inspector.

SECTION 6.10 VIOLATIONS AND REMOVAL

- A. Any sign erected, altered, or converted subsequent to the passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- B. Upon discovery of a violation of this Chapter the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Chapter or removed.
- C. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.

- D. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.
- E. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article they shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony, the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
- F. If the decision and order provided for in E. above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- G. Nothing in this Section shall prevent the Zoning Administrator or County Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

SECTION 6.11 ABANDONED SIGNS

- A. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply

Chapter 7 ■ SPECIAL USE PERMIT REQUIREMENTS

SECTION 7.1 INTENT, PURPOSE AND PROCESS OF A SPECIAL USE PERMIT

- A. **INTENT.** In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgment of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses that are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
- B. **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as uses by Special Use Permit for each Zoning District. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- C. **PROCESS.** Regulation of Special Uses includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether a Special Use Permit will be granted.
1. **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
 2. **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
 3. **PRECAUTION.** No person should think that compliance with the standards defined by this Chapter automatically grants them the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special Use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.

4. PERMANENCE. Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

SECTION 7.2 HOW A SPECIAL USE PERMIT IS REVIEWED

- A. SUBMISSION OF APPLICATION. The application package is to be submitted to the Village of Breckenridge Zoning Administrator.
 1. CONTENTS. The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Village Council and a site plan.
 2. APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- B. SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 1. SEPARATE. The rezoning shall be considered separately from the Special Use Permit.
 2. PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Village Council.
 3. STANDARDS. All standards required by this Ordinance shall be observed for each action.
 4. PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- C. PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:

PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.

- a. NOTICE. See Chapter 9, Section 9.5.
- b. DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the

public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.

2. **CONSIDERATION OF SPECIAL USE PERMIT.** Following the close of the public hearing, consideration of the Special Use permit shall take place.
 - a. **OPEN MEETING.** Note that the Open Meetings Act requires this vote to take place in an open public meeting.
 - b. **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date that is identified in the motion to table.
3. **SITE PLAN REVIEW.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Chapter 8 and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - a. **PUBLIC INPUT.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - b. **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- D. **REAPPLICATION.** An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- E. **TERMS OF PERMIT.** A Special Use Permit consists of a Permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
- F. **REVOCATION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item (4), the permit remains valid as long as all of those conditions are met. However, the Village, via the Planning Commission, shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated

1. **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
2. **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
3. **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
4. **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
5. **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

G. STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.

1. **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards from Chapter 8 and any applicable standards from this Chapter.
2. **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself and communicated to the applicant in writing. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.
3. **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

SECTION 7.3 AGRICULTURAL OPERATIONS

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations chapter for each zone. These uses are: **Livestock production facilities, Animal Feeding Operations, Livestock Auction yards, Grain and Seed Elevators, Wholesale Agricultural Products Storage, Riding Stables, High Intensity Food processing.**

Livestock Production Facilities and Animal Feeding Operations, as defined in this ordinance shall

- A. **COMPLIANCE WITH APPLICABLE LAWS.** Shall comply with all applicable local, state and federal standards including, for example, the Federal Clean Water Act (being P.L. 92-500 of 1972, as amended, 33 USCS 1251 *et seq*), point source pollution control parts of the Michigan Natural Resources and Environmental Protection Act (being parts 31-53 of P.A. 451 of 1994, as amended, M.C.L. 324.3101-324.5399), and the most recent Generally Accepted Agricultural and Management Practices, published and adopted by the Michigan Commission of Agriculture pursuant to the Michigan Right to Farm Act (being P.A. 93 of 1981, as amended, M.C.L. 286.471 *et seq*). Where required by the Right to Farm Act for nuisance protection, New and Expanding Livestock Production Facilities (as defined in the Generally Accepted Agricultural and Management Practices) shall have proposed sites verified by the Michigan Department of Agriculture.
- B. **SETBACKS:** The following requirements shall apply to every parcel, building, structure or use:
1. **Front Yard** – The minimum front setback shall not be less than the greater of one hundred (100') feet from the right of way or one hundred sixty six feet (166') from the center of the road.
 2. **Rear Yard** – The minimum rear setback shall not be less than fifty (50') feet.
 3. When a newly proposed agricultural use in this section is within one hundred (100') feet of any dwelling, the parcel owner of the proposed new use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
 - a. a buffer area (setback) of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above
 - e. or any combination of the above or an alternative mutually agreed upon by the property owner of the new use and the property owner of the existing contiguous use.
- C. **MINIMUM PARCEL AREA.** No building, structure or use shall be established on any parcel less than three (3) acres.

SECTION 7.4 BED AND BREAKFAST

- A. Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.

- B. No bed and breakfast sleeping rooms shall be located in a basement.
- C. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay.
- D. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
- E. Bed and breakfast occupants shall be limited to four (4) in (1) room at any one (1) time.
- F. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- G. A maximum of six (6) persons per each restroom will be permitted.
- H. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided.

SECTION 7.5 HIGH INTENSITY USES AND WASTE TREATMENT OR DISPOSAL

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are: Petroleum or inflammable liquids production, refining, storage, Junk Yard, Incinerator, and Sewage Treatment and Disposal Facility.

- A. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any property and individual or to the community in general.
- B. **TREE BUFFERS FOR LANDFILLS AND JUNKYARDS.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- C. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- D. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Gratiot County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- E. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.

F. FENCE REQUIREMENTS.

1. **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
2. **AROUND JUNK YARD OR RESOURCE RECOVERY.** A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard or resource recovery operation to screen said activity from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.
3. **AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY.** All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.

- G. RESTORATION OF LANDFILL SITES.** Grading or reseeded upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

SECTION 7.6 INDUSTRIAL PARK

- A. PERMITTED USES IN INDUSTRIAL PARK.** Uses primarily engaged in research and light manufacturing activities.
1. Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Planning Commission.
 2. Distribution and Warehousing Plants
 3. Administrative, professional and business offices associated with and accessory to a permitted use.
 4. Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
 5. Agricultural uses, pending development.
- B. DEVELOPMENT STANDARDS.**
1. **SETBACKS.** No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:

2. Front Yard Setback. Twenty (20') feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.
 3. Side Yard Setback. Ten (10') feet, provided that a single building is constructed on two or more lots. No fences shall be constructed within the required side yard.
 4. Rear Yard Setback. The rear yard shall be thirty (30') feet.
- C. SITE COVERAGE. Maximum building coverage of fifty (50%) percent of a Site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
- D. BUILDINGS PER LOT. If there is more than one (1) building on a lot, it must be approved by the Gratiot County Permits Office.
- E. BUILDING CONSTRUCTION AND MATERIALS. All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including buildings associated with the principle structure, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units, shall be screened from view from any public street.
- The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.
- F. SIGNS. No sign shall be erected or maintained in the Park except in conformity with the following:
1. Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
 2. Only one (1) single faced or double faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
 3. A sign advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed maximum area of sixty-four (64) square feet.
 4. No ground signs shall exceed five (5') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side set back area. However, the above standards shall not apply to Construction Signs.
- G. PARKING. Each owner of a parcel shall provide adequate off-street parking to accommodate all parking needs for the parcel. Required off-street parking shall be provided on the parcel of the use served, or on a contiguous parcel or within eight

hundred (800') feet of the subject parcel. Where parking is provided on other than the parcel concerned, a recorded document shall be filed with the Village and signed by the owners of the alternate parcel stipulating to the permanent reservation of the use of the parcel for said parking.

Exceptions to these guidelines shall be made where an approved Ridesharing program to service the Industrial Park is implemented.

The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking spaces for each full time employee (per shift).

- H. LANDSCAPING. The front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.
1. Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
 2. Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- I. LOADING AREAS. No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of ninety (90') feet from the street right-of-way line, or one hundred thirty (130') feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.
- J. STORAGE AREAS. No outdoor storage shall be allowed.
- K. REFUSE COLLECTION AREAS. All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the buildings materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.
- L. LIGHTING. All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard or affect adjoining residents.
- M. TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view of streets and adjacent properties.
- N. NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to, vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

SECTION 7.7 INSTITUTIONS

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations chapter for each zone. These uses are: **Religious, Social, Educational, Incarceration Institutions, Kennels.**

- A. SITE LOCATION PRINCIPLES.
1. It is desirable that any institutional structure or use to be located within a residential district should be located at the edge of a residential district, abutting either a business or industrial district or adjacent to public open space.
 2. Motor vehicle entrances should be made on a major thoroughfare, or as immediately accessible from a major thoroughfare. This is to avoid the impact of traffic generated by the institutional use upon the residential area.
 3. Site locations that offer a natural or man made barrier that would lessen the effect of the intrusion of the institutional use into a residential area are preferred.
- B. DEVELOPMENT REQUIREMENTS. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six (6') feet in height. Access to and from the delivery and ambulance area shall be directly from a major, minor, or principle collector thoroughfare.
- C. KENNELS.
1. A minimum of five (5) acres is required.
 2. No buildings or animals runs shall be less than one hundred and fifty 150' feet from a lot line abutting a residential district.
- D. SETBACKS. Kennels, animal shelters, and animal hospitals must be set back at least one hundred and fifty (150') feet from all property lines.

SECTION 7.8 OUTDOOR ASSEMBLY

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses.

- A. ALL ACCESS FROM COUNTY PRIMARY ROAD. All traffic ingress and egress shall be from a County Primary road or a State highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- B. DRIVEWAYS REMOTE FROM INTERSECTIONS. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) streets or highways.
- C. SIGHT DISTANCE. All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100') feet of the street for a sight distance of five hundred (500') feet in either direction along the street.

- D. LEFT TURN LANES. A left turn lane, at least long enough to accommodate ten (10) cars without hindering through traffic or blocking other driveways, shall be provided on the major thoroughfare at each driveway entrance or exit.
- E. SOLID WALL OR FENCE. The entire active portion of the site, excluding vehicle entrance and exit areas, shall be enclosed with a solid wall or screen facade at least eight (8') feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.
- F. ENTRANCE GATES. One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.
- G. SCREENS. Picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

SECTION 7.9 PLANNED UNIT DEVELOPMENT

- A. INTENT. This Section is intended to encourage innovation in land use patterns and variety in design for development of large parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- B. PERMITTED USES AND STANDARDS. A Planned Unit Development (PUD) may include all Uses By Right and Special Uses listed for the Zoning District which applies to its site, AND for the Zoning District that immediately precedes and follows it in the following list of districts:

A-1
R-1
R-2
C-1
C-2
I

For example, a PUD proposed for a Parcel zoned R-2 could include all Uses identified for the R-1, R-2 and C Zoning Districts.

When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a Special Use in one of the applicable Zoning Districts, and as a Use By Right in another, it may be treated as a Use By Right for the PUD.

- C. USE DENSITY AND PARCEL COVERAGE. Parcel Coverage limits for the applicable Zoning District must be met overall, with the following additions.
 - 1. RESIDENTIAL COVERAGE IN COMMERCIAL ZONING DISTRICTS. For a PUD located in the C Zoning Districts, up to fifty (50%) percent of the allowable Parcel Coverage may be devoted to structures for residential Uses.

2. NONRESIDENTIAL COVERAGE IN RESIDENTIAL ZONING DISTRICTS. For a PUD located in the R-1 or R-2 Zoning Districts, up to twenty (20%) percent of the allowable Parcel Coverage may be devoted to structures for nonresidential Uses.
 3. RESIDENTIAL DENSITY. The maximum residential density shall be one (1) dwelling unit for every four thousand (4,000) square feet of Parcel area. Single Family or Two Family Dwellings shall meet the Dwelling Unit Area requirements specified for the R-2 Zoning District. Multiple Family Dwellings shall conform to the R-2 requirements.
- D. DIMENSIONAL REQUIREMENTS. Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Building Height limitations and minimum Yards between Dwelling structures shall be as specified for the C-1 Zoning District. However, if plots of land in a PUD are proposed for resale as either fee simple Parcels or Site Condominiums, said Parcels or condominium units, and any buildings thereon, must meet the Parcel Dimension and Yard requirements for the R-2 Zoning District.
- E. BUFFERING FOR RESIDENTIAL USES. When a PUD contains a mix of residential and other Uses, the following provisions shall be enforced.
1. SEPARATE BUILDINGS. In any PUD, a Building devoted to nonresidential use must be separated from adjacent residential Buildings by a Yard area not less than thirty (30') feet across, developed as landscaped open space and not used for parking or circulation of motor vehicles. This area may apply toward satisfaction of the PUD's Open Space requirement, as noted below.
 2. WITHIN SAME BUILDING. When residential and non-residential Uses occupy space in a single Building in a PUD, a continuous physical separation must be provided between spaces devoted to said Uses. Access doorways are allowed, but the separation must provide at least a one (1) hour fire rating between residential and nonresidential space.
- F. OPEN SPACE. At least ten (10%) percent of any Parcel containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped Yard areas for Multiple Dwellings or nonresidential Uses may be included. If the PUD includes Multiple Dwellings, it must have at least one thousand (1,000) square feet of open space per Dwelling Unit.
- G. PARKING AND CIRCULATION. Parking for Uses in a PUD shall conform to the requirements of individual uses. Roadways in a PUD are intended to be Public Streets, and must be built to the standards of the applicable public agency.

SECTION 7.10 RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND

- A. OCCUPANCY. Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short term housing or shelter arrangements.
- B. RESIDENT MANAGER. Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park

spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1,000) square feet of living area for the manager's family.

- C. REGULATORY COMPLIANCE REQUIRED. RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of Community Health and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.
- D. GREENBELT, FENCE AND SETBACK. The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4') feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be setback at least seventy five (75') feet from any street right of way or neighboring property line.
- E. ACCESS AND CIRCULATION. Each park shall be served by not more than one (1) point of access to each abutting street or road. No such access shall require a turn at an acute angle for vehicles moving in the direction intended. Design of curbs and pavements at such access points shall be such as to facilitate easy movements for vehicles with trailers attached. Clear vision areas shall be maintained for drivers, extending one hundred fifty (150') feet in each direction on any abutting road and for twenty five (25') feet on the park entrance road. Roadways within the park shall be hard surfaced, dust free, and at least twenty four (24') feet wide for two way traffic or twelve (12') feet wide for one way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
- F. PERSONAL CARE FACILITIES. Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, washbasins, toilets, showers and waste containers. These facilities shall be provided uniformly through out the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- G. OTHER PUBLIC FACILITIES. Each RV park or campground shall provide at least one (1) public telephone for each forty (40) sites. Also, each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day (3) accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste at least weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded. Finally, at least fifteen (15%) percent of the site, not including the greenbelt and setback areas as defined in this Section, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas.

- H. **INDIVIDUAL CAMPSITE REQUIREMENTS.** Each RV parking site or campsite shall be a minimum of twelve hundred (1200) square feet in area and shall include the following amenities; an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard surfaced parking area of at least two hundred (200) square feet.

SECTION 7.11 SEXUALLY ORIENTED BUSINESSES AND ADULT MEDIA STORES

- A. **INTENT.** There are some uses that because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- B. **DISTANCE RESTRICTIONS.**
1. Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000') feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
 2. It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500') feet of any agriculturally or residentially zoned property or within one thousand five hundred (1,500') feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- C. **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.
- No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.
- D. **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall

address each of the following issues and include the findings regarding each point in their minutes.

1. **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
2. **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
3. **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
4. **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

SECTION 7.12 SITE PLAN REVIEW

The standards that apply to the following Special Uses are those required as a result of the site plan review. These uses are any use listed as allowed by special use permit in Chapter 3, District Regulations and not specifically regulated in this Chapter.

Agricultural Retail Facilities
Assembly Building
Car Wash
Cemeteries
Fireworks Storage
Golf Course
Hotel/Motel
Incarceration Facility
Mini storage
Public Service Installations
Senior Housing in the R-1 district
State Licensed Residential Facilities for 7 or more residents

SECTION 7.13 SOIL RESOURCE EXTRACTION, POND CONSTRUCTION

- A. **SCOPE OF REGULATIONS.** This Section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than one thousand (1,000) cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This Section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in the Village of Breckenridge. Finally, oil wells are specifically exempted from this Section, because they are regulated solely by the Michigan Department of Natural Resources.
- B. **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The Site Plan for any activity regulated by this Section must include the following additional information.
 1. A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.

2. A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
3. The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.

C. EXCAVATION SITE REQUIREMENTS.

1. Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.
2. Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
3. Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.

D. CONSTRUCTION AND OPERATION REQUIREMENTS.

1. An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
2. Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8') feet.
3. Minimum designed water depth of a pond must be fifteen (15') feet to insure proper aeration and circulation of the water.
4. All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under Act 347 of PA 1972.
5. Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
6. By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.
7. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
8. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
9. When two (2) or more Dwellings are located within two hundred feet (200') of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four feet (4') high with a lockable gate.

10. Ponds constructed for recreational purposes must be located behind the principle structure and outside of the rear and side yards, per dimensional regulation in Chapter 3.

SECTION 7.14 TEMPORARY INDOOR AND TEMPORARY OUTDOOR USES.

- A. **EXEMPT ACTIVITIES.** School fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales in the A-1 or any R district are exempt from the special use permits requirements of this section.
- B. **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- C. **LENGTH OF PERMIT.** A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- D. **STRUCTURES-OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
 1. It is no larger than one hundred and fifty (150) square feet,
 2. There is no foundation,
 3. No portion of the structure may become unattached or move as a result of wind,
 4. It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- E. **STRUCTURES-INDOOR USES.** Structures for the display of indoor sales items are allowed provided they are not used for human shelter.

One structure for sales items is allowed under the following conditions:

1. There is no foundation,
2. No portion of the structure may become unattached or move as a result of wind,
3. It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- F. **USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW.** If the use is for greater than three (3) days, within a thirty (30) day period, a site plan, in conformance with the requirements outlined in Chapter 8, must be submitted to the Planning Commission, and all other provisions of this section must be followed,

but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

1. OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED. The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
2. TEMPORARY SIGNS. Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two temporary sign permits may be granted for one parcel in a year.
3. SANITARY FACILITIES. Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
4. DISPLAY OF GOODS. Display and sale of goods may not be within the required yards for the zoning district.

G USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL. Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of NONPROFIT ORGANIZATIONS, in Chapter 2, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,

1. The use is for three (3) days or less within a thirty (30) day period,
2. A drawing of the site and description of activity is provided and,
3. No structures for display, sale or storage remain on the site other than during the hours of operation,
4. The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.
5. As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
6. The temporary use location must meet all yard requirements of the zone in which it is located.

SECTION 7.15 WIRELESS COMMUNICATION FACILITIES.

A. INTENT AND PURPOSE. The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will,

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Village,
2. Minimize adverse visual effects of towers through design and siting standards,

3. Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
 4. Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.
- B. DISTRICT REGULATIONS. A wireless communication facility shall require a building permit in all instances and may be permitted as follows:
1. All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through Village staff review.
 2. Towers in Residentially zoned areas are only allowed if they are:
 - a. Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.
 - b. Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
 1. Church sites, when camouflaged as steeples or bell towers;
 2. Park sites, when compatible with the nature of the park; and,
 3. Government, school, utility and institutional sites, according to a statement of priority of users and minimum requirements for use of Village owned properties as developed by the planning commission.
 4. Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Village staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure.
 3. Towers in agriculturally, commercially or industrially zoned areas are allowed by right if:
 - a. Qualify as towers allowed by right in residentially zoned areas.
 4. Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by Special Use Permit under the following situations:
 - a. The Village Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one half (1.5) mile radius of the proposed tower location due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
4. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

C. COLLOCATION. Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
2. Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
3. Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Village. The Village may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Village may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

D. TOWER CONSTRUCTION. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

E. TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN. Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 2. Commercial wireless telecommunication service towers shall be of a monopole design unless the Village Council determines that an alternative design would better blend into the surrounding environment.
- F. TOWER SETBACKS. Towers shall conform to each of the following minimum setbacks requirements:
1. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
 2. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
 - c. A tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Village Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.
- G. TOWER HEIGHT. In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed two hundred (200') feet except as granted by the Zoning Board of Appeals.
- H. TOWER LIGHTING. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- I. SIGNS AND ADVERTISING. The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.
- J. ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS. Abandoned or unused towers or portions of towers shall be removed as follows:
- All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of

operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.

Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.

K. MODIFICATIONS. A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:

1. The applicant and/or coapplicant wants to add any equipment or additional height not specified in the original design filing.

Chapter 8 ■ SITE PLAN REVIEW

SECTION 8.1 SITE PLAN REVIEW.

A. Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. This Section defines the procedures and standards to be used for such a review.

1. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW. The Village Planning Commission must review and approve site plans before granting approval to Special Use Permits, except in those cases such as Bed and Breakfasts and Outdoor Assembly where the Village Administrator judges a site plan to be unnecessary.

In addition, and in the case of new development, Site Plan Review before the Village Planning Commission is required for any project meeting one of the following conditions:

- a. The proposed project will have more than two (2) dwelling units.
- b. The proposed project is in a Business Zoning District.
- c. The proposed project is in an Industrial district.

In the case of existing development, a Site Plan Review is required when:

- d. The project involves increasing the footprint by ten (10%) percent or more of any residential structure with more than two (2) units, or any Business or Industrial structure or use.
- e. The project involves expansion of a legal nonconforming use, building or structure under the terms of this Ordinance. Illegal or unacceptable nonconforming uses may not expand.
- f. The project is a Special Use.

AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING! This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the Village, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

B. SITE PLAN REVIEW PROCESS.

1. APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.
2. APPLICATION MATERIAL. Applications requiring Site Plan Review must be accompanied by a fee as established by the Village Council and by at least ten (10) 11" x 17" copies of a site plan that meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.

3. **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review checklist is available at the Village offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the site plan approval.

- a. **SCALE.** The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.
- b. **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- c. **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Gratiot County Register of Deeds will be the legal description upon which a site plan decision is based.
- d. **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6") inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- e. **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck wells, and refuse pickup stations.
- f. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint

driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- g. UTILITIES. The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- h. STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- i. SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- j. PERFORMANCE BOND. Further, the Planning Commission is empowered to require and at its option may require a performance bond or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Village Clerk at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The Village shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Village Administrator. The Village Administrator may, at his/her discretion, call upon professional assistance, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the Village to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

4. STAFF REVIEW OF SITE PLAN.
 - a. PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the Village Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Village government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Zoning Administrator shall recommend to the Planning Commission what action should be taken.
 - b. STANDARDS TO BE USED. Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.
5. PLANNING COMMISSION REVIEW OF SITE PLAN. The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Village Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:
 - a. APPROVAL. An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
 - b. CONDITIONAL APPROVAL. The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission.

Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Village of Breckenridge Zoning Board of Appeals.

- c. DENIAL WITH EXPLANATION. Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
6. DEVIATIONS FROM APPROVED SITE PLAN. It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder immediately, the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before issuing final approval for the project and before any performance guarantee may be fully refunded.

7. RECORD TO BE MAINTAINED. The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

- C. SITE PLAN REVIEW STANDARDS. All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

1. DISTRICT REGULATIONS. The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the special use aspect of the site will be addressed after the Site Plan Review.)
2. SUPPLEMENTARY REGULATIONS. The project must comply with any and all of the Supplementary Regulations that may apply to it.
3. SPECIAL USE STANDARDS. If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.
4. BUILDING ARRANGEMENTS. Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
5. TRANSPORTATION. Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
6. DRIVEWAYS. All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
7. UTILITIES. Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

8. **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to the parking lot or vehicular use areas.
9. **FIRE PROTECTION.** The proposed project must comply with applicable fire safety regulations. Also, current Village Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
10. **ENVIRONMENT.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.
11. **STORM DRAINAGE.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
12. **CONSISTENCY WITH ORDINANCE INTENT.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located, as expressed in the Intent and Purpose Table in Chapter 3.

Chapter 9 ■ ADMINISTRATION, ENFORCEMENT AND AMENDMENTS

SECTION 9.1 PEOPLE INVOLVED IN THE ZONING PROCESS

A. The provisions of this Ordinance shall be carried out by the Village of Breckenridge Planning Commission, the Zoning Board of Appeals, the Village Council, and the Village Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

1. **ZONING ADMINISTRATOR.** The Village Council, with the recommendation of the Planning Commission, may employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. The Village Council may designate the Zoning Administrator as the Building Inspector. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Village Council. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Village Council or provisions of this Ordinance:

- a. **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see REVIEW PROCESS Table in this Section). The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- b. **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- c. **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- d. **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- e. **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.

- f. RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- g. RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- h. PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- i. RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- j. MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

B. PLANNING COMMISSION.

- 1. MEMBERSHIP. The Planning Commission shall be composed of nine (9) members, comprised of
 - a. The Village President,
 - b. One administrative official of the Village selected by the Village President,
 - c. One member of the Village Council selected by the council as an ex officio member, and
 - d. Six residents of the Village, representing, insofar as possible, different professions or occupations, who shall be appointed by the Village President, subject to the approval of a majority of the members elected to the Council.
- 2. TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- 3. RULES OF PROCEDURE. The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- 4. MEETINGS. The Planning Commission shall meet monthly and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.

5. PER DIEM OR EXPENSES. Members of the Planning Commission may be compensated for their services as provided by the Village Council. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
 6. DEVELOPMENT PLAN. The Planning Commission shall make and adopt a master plan as a guide for the development of the Village. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
 7. ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
 8. ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - a. SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
 - b. SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.
 - c. REZONING OR AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Village Council approval.
- C. ZONING BOARD OF APPEALS. – See Chapter 10.
- D. VILLAGE COUNCIL. On recommendation of the Planning Commission, the Village Council has adopted the Zoning Ordinance, making it the enforceable policy of Village government. Likewise, the Village Council may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Village Council may review all zoning decisions of the Planning Commission. The Village Council shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Council may also act to waive any fee.

SECTION 9.2 ADMINISTRATIVE PROCESSES

- A. BUILDING PERMIT REQUIRED. The issuance of a Building Permit, showing compliance with the zoning Ordinance, signifies compliance with the requirements of this Ordinance. A building permit must be obtained from the Gratiot County building official before any of the following activities may legally take place:

1. Occupancy and use of vacant land (including parking lot construction).
 2. Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Gratiot County Building Inspector.
 3. Any use of land or a building that would be identified as a Use by Special Use Permit by the Uses Table in Chapter 3, District Regulations, for the Zoning District in which the parcel is located.
 4. Any change of a nonconforming use or building.
- B. APPLICATION FOR BUILDING PERMIT. All building permits are issued by Gratiot County. An applicant applying for a Village Zoning Permit must comply with all County, State and Federal Permit regulations. Some, but not all required permits are listed in this ordinance. It is the responsibility of the Zoning Permit applicant to comply with all required permits. The Village of Breckenridge is not responsible for any required permits not obtained by the applicant.
1. SEWAGE AND WELL PERMIT. Contact the Mid-Michigan Health Dept. Approval is required for issuance of a building permit. If existing septic will be used, and is older than 10 years, a Septic Evaluation will be required.
 2. SITE PLANS/BLUEPRINTS. Required for ALL construction projects, and must be approved by the Building Official prior to obtaining a building permit. All Commercial Projects, including Pole Buildings, must submit a Site Plan and 2 sets of sealed Blueprints. All Residential Home projects must submit 2 sets of blueprints, if the home has over 3,500 square feet, these prints must be sealed. Mobile Homes require a floor plan and foundation plan. Garages and Pole Buildings require an end view to show all wall section, foundation, and roof section.
 3. COMPLETE MATERIAL LIST. Must include complete description of all building materials to be used. A material list is required for all projects, with exception of roofs and pools.
 4. PLOT PLAN. The Plot Plan must show the proposed building project on the property, with the distance from the front, sides, and rear of the property. This is to insure that the village setback requirements have been met. It is also referred to as a site plan.
 5. SOIL/SEDIMENTATION PERMIT. Required for any construction that will occur within 500 feet of a lake, stream, wetland, or other protected land.
 6. DRIVEWAY PERMIT. Contact the Gratiot County Road Commission when any driveway is altered or constructed, or when moving a mobile home onto County Roads.
 7. CERTIFICATE OF OCCUPANCY. The Certificate of Occupancy will be issued by the Gratiot County Permits Office only when final inspections by the Gratiot County Building Official and by the State Inspectors, where applicable, are completed. The

structure or project must meet the BOCA, Michigan Energy Code, and any other applicable code.

- C. APPLICATION REVIEW PROCESS. On submission of an application for a site plan, the Zoning Administrator will review the application material as described by the REVIEW PROCESS Table that accompanies this Section. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- D. RECORD MAINTAINED. The zoning administrator shall keep a record of each application for a site plan that has been submitted including the disposition of each one. This record shall be a public record, open for inspection upon request.
- E. VALIDITY OF BUILDING PERMIT. The regulations of Gratiot County shall govern the validity of a building permit.
- F. VOIDING OF BUILDING PERMIT. The regulations of Gratiot County shall govern the voiding of a building permit.
- G. REVIEW PROCESS TABLE. This Table follows on the next two pages.

REVIEW PROCESS TABLE
INITIAL REVIEW PROCESS

| QUESTION | REFER TO | IF ALL STANDARDS ARE MET, NEXT STEP | ----IF STANDARDS ARE NOT MET---- | | |
|---|--|---|--|--|---------------------------------------|
| | | | SITUATION | APPLICANT'S OPTIONS | NEXT STEP |
| #1 Is proposed activity permitted in this Zoning District? | Chapter 3 - District Regulations: USES Table. | Activity is a Use by Right: Go to Question #2. OR Activity is a Special Use: Go to ACTIONS Table: SPECIAL USE Permit. Continue to Question #2. | Activity is permitted in a different Zoning District. | Request a Rezoning. | ACTIONS Table: Rezoning |
| | | | Activity is not listed for any Zoning District. | Request an Interpretation Appeal. | ACTIONS Table: INTERPRETATION. |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL. |
| | | | Any situation | Withdraw | DENIAL LETTER |
| #2 Does the parcel meet standards for this Zoning District? | Chapter 3 - District Regulations: DIMENSIONS Table - "Lot Size". | Go to Question #3. | Any situation | Request a Dimensions Variance. | ACTIONS Table: VARIANCE |
| | | | Applicant does not agree with Administrator's finding. | Withdraw | DENIAL LETTER. |
| | | | | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL. |
| #3 Does existing or proposed structure or building meet yard and area standards? | Chapter 3- District Regulations: DIMENSIONS Table | Go to Question #4 | Existing facility violates standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE |
| | | | | Continue with process as is. | NONCONFORMITIES. |
| | | | Proposed facility will violate standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE |
| | | | | Amend Application to meet all standards. | Go To Question #4. |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL. |
| | | | Any situation | Withdraw | DENIAL LETTER |

REVIEW PROCESS TABLE

INITIAL REVIEW PROCESS

| QUESTION | REFER TO | IF ALL STANDARDS ARE MET, NEXT STEP | ---IF STANDARDS ARE NOT MET---- | | | | | |
|---|--|-------------------------------------|---|--|---------------------------------------|--|----------------------|----------------------------|
| | | | SITUATION | APPLICANT'S OPTIONS | NEXT STEP | | | |
| #4 Will proposed activity meet parking requirements? | Off-Street Parking Requirements. | Go to Question #5. | Existing facility violates standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE. | | | |
| | | | | Continue with process as is. | Section 4.1 – NONCONFORMITIES. | | | |
| | | | Proposed facility will violate standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE. | | | |
| | | | | Amend application to meet all standards. | Go to Question #5. | | | |
| | | | | Withdraw | DENIAL LETTER. | | | |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL. | | | |
| #5 Will proposed activity meet all Supplementary Regulations? | Chapter 4 - Supplementary Regulations. | Go to Question #6. | Proposed activity will violate measurable standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE. | | | |
| | | | | Amend application to meet all standards | Go to Question #6. | | | |
| | | | | Withdraw | DENIAL LETTER. | | | |
| | | | Proposed activity will violate non-measurable, written standards. | Request a Text Change. | ACTIONS Table: TEXT CHANGE. | | | |
| | | | | Amend application to meet all standards. | Go to Question #6. | | | |
| | | | | Withdraw | DENIAL LETTER. | | | |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL. | | | |
| | | | #6 Has permit fee been paid? | Village Fee Schedule | ISSUE PERMIT | Fee represents a serious hardship to applicant | Request a Fee Waiver | ACTIONS Table: FEE WAIVER. |
| | | | | | | | Withdraw | DENIAL LETTER |

SECTION 9.3 ENFORCEMENT

- A. **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- B. **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be enforceable under the Village Ordinance covering Municipal Civil Infractions and the rules adopted.
- C. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 9.4 AMENDMENT

- A. **VILLAGE COUNCIL MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of Zoning Districts shown on the Zoning District Map may be amended, supplemented, or changed by Ordinance by the Village Council in accordance with the applicable enabling legislation of the State.
- B. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Village Council of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- C. **AMENDMENT PROCEDURE.**
 - 1. **PETITION TO VILLAGE CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application of standard form to the Village Clerk. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Village Clerk shall transmit the application to the Planning Commission for recommended action.
 - 2. **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - 3. **PUBLIC HEARING** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given as specified by Section 9.5.
 - 4. **GRATIOT COUNTY PLANNING COMMISSION.** Following the conclusion of the Public Hearing and review by the Village Planning Commission, the proposed amendment and any applicable Zoning District map may be submitted to the Gratiot County Planning Commission for their review. The approval of the County Planning

Commission shall be presumed, conclusively, unless such Commission notifies the Village Council of its approval or disapproval within thirty (30) days of its receipt of the amendment.

5. RESUBMITTAL. No application for a rezoning that has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Village Council, are found to be valid.
6. Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

SECTION 9.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

- A. Except as otherwise provided under this act, if a local unit of government is required to provide notice and hearing under this act, the local unit of government shall publish notice of the request in a newspaper of general circulation in the local unit of government.
- B. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- C. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request
- D. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required under section 1.3.
- E. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.
- F. An amendment to a zoning ordinance by a city or village is subject to a protest petition.

SECTION 9.6 SPECIAL ZONING DECISIONS

| TYPE OF ACTION | PARTIES WHO MAY INITIATE ACTION | BODY MAKING DECISION | PUBLIC HEARING REQUIRED? | PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING | NOTICE TO ALL OWNERS AND OCCUPANTS WITHIN 300 FEET | BODY TO WHICH APPLICANT MAY APPEAL A DENIAL |
|--|--|---|---|---|--|--|
| VARIANCE | Applicant or Administrator | Zoning Board of Appeals | No. Meeting open to public | Once, not less than 15 days before date. | Once, not less than 15 days before date. | Circuit Court only |
| INTERPRETATION | Applicant or Administrator | Zoning Board of Appeals | No. Meeting open to Public | Once, not less than 15 days before date. | Once, not less than 15 days before date. | Circuit Court only |
| APPEAL OF ADMINISTRATIVE DECISION | Any aggrieved party or State, officer, board bureau or dept. | Zoning Board of Appeals | No. Meeting open to public | Once, not less than 15 days before date. | Once, not less than 15 days before date. | Circuit Court only |
| SITE PLAN APPROVAL | Applicant or Administrator | Planning Commission | No | Not required. | Not required. | Planning Comm. after 1 year, or Village Council |
| SPECIAL USE PERMIT | Applicant or Administrator | Planning Commission | If requested by property owner within 300 ft. | Once, not less than 15 days before date. | Once, between 5-15 days before date. | Planning Comm. after 1 year, or Circuit Court |
| PLANNED UNIT DEVELOPMENT | Applicant or Administrator | Planning Commission | Yes | Once, not less than 15 days before date. | Once, between 5-15 days before date. | Planning Comm. after 1 year, or Circuit Court. |
| REZONING | Applicant, Planning Commission or Village Council | Planning Commission recommends to | Yes | Once, not less than 15 days before date. | Once, not less than 15 days before date. | Planning Commission after 1 year. |
| | | Village Council | If requested by any party | Once, not less than 15 days before date. | Not required. | Circuit Court |
| ZONING ORDINANCE OR ZONING MAP TEXT CHANGE | Applicant, Planning Commission or Village Council | Planning Commission recommends to | Yes | Once, not less than 15 days before date. | Once, not less than 15 days before date. | Planning Commission after 1 year. |
| | | Village Council | If requested by any party | Once, not less than 15 days before date. | Not required. | Circuit Court |
| DEVELOPMENT PLAN OR MAP CHANGE | Applicant, Planning Commission or Village Council | Planning Commission recommends to Village Council | Yes | Once, not less than 15 days before date. | Not required. | Planning Commission after 1 year or Circuit Court. |
| FEE WAIVER | Applicant | Village Council | No | Not required | Not required | Circuit Court |

Chapter 10 ■ ZONING BOARD OF APPEALS

SECTION 10.1 ZONING BOARD OF APPEALS

- A. **MEMBERSHIP.** The Village of Breckenridge Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Village Planning Commission; two members shall be property owners within the Village. An elected officer of the Village may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Village Council may not serve as a member or employee of the Zoning Board of Appeals. The Village Council shall have the power to remove members of the Board of Appeals for nonperformance of duty or misconduct in office upon written charges and after a public hearing.
- B. **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Village Council, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Rotation of membership is encouraged.
- C. **RULES OF PROCEDURE.** The Board of Appeals may adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair may be appointed.
- D. **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- E. **RECORDS.** Minutes shall be recorded of all proceedings that shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be public records.
- F. **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights.
- G. **MAJORITY VOTE.** The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board.

For example, if three members are present, out of a total of five members, all three must concur to pass a motion.

- H. **CONFLICT OF INTEREST.** A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- I. **DUTIES.** The Village of Breckenridge Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the Zoning District classification of any property, or to make any change in the terms or intent of this Ordinance.
 - 1. **ADMINISTRATIVE REVIEW.** The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official administering or enforcing provisions of this Ordinance.
 - 2. **INTERPRETATION.** The Board of Appeals shall have the power to interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - 3. **VARIANCES.** The Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance where practical difficulties or unnecessary hardships prevent carrying out the strict letter of this Ordinance. Creation of nonconforming lots is prohibited.

SECTION 10.2 ADMINISTRATIVE ACTIONS BY THE ZONING BOARD OF APPEALS

- A. **DUTIES OF THE BOARD OF APPEALS.** The Board of Appeals may only hear requests for a variance, administrative review or interpretation of the Ordinance or Zoning Map. Circumstances resulting from an act of the applicant, after adoption of this Ordinance, shall not be allowed to be heard by the Board of Appeals.
 - 1. **VARIANCE.** The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance that can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance.
 - 2. **ADMINISTRATIVE REVIEW.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings.

- a. **REQUESTS FOR ADMINISTRATIVE REVIEW.** An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.
 - b. **STAY.** An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
3. **INTERPRETATION.** The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises that has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.
- a. The Board may determine the precise location of the boundary lines between Zoning Districts.
 - b. The Board may classify any activity that is not specifically mentioned in the Uses Table in Chapter 3 (District Regulations) for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
 - c. The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided in the parking Chapter.
 - d. The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
- B. **CONDITIONS FOR GRANTING A VARIANCE.** The appeals board shall base its decision on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety is secured and substantial justice done based on the following standards:

1. For Dimensional variances: A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
 - b. That the need for the requested variance is not the result of actions of the property owners or previous property owners (self-created.)
 - c. That the strict compliance with regulations governing the area, setback, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with the regulations unnecessarily burdensome.
 - d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- C. If the demand for appeal is for a variance, the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse, affirm, wholly or in part, or modify the order, requirement, decision of determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a dimensional variance and rule on an interpretation of the Ordinance. The decision shall be in writing and reflect the reasons for the decisions.
 1. At a minimum the record of the decision shall include a formal determination of the facts and the conclusions derived from the facts – the reasons for the decisions, and the decision
 2. Within 8 days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator and other parties.
- D. Any person having an interest affected by such decision shall have a right to appeal to Circuit Court within 30 days of the certified decision of the appeals board, as provided by law.
- E. FEES. A fee as established by the Village Council shall be paid to the Village Treasurer at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals in connection with the appeal.
- F. RULES FOR ZONING BOARD OF APPEALS ACTIONS.
 1. A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an administrative review or interpretation that relates to a specific parcel. Notice shall be given according to the specifications of Section 9.5.

2. Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
3. In no way may a variance, site plan approval, or finding of an administrative review be construed to allow the establishment within a Zoning District of any use that is not permitted by right or by Special Use Permit within that Zoning District. The Zoning Board of Appeals may only expand the list of permitted uses for any Zoning District as a result of an interpretation regarding a use that is not listed anywhere in the Uses Table in Chapter 3, District Regulations.
4. Prior to any decision by the Board of Appeals, the Planning Commission may comment on the issue before the Board and provide a written recommendation of action.
5. In making any decision, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.
6. Any action brought before the Zoning Board of Appeals may relate only to a single parcel that must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
7. Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.
8. Any request that has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the Board may elect to rehear a case, subject to all notice requirements of Section 9.5.
9. The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any permits granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed. Said bond shall not exceed five thousand (\$5,000.00) dollars.
10. A variance granted under the provisions of this Ordinance becomes a condition of any permit granted pursuant to the variance or approval. If a Building permit issued pursuant to such action is allowed to expire under the provisions of this Chapter, any rights granted by the action expire together with the Building permit.
11. The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, administrative review or interpretation shall include the grounds used by the Board in making said decision, and any conditions that may have been attached to authorization for issuance of a building permit.

12. If the specific conditions relating to a certain class of property are so general or recurrent in nature as to make similar variances a perennial issue for the Board of Appeals, the Board shall suggest a general regulation for such conditions for the Planning Commission's consideration.

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ORDINANCE NO. 144

AN ORDINANCE TO AMEND CHAPTER 610 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BRECKENRIDGE.

THE VILLAGE OF BRECKENRIDGE ORDAINS:

Section 1. That Section 610.01 (c) is amended to include:

- (1) Liability of dog owner; prima facie evidence of negligence.
Every owner of a dog is liable for damages for any and all injuries to any person or property that may be caused by the dog, to be determined and collected in appropriate proceedings therefore in which any failure or refusal by the owner to comply with the requirements of this article constitutes prima facie evidence of negligence.
- (2) Dog bites, destruction of dog.
Whenever any dog bites or attacks any person without provocation and while outside the enclosure of the owner or keeper, complaint shall be made by the village police to the Gratiot County animal control authorities who will follow their prescribed procedures to have the dog euthanized.
- (3) Quarantine, authorized procedure.
Whenever any person has been bitten by a dog and there is reasonable cause to apprehend danger of rabies, a police officer, health officer, animal control officer or any other person may make complaint in writing to the District Court, charging that such dog has bitten a person, and further alleging that there is a reasonable cause to apprehend danger of rabies, a police officer, health officer or any other person may make complaint in writing to the District Court, charging that such dog has bitten a person, and further alleging that there is reasonable cause to apprehend an attack of rabies, and thereupon the District Court shall issue its citation ordering the person owning or keeping such dog to forthwith appear before the district judge to show cause, if any, why the dog should not be tied up or confined by the owner or keeper for a period of fourteen (14) days. If after such hearing, the District Court finds the allegation set forth in the complaint to be true, he shall then and there make an order directing the owner or keeper to tie up, confine and securely keep the dog for fourteen (14) days, and a copy thereof shall be served upon the owner or keeper, and if the owner or keeper fails to comply with the terms of the order, the Animal Control Department shall thereupon seize the dog and securely confine it for the period of time designated in the order of the District Court. If, during such period, the dog does not show symptoms of rabies, it shall be returned at the expiration of the time designated in the order, to the person from whom it was taken. If the dog is tied up and secured by the owner or keeper, and it dies, the owner or keeper shall immediately notify the

Animal Control Department of the death. In the event of the death of any dog quarantined, it is the duty of the Animal Control Department to properly prepare the brain and spinal cord of the dog and send the same to a laboratory for examination and they shall properly warn the suffering person of the death of the dog and notify the person of the result of the examination at the laboratory so that the proper precautions can be taken.

(4) Keeping unlawful; exception.

It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the Village any vicious dog.

(5) Definition.

For purposes hereof "vicious dog" is defined to mean:

- (a) Any dog with a propensity, tendency of disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; or
- (b) Any dog which attacks, attempts to attack, or which by its actions give indication that it is liable to attack a human being or other domestic animal.

(6) Determination.

The animal control officer or any police officer shall investigate all complaints of a vicious dog. In the event that the animal control officer and/or any police officer has reasonable cause to believe that a dog is vicious, he or she shall institute proceedings in the District Court for the County of Gratiot, requesting the court to conduct a hearing as to whether or not the dog should be declared vicious under this division. The issue of whether the dog is vicious within the meaning of this division shall be decided based upon a preponderance of the evidence. If the court finds the dog to be vicious, it may order that the dog be confined to the owner's premises and the provisions of this division be fully complied with, or (that such dog be) euthanized. The court may establish a time schedule to assure compliance with this division, but in no case shall such time exceed fourteen (14) days after the date of the court's determination. Court costs for such actions shall be taxed against the owner of the dog.

The court may decide all issues for or against the owner of the dog regardless of the fact that the owner fails to appear at said hearing. In the event that the animal control officer and/or any police officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or police officer may seize and impound the dog pending the hearing. The owner of the dog shall be liable to the Animal Control Department for the cost and expenses of keeping such dog.

(7) Requirements for registration.

Upon a finding by the court that a dog is vicious, its owner shall comply with the following requirements for licensing:

- (a) License application: The owner shall apply to the Village Clerk for a vicious dog license which shall be valid for one (1) year from the date of its approval and provided all conditions of this division and applicable court orders have been met. The license shall be renewable for successive one-year periods provided that the dog is to be kept on the same premises, under the same conditions, and its owner has not violated any condition of this division or any court order during the previous twelve-month period. No such license shall be transferred to a new owner of the dog or to a new location or address where the dog will be kept. The fee for such license shall be determined by Village Council resolution from time to time.
- (b) Prior to the receipt of the license, the owner shall present to the Village Clerk proof that the owner has procured liability insurance in an amount to be determined by the Village Council by resolution from time to time, covering any damage or injury which may be caused by such vicious dog during the twelve-month period from which licensing is sought. In addition, the owner shall sign a statement attesting that the owner shall maintain the liability insurance during the twelve-month period for which licensing is sought, unless the owner shall cease to keep or harbor the vicious dog prior to the expiration of such license.
- (c) Prior to the receipt of the license, the owner shall provide for the confinement of the vicious dog. Such dog shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as herein provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine such dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such dogs must comply with all zoning and building regulations of the Village. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. If the vicious dog is to be confined indoors, the same shall not be kept on a porch or patio or in any other part of the house or structure that would allow the dog to exit of its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting.
- (d) Sign: Prior to the receipt of a license, the owner shall display a sign in a prominent place on his or her premises, which sign shall be easily readable by the public, using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

- (e) Identification photographs: Prior to the receipt of a license, the owner shall provide the Village's police department with two (2) recent colored photographs of the vicious dog, which clearly shows the color and approximate size of the animal.
- (f) License fee. The owner shall pay a license fee in an amount established from time to time by resolution of the Village Council.

(8) Control.

It shall be unlawful for any owner to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure unless the dog shall be surely muzzled and restrained with a choker chain and leash, having a minimum tensile strength of three hundred (300) pounds and not exceeding four (4) feet in length, and then only upon the private property of the owner, unless it is necessary for the owner to obtain veterinary care for the dog, to sell it or give it away, or to comply with commands or directions of the court, the animal control officer, or any police officer. The muzzle should be made and fitted in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal. The animal shall be under the direct control and supervision of the owner of the dog or his agent, either of whom shall be, in any event, a person of at least eighteen (18) years of age and physically capable of restraining the animal.

(9) Reporting Requirements.

(a) All owners, keepers or harborers of vicious dogs must, within ten (10) days of the incident, report the following information in writing to the Village Clerk:

- (1) The removal from the Village or death of a vicious dog.
- (2) The birth of offspring of a vicious dog.
- (3) The new address of the vicious dog should the owner move within the corporate limits of the Village.

(b) No person shall sell, barter, or in any other way dispose of a vicious dog to any person within the Village, unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of the dog may sell or otherwise dispose of a registered dog to persons who do not reside within the Village.

(10) Acquisition.

Any person who, subsequent to the effective date of October 1, 2005, shall acquire a dog and bring the same into the limits of the Village, shall, if the dog is subsequently determined to be a vicious dog, within forty-eight (48) hours, dispose of the dog either by euthanasia or moving the dog to a place outside the corporate limits of the Village.

(11) Presumption.

There shall be a rebuttable presumption that a pit bull dog is a vicious dog for purposes of this division. "Pit bull" dog is defined for the purposes of this division to mean the Bull Terrier breed of dog, the Staffordshire Bull Terrier breed of dog, the American Pit Bull Terrier breed of dog, the American Staffordshire Terrier breed of dog, dogs of mixed breed or other breeds which breed or mixed breed are known as pit bulls, pit bulldogs, or pit bullterriers, and any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, or any other breed commonly known as pit bulls, pit bulldogs, or pit bull terriers, or a combination of any of these breeds.

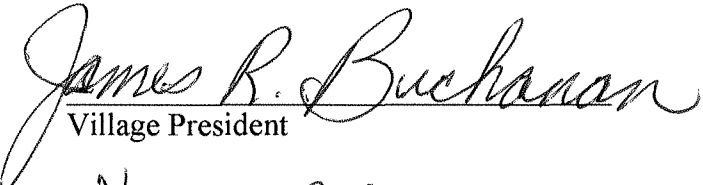
Section 2. Separability. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

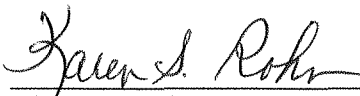
Section 3. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect and be in force 20 days from and after its enactment as provided by the Village Council.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 144 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on July 25, 2005, and was thereafter passed at a regular meeting on August 22, 2005, at least two weeks elapsing between the introduction and the enactment.

Dated at Breckenridge, Michigan, this twenty-second day of August, 2005.


Village President


Village Clerk

Notice to read, "Do Not Enter, Unsafe to Occupy." Such notice shall remain posted until the required repairs, demolition, or removal is completed. Such notice shall not be removed without written permission of the building official, and no person shall enter this building except for purposes of making the repairs required or demolishing the building.

2. Separability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

3. Ordinances Repealed.

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

4. Effective Date

This ordinance shall take effect and be in force upon publication, as required by law, within 15 days from and after its enactment.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in regular session, held November 23, 2009.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 150 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on September 28, 2009 and was thereafter passed at a regular meeting on November 23, 2009. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper circulated with the Village on November 30, 2009.

Dated at Breckenridge, Michigan, this 25th day of November, 2009.

Charles D. Seeley

By:
Its: President

Bridget M. Suhr

By:
Its: Clerk

AN ORDINANCE TO AMEND SECTION 208.06 OF THE ORDINANCES OF THE VILLAGE OF BRECKENRIDGE TO PRESCRIBE A CIVIL FINE FOR THE VIOLATION OF SECTION 656.14 REGARDING OUTDOOR FURNACES

The Village of Breckenridge Ordains:

- 1. Section 208.06 of the Ordinances of the Village of Breckenridge is hereby amended by the addition of subsection (a) (29), to read as follows:**

| | | |
|--------------------------|---|-----------------|
| “(29) Chapter 656 | Violation of section 656.14 regarding outdoor furnaces | |
| | | \$50.00 |
| | First repeat offense | \$100.00 |
| | Second and subsequent repeat offenses | \$250.00 |

- 2. Separability.**

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

- 3. Ordinances Repealed.**

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

- 4. Effective Date.**

This ordinance shall take effect and be in force upon publication, as required by law, within 15 days from and after its enactment.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in regular session, held January 25, 2010.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing ordinance, known as Ordinance No. 151 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the

Village Council, held on November 23, 2009, and was thereafter passed at a regular meeting on January 25, 2010. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper that circulated within the Village on February 15, 2010.

Dated at Breckenridge, Michigan, this _____ day of _____, 2010.

Charles D. Seeley

President

Bridget M. Suhr

Clerk

Ordinance No : 156

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE VILLAGE OF
BRECKENRIDGE TO PROHIBIT CERTAIN UNLAWFUL USES

The Village of Breckenridge Ordains:

- Section 1: Chapter 1266, Section 1266.01 of the zoning ordinance is hereby amended by the addition of subsection (1), to read as follows:
(1) No one shall be permitted in any district which is otherwise prohibited by state or federal law.
- Section 2: Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- Section 3: Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.
- Section 4: Effective Date. This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the Village Council.

Passed and approved by the Village Council of the Village of Breckenridge, Gratiot County, Michigan, in special session, held February 9, 2011.

We the undersigned President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #156 of the Village of Breckenridge, Michigan was adopted at a special meeting of the Village Council, held on February 9, 2011 and published in a newspaper circulated within the Village on March 6, 2011, not less than fifteen days having elapsed between adoption and publication.

Dated at Breckenridge, Michigan, this 9th day of February, 2011.

Charles D. Seeley

By:
Its: President

Bridget M. Suhr

By:
Its: Clerk

**AN ORDINANCE TO AMEND SECTION 1042.04(b) and 1044.04 OF
THE ORDINANCES OF THE VILLAGE OF BRECKENRIDGE TO
PROVIDE FOR THE ESTABLISHMENT OF SEWER RATES
AND CHARGES BY COUNCIL RESOLUTION**

The Village of Breckenridge Ordains:

1. Section 1042.04(b) of the Ordinances of the Village of Breckenridge is hereby amended to read as follows:

(b) There are two classes of building sewer permits, as follows:

(1) Residential services; and

(2) Service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall make application for such permit on a form to be furnished by the village. The permit shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the village manager or his designee. A permit and inspection fees shall be established by the village council from time to time adopted. He

2. Section 1044.04 is amended to read as follows:

(a) *Establishment and levy of charges.* The village council shall, from time to time by resolution, establish the rates to be charged for sewage disposal service and treatment, together with late charges, penalties for late payment, or interest rates. Such rates shall be levied upon each lot or parcel of land, building or premises having any sewer connection to the system, on the basis of the quantity of water used thereon or therein, as the same is measured by the city water meter there in use, and shall be collected at the same time and in the same manner as provided for the payment of water bills. The village council may classify the users of the system according to the quantity used, or on any other reasonable basis of classification, and charge such rates to users in each class. With respect to any customer or premises with respect to which an affidavit has been filed pursuant to subsection (b) below, a deposit may be required prior to the provision of services, the amount of which deposit may be fixed by city commission resolution.

(b) *Enforcement.* The charges for sewage disposal services which are, under Section 21 of Public Act No. 94 1933 (MCL 141.121), as amended, made a lien on all premises served thereby, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six months, the village official or officials in charge of the collection thereof, shall certify, on or before January 1 of each year, to the village assessor the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and a lien thereof enforced in the same manner as general village taxes against such premises are collected and the lien thereof enforced. However, the provisions of this section establishing a lien shall not apply if a lease has been legally executed containing a provision that the lessor shall not be liable for payment of sewage system bills accruing subsequent to the filing of the affidavit provided by this section. An affidavit with respect to the execution of a lease containing this provision shall be filed with the village clerk within 20 days of the execution of such lease, and 20 days' written notice shall be given by the lessor of any

cancellation, change in, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease. In addition to all other remedies, the village shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of sewage disposal rates when due.

3. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

4. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

5. Effective Date. This ordinance shall take effect and be in force upon publication, as required by law, within 15 days from and after its enactment.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in regular session, held January 24, 2012.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 159 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on December 26, 2011, and was thereafter passed at a regular meeting on January 24, 2012. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper circulated within the Village on February 12, 2012.

Dated at Breckenridge, Michigan, this 24th day of January , 2012.

SS\\ Charles D. Seeley
President

SS\\ Bridget M. Suhr
Clerk

**AN ORDINANCE TO AMEND SECTION 1044.02 AND 1044.03, AND TO
REPEAL SECTION 1044.10 OF THE ORDINANCES OF THE VILLAGE OF
BRECKENRIDGE TO PROVIDE FOR THE ESTABLISHMENT OF WATER RATES AND
CHARGES BY COUNCIL RESOLUTION AND TO PROVIDE THAT UNPAID CHARGES
SHALL BECOME A LIEN UPON THE PROPERTY SERVED.**

The Village of Breckenridge Ordains:

1. Section 1044.02 of the Ordinances of the Village of Breckenridge is hereby amended to read as follows:

104402 WATER RATES, CHARGES, BILLING, DELINQUENCY.

(a) *Service charges.* Except as herein otherwise provided, water to be furnished by the system to each premises shall be measured by a meter or meters installed and controlled by the village. Charges for water service to each premises within the village connected with the system, together with late charges, penalties for late payment, or interest rates, shall be established by resolution of the village council from time to time adopted. Such resolution shall be adopted after notice and public hearing. The rates established shall consist of the following:

(1) Commodity charge.

(2) Monthly readiness to serve charge to cover ongoing repair, replacement and improvement, and budgeted as part of the annual costs of the system.

The village council shall also, by resolution from time to time adopted, establish connection and shut off charges in the manner as set forth with respect to water rates. The connection charges shall represent a portion of the capital costs of the system previously paid by the village reasonably attributable to each new user. The connection charges shall be payable at the time application is made, pursuant to Section 1044.03, for connection to the system. Shut off charges shall represent the cost to the village in material and man hours to terminate service. With respect to any customer or premises, with respect to which an affidavit has been filed pursuant to subsection (g) of this section, a deposit may be required prior to the provision of services, the amount of which shall be determined by resolution of the village council.

(b) *Billing.* Billing for water charges shall be under the supervision of the village clerk, and all water meters shall be read once in each one-month period. Bills shall be rendered for all premises on the first of the month following the month said meter was read, and shall become due and payable on or before the 15th of such month. If bills are not paid by the due date, a penalty of ten percent shall be added thereto.

(c) *Rates outside corporate limits.* Whenever the system is supplying water to premises located outside the corporate limits of the village, the rates for this service shall not be less than the rates above provided for water furnishing to premises within the corporate limits of the village.

(d) *Special rates.* For nonmetered water services rendered or any other water service furnished or miscellaneous services for which a special rate should be established, such rates shall be fixed by the village council upon recommendation of the village manager.

(e) *Enforcement.* The charges for water service which are under the provisions of Section 21 of Public Act No. 94 of 1933 (MCL 141.121), as amended, are made a lien on all premises served thereby, and are hereby recognized to constitute such lien and whenever any such charge against any piece of property shall be delinquent for six months, the village official or officials in charge of the collection thereof shall certify on or before January 1 of each year to the village assessor the fact of such delinquency, whereupon such charge shall be entered upon the next tax roll as a charge against such premises and the lien thereof enforced in the same manner as general village taxes against such premises are collected and the lien thereof enforced. In addition to other remedies provided, the village shall have the right to shut off and discontinue the supply of water to any premises for the nonpayment of water rates when due.

(f) *Landlord's affidavit.* The lien created by this section and by Section 21 of Public Act No. 94 of 1933 (MCL 141.121), as amended, shall have priority over all other liens except taxes or special assessments whether or not the other liens accrued or were recorded before the accrual of the water system lien created by this section or applicable state law. However, the provisions of this section establishing a lien shall not apply if a lease has been legally executed containing a provision that the lessor shall not be liable for payment of water system bills accruing subsequent to the filing of the affidavit provided by this section. An affidavit with respect to the execution of a lease containing this provision shall be filed with the village clerk within 20 days of the execution of such lease, and 20 days notice shall be given by the lessor of any cancellation, change in, or termination of the lease. The affidavit shall contain a notation of the expiration date of the lease.

2. Section 1044.03 is amended to read as follows:

WATER CONNECTION CHARGES.

- (a) Before any connection is made to a village water main, application for a permit to do so shall be made in writing by the owner of the premises or by his authorized representative to the village clerk. The application shall be made on forms provided by the village clerk and shall contain such information as the village manager may require.
- (b) Service shall not be provided until inspection of such connection has occurred, in order to ensure that such connection conforms to the village's specifications.
- (c) Charges for connection permits and inspections shall be established by resolution of the village council from time to time adopted.

3. Section 1044.10 is repealed.

4. *Separability.* If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

5. *Ordinances Repealed.* All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

6. *Effective Date.* This ordinance shall take effect and be in force upon publication, as required by law, within 15 days from and after its enactment.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in regular session, held January 24, 2012.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 160 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on December 26, 2011, and was thereafter passed at a regular meeting on January 24, 2012. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper circulated within the Village on February 12, 2012.

Dated at Breckenridge, Michigan, this 24th day of January , 2012.

SS\| Charles D. Seeley
President

SS\| Bridget M. Suhr
Clerk

ORDINANCE # 161

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AUTHORIZING AND REGULATING THE OPERATION OF OFF ROAD VEHICLES (ORVs) ON CERTAIN STREETS WITHIN THE VILLAGE OF BRECKENRIDGE, FOR THE PURPOSE OF PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR THE DISTRIBUTION OF PUBLIC FUNDS RESULTING FROM THOSE PENALTIES PURSUANT TO 2008 PA 240, MCL 324.81131.

THE VILLAGE OF BRECKENRIDGE ORDAINS:

Sec. 1: As used in this ordinance, the following definitions shall apply:

- a) "Village" means Village of Breckenridge.
- b) "Drivers license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
[MCL 324.81101 (m)]
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV. *[MCL 324.81101 (n)]*
- e) "ORV" or "vehicle" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a golf cart, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.
[MCL 324.81101 (o)]
- f) "Council" means the Village Council for the Village of Breckenridge.
- g) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV Safety Certificate issued under the authority of another state or a province of Canada.

h) “Street” means a Village major Street, road or alley or Village local Street, alley or road as described in Section 9 of 1951 PA 51, MCL 247.659.

i) “Visual supervision” means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator. *[MCL 324.81101 (w)]*

j) “Official state personal identification card” means the official identification card issued by the Michigan Secretary of State under Act 222 of the Public Acts of 1972, as amended, or issued under a comparable statute by any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada to a person who is not legally blind and who has not currently had his or her driver’s license suspended, revoked, or restricted.

Sec. 2: The Village Council, by resolution and at its discretion, may close any Village street to protect the environment, or if the operation of ORVs pose a particular and demonstrable threat to public safety.

Sec. 3: An ORV shall not be operated on any state trunkline or business loop (M-46) right-of-way. *[MCL 324.81131 (15) (d); (e)]* The operator of a vehicle may cross a public highway or designated street (see 5a below), other than a limited access highway, at right angles, for the purpose of getting from one area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway, and shall yield the right-of-way to oncoming traffic. *[MCL 324.81122- (a)]*

Sec. 4: An ORV cannot be operated anywhere while transporting a passenger without a seat as designed by the manufacturer.

Sec. 5: Except as set forth herein or otherwise provided by law, an ORV, meeting all of the following conditions, may be operated on a Street in the Village year round between the hours of 5:00am and 12:00am.

a) On the far right of the maintained portion of a Street within the Village **except:** Saginaw Street (M-46), and except Ridgelawn Cemetery. *[MCL 324.81131 (6)], [324.81133 (l)]*

b) At a reasonable and proper speed of no more than 25 miles per hour or a lower posted speed limit. *[MCL 324.81131 (6)], [MCL 324.81133 (a)]*

- c) By a person not less than 14 years of age.
- d) With the flow of traffic. *[MCL 324.81131 (6)]*
- e) In a manner which does not interfere with traffic on the road or Street. *[MCL 324.81131 (6)]*
- f) While traveling single file except when overtaking or passing another ORV. *[MCL 324.81131 (6)]*
- g) While displaying a lighted headlight and a lighted taillight at all times. *[MCL 324.81131 (8)]*
- h) When the person and any passenger in or on the vehicle is wearing on his or her head, a crash helmet and protective eyewear approved by the United States Department of Transportation. This subdivision does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet, and the operator and each passenger is wearing a properly adjusted and fastened safety belt. *[MCL 324.81133 (b)]*
- i) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle. *[MCL 324.81133 (d)]*
- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation. *[MCL 324.81133 (g)]*
- k) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, **and** a brake light brighter than a tail light, visible when the brake is activated to the rear of the vehicle. *[MCL 324.81133 (g)]*
- l) Pursuant to noise and emission standards defined by law. *[MCL 324.81133 (g)]*
- m) While displaying proper and current registration (ORV license/sticker). *[324.81122 (1a)]*

Sec. 6: In a court action in this state where competent evidence demonstrates that a vehicle is permitted to be operated on a roadway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, collided with an ORV on a roadway, the driver of the ORV involved in the collision shall be considered prima facie negligent. *[MCL 324.81131 (12)]*

Sec. 7: A person less than 18 years of age shall not operate an ORV on a Street in the Village unless the person is in immediate possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession a Michigan issued ORVS Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another state or a province of Canada. *[MCL 324.81131(9)]*

Sec. 8: An ORV operator, 18 years and older, shall have in their immediate possession a valid drivers license.

Sec. 9: Unless a person possesses a valid drivers license, a person shall not operate an ORV on a Street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels. *[MCL 324.81131 (6)]*

Sec. 10: Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00. *[MCL 324.81131 (6)]*

Sec. 11: A court may order a person who causes damages to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines. *[MCL 324.81131 (13)]*

Sec. 12: The Village Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Village of Breckenridge Village Council shall appropriate revenue in the ORV Fund as follows: *[MCL 324.81131 (14)]*

- a) Fifty percent to the Village DPW for repairing damage to roads and environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Village Police Department for ORV enforcement and training.

Sec. 13: This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of and Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, or other person, either civil or criminal, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Sec. 14. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction,

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Sec. 15. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Sec.16. Effective Date. This ordinance shall take effect and be in force 30 days from and after its enactment as provided by the Village Charter.

Sec. 17: This ordinance can be repealed or modified at any time, has a sunset provision, and is not effective after unless reauthorized by the Breckenridge Village Council.

Introduced by the Village Council of the Village of Breckenridge, Michigan, in regular session, held August 24, 2018.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in regular session, held September 24, 2016

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 161 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on August 24, 2018, and was thereafter passed at a regular meeting on September 24, 2018. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper circulated within the Village on October 7, 2018.

Dated at Breckenridge, Michigan, this 24th day of September, 2018.

By: Charles D. Seeley
Its: President

By: Bridget M. McPherson
Its: Clerk

ORDINANCE # 161

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AUTHORIZING AND REGULATING THE OPERATION OF OFF ROAD VEHICLES (ORVs) ON CERTAIN STREETS WITHIN THE VILLAGE OF BRECKENRIDGE, FOR THE PURPOSE OF PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR THE DISTRIBUTION OF PUBLIC FUNDS RESULTING FROM THOSE PENALTIES PURSUANT TO 2008 PA 240, MCL 324.81131.

THE VILLAGE OF BRECKENRIDGE ORDAINS:

Sec. 1: As used in this ordinance, the following definitions shall apply:

- a) "Village" means Village of Breckenridge.
- b) "Drivers license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
[MCL 324.81101 (m)]
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV. *[MCL 324.81101 (n)]*
- e) "ORV" or "vehicle" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a golf cart, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.
[MCL 324.81101 (o)]
- f) "Council" means the Village Council for the Village of Breckenridge.
- g) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV Safety Certificate issued under the authority of another state or a province of Canada.

h) “Street” means a Village major Street, road or alley or Village local Street, alley or road as described in Section 9 of 1951 PA 51, MCL 247.659.

i) “Visual supervision” means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator. *[MCL 324.81101 (w)]*

j) “Official state personal identification card” means the official identification card issued by the Michigan Secretary of State under Act 222 of the Public Acts of 1972, as amended, or issued under a comparable statute by any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada to a person who is not legally blind and who has not currently had his or her driver’s license suspended, revoked, or restricted.

Sec. 2: The Village Council, by resolution and at its discretion, may close any Village street to protect the environment, or if the operation of ORVs pose a particular and demonstrable threat to public safety.

Sec. 3: An ORV shall not be operated on any state trunkline or business loop (M-46) right-of-way. *[MCL 324.81131 (15) (d); (e)]* The operator of a vehicle may cross a public highway or designated street (see 5a below), other than a limited access highway, at right angles, for the purpose of getting from one area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway, and shall yield the right-of-way to oncoming traffic. *[MCL 324.81122- (a)]*

Sec. 4: An ORV cannot be operated anywhere while transporting a passenger without a seat as designed by the manufacturer.

Sec. 5: Except as set forth herein or otherwise provided by law, an ORV, meeting all of the following conditions, may be operated on a Street in the Village May 1 - October 31 from 6:00 a.m. - 9:00 p.m., and November 1 - April 30 from 8:00 a.m. - 5:00 p.m.

a) On the far right of the maintained portion of a Street within the Village **except:** Saginaw Street (M-46), and except Ridgelawn Cemetery. *[MCL 324.81131 (6)], [324.81133 (l)]*

b) At a reasonable and proper speed of no more than 25 miles per hour or a lower posted speed limit. *[MCL 324.81131 (6)], [MCL 324.81133 (a)]*

- c) By a person not less than 14 years of age.
- d) With the flow of traffic. *[MCL 324.81131 (6)]*
- e) In a manner which does not interfere with traffic on the road or Street. *[MCL 324.81131 (6)]*
- f) While traveling single file except when overtaking or passing another ORV. *[MCL 324.81131 (6)]*
- g) While displaying a lighted headlight and a lighted taillight at all times. *[MCL 324.81131 (8)]*
- h) When the person and any passenger in or on the vehicle is wearing on his or her head, a crash helmet and protective eyewear approved by the United States Department of Transportation. This subdivision does not apply if the vehicle is equipped with a windshield and a roof or roll bar that meets or exceeds standards for a crash helmet, and the operator and each passenger is wearing a properly adjusted and fastened safety belt. *[MCL 324.81133 (b)]*
- i) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle. *[MCL 324.81133 (d)]*
- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation. *[MCL 324.81133 (g)]*
- k) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour, **and** a brake light brighter than a tail light, visible when the brake is activated to the rear of the vehicle. *[MCL 324.81133 (g)]*
- l) Pursuant to noise and emission standards defined by law. *[MCL 324.81133 (g)]*
- m) While displaying proper and current registration (ORV license/sticker). *[324.81122 (1a)]*

Sec. 6: In a court action in this state where competent evidence demonstrates that a vehicle is permitted to be operated on a roadway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, collided with an ORV on a roadway, the driver of the ORV involved in the collision shall be considered prima facie negligent. *[MCL 324.81131 (12)]*

Sec. 7: A person less than 18 years of age shall not operate an ORV on a Street in the Village unless the person is in immediate possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession a Michigan issued ORVS Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another state or a province of Canada. *[MCL 324.81131(9)]*

Sec. 8: An ORV operator, 18 years and older, shall have in their immediate possession a valid drivers license.

Sec. 9: Unless a person possesses a valid drivers license, a person shall not operate an ORV on a Street in the Village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels. *[MCL 324.81131 (6)]*

Sec. 10: Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00. *[MCL 324.81131 (6)]*

Sec. 11: A court may order a person who causes damages to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines. *[MCL 324.81131 (13)]*

Sec. 12: The Village Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Village of Breckenridge Village Council shall appropriate revenue in the ORV Fund as follows: *[MCL 324.81131 (14)]*

- a) Fifty percent to the Village DPW for repairing damage to roads and environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Village Police Department for ORV enforcement and training.

Sec. 13: This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of and Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, or other person, either civil or criminal, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Sec. 14. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction,

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Sec. 15. Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Sec.16. Effective Date. This ordinance shall take effect and be in force 30 days from and after its enactment as provided by the Village Charter.

Sec. 17: This ordinance can be repealed or modified at any time, has a sunset provision, and is not effective after date = 1 year after effective date unless reauthorized by the Breckenridge Village Council.

Introduced by the Village Council of the Village of Breckenridge, Michigan, in regular session, held October 22, 2012.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in regular session, held November 26, 2012.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 161 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on October 22, 2012, and was thereafter passed at a regular meeting on November 26, 2012. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper circulated within the Village on December 16, 2012.

Dated at Breckenridge, Michigan, this 5th day of December, 2012.

Charles D. Seeley

By: Charles D. Seeley
Its: President

Bridget M. Suhr

By: Bridget M. Suhr
Its: Clerk

**AN ORDINANCE TO AMEND SECTION 208.06 OF THE ORDINANCES OF THE
VILLAGE OF BRECKENRIDGE TO PRESCRIBE A CIVIL FINE FOR THE
VIOLATION OF SECTION 490.4 REGARDING USE OF ENGINE BRAKING
SYSTEMS**

The Village of Breckenridge Ordains:

1. Section 208.06 of the Ordinances of the Village of Breckenridge is hereby amended by the addition of subsection (a) (30), to read as follows:

| | | |
|-------------------|--|----------|
| “(30) Chapter 490 | Violation of section 490.0 regarding use of engine braking systems | \$50.00 |
| | First repeat offense | \$100.00 |
| | Second and subsequent repeat offenses | \$250.00 |

2. Separability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

3. Ordinances Repealed.

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

4. Effective Date.

This ordinance shall take effect and be in force upon publication, as required by law, within 15 days from and after its enactment.

Passed and approved by the Village Council of the Village of Breckenridge, Michigan, in special session, held June 10, 2013.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 165 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on May 28, 2013, and was thereafter passed at a special meeting on June 10, 2013. Pursuant to statute and Village Charter, the Ordinance, or a synopsis thereof, was published in a newspaper circulated within the Village on June 16, 2013.

Dated at Breckenridge, Michigan, this 10th day of June, 2013.

Charles D. Seeley _____
President

Bridget M. Suhr _____
Clerk

Village of Breckenridge
Ordinance No. 168

AN ORDINANCE TO AMEND CHAPTER 440 OF THE ORDINANCES OF THE
VILLAGE OF BRECKENRIDGE TO REGULATE RESIDENTIAL PARKING

THE VILLAGE OF BRECKENRIDGE ORDAINS:

SECTION 1. Chapter 440.11 of the Ordinances of the Village of Breckenridge is amended to read as follows:

(a) PURPOSE/INTENT

The purpose of this ordinance is to regulate the outdoor parking and storage of recreational vehicles, boats, trailers, construction equipment, and other vehicles in the R-1 and R-2 zoning districts within the Village. This is adopted to preserve peace and good order; to promote aesthetic beauty of the community and hence the value of the property therein; and to promote the health, safety, and general welfare of the citizens of the Village of Breckenridge.

(b) PARKING AND STORAGE LOCATION

Outdoor parking and storage of recreational vehicles, boats, trailers, construction equipment, and other vehicles is permitted in residential zoned areas provided the following;

1. Parking or storage is in the rear yard or side yard, adjacent and parallel to the home, and not protruding past the front most part of the home.
2. High profile recreational vehicles, boats, trailers, construction equipment, and other vehicles over 8 feet in height, must be set back a minimum of 3 feet from the side and rear property lines.
3. Parking of recreational vehicles, boats, trailers, construction equipment, semi-tractors and trailers and other vehicles over 8 feet in height in the front yard or driveway is permitted for a period not to exceed 48 hours for the sole purposes of cleaning, restocking and packing of said vehicles.
4. An owner of construction equipment which will be parked on a jobsite within the said zoning districts for a period in excess of 48 hours may apply to the Village Manager or his designee for a permit to park for the duration of the construction project, but not to exceed 90 days.

(c) ENFORCEMENT

A five-day notice will be served by certified mail, return receipt requested, on the property owner who is noncompliant with the ordinance. Only one notice will be served per vehicle/trailer description and/or VIN number.

(d) PENALTIES

The owner, as shown on the assessor's record, of residentially zoned property subject to this ordinance is responsible for compliance. Violations of this ordinance shall constitute a civil infraction punishable by a civil fine of not less than \$50.00 for the first offense, not less than \$100.00 for the second offense, and not less than \$250.00 for each additional or subsequent offense within a 2-year period, plus all other costs and remedies available by statute. Parking of each vehicle and each day of violation shall constitute a separate civil infraction; provided, however, that the maximum civil fine for the parking or storage of any single vehicle shall not exceed \$1,000.00. If the penalty is not paid within 45 days, the civil fine may be specially assessed against the property; or the civil judgment may be enforced by garnishment, execution or other civil collection remedy.

SECTION 2. ORDINANCES REPEALED

All existing ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect and be in force 20 days from and after its enactment as provided by the Village Council.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 168 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on September 25, 2017, and was thereafter passed at a regular meeting on October 23, 2017, at least two weeks elapsing between the introduction and the enactment.

Dated at Breckenridge, Michigan, this 23rd day of October, 2017.

SS; Charles D. Seeley _____
President

SS; Bridget M. McPherson _____
Clerk

Ridgelawn Cemetery Ordinance

Village of Breckenridge
Gratiot County, Michigan

Ordinance #169

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance and management of Ridgelawn Cemetery, controlled and operated by the Village of Breckenridge, in Gratiot County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

The Village of Breckenridge, County of Gratiot, Michigan Ordains;

Section 1. Title

The Ordinance shall be known and cited as the “Ridgelawn Cemetery Ordinance”

Section 2. Purpose and Intent

The Village Council recognizes and concludes that the proper and reasonable maintenance, appearance and use of the cemetery or cemeteries owned or controlled by the Village is an important function of the government of the Village. It is also important that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health and general welfare of the community. The Village Council finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Village.

Section 3. Definitions

- a. A “cemetery grave” shall consist of an area in Ridgelawn Cemetery sufficient to accommodate one full body burial space for one deceased person. Other allowed burials are one full body and two cremations or three cremations per grave. Any exceptions must be approved by the Village Office. Each grave shall consist of a land area at least forty-eight (48) inches wide and ninety-six (96) inches in length.
- b. “Village” means Village of Breckenridge

Section 4. Records

The Village Clerk shall maintain records concerning all burials, cemetery lots, issuance of burial permits and any other records of the Village related to Ridgelawn Cemetery, and the same shall be open to public inspection at all reasonable business hours.

Section 5. Sale of Cemetery Graves

- a. All sales and transfers of cemetery graves shall be made on a form approved by the Village Council and signed by the designated Village official, which grants a right of burial only and does not convey any other title or right to the cemetery grave or burial space sold. The “Burial Rights Certificate” shall be signed by the Village President and Village Clerk.(See Appendix A)

Section 6. Transfer of Lots

- a. The transfer of a cemetery grave to another party shall be recorded on a form approved by the Village Council in the office of the Village Clerk. A letter releasing interest of a grave from the owner shall be required; only when the original burial rights certificate is not available to be surrendered to the Village Clerk. The grave transfer form shall be signed by the Village Clerk or the Village Deputy Clerk. (See Appendix B).

Section 7. Purchase Price for Cemetery Graves

- a. Cemetery grave pricing shall be approved by the Village Council and reviewed periodically to accommodate increased costs and needed reserve funds for cemetery maintenance and capital improvements. Pricing will be in resolution form approved by Village Council. (See appendix C).
- b. All charges shall be paid to the Village Treasurer.
- c. Payments may be made on the purchase of cemetery graves with a minimum of fifty dollars (\$50) down towards the purchase of the grave. Graves **must** be paid in full before a Burial Right Certificate is issued and before any burial occurs. Payments made on multiple graves pay down a single grave at a time. Payment plans must be approved by the Village Clerk and a signed payment arrangement form on file with the Clerk's Office. (See Appendix D).
- d. The owner of every cemetery grave shall be responsible for notifying the Village whenever that person's mailing address changes.

Section 8. Grave Opening Charges

- a. The Village may charge fees for the opening and closing of any cemetery grave. Such fees shall be set from time to time by resolution of the Village Council, payable to the Village. (See appendix E).
- b. No cemetery grave shall be opened or closed except under the direction and control of the Village Sexton or such other individual as is designated by the Village Manager.

Section 9. Monument and Marker Location, Materials and Foundation

- a. Markers shall be placed at the head of a grave as platted. No marker shall be set unless it is first approved by the Cemetery Sexton and the grave space is paid for in full.
- b. No material except granite or a good grade of white marble from recognized monument quarries shall be used for monuments or upright markers. Bronze may be used for monuments or upright markers if firmly attached to a granite or concrete base.
- c. All monuments and markers shall be placed on a foundation of a depth and size and of a material deemed adequate by the Cemetery Sexton. All foundations shall be installed by cemetery personnel.

Section 10. Interment Regulations

- a. All burials within the cemetery shall be under the direction of the Cemetery Sexton or appointed agent. All applications for the burial shall be made to the Village Office in time to allow at least eight working hours to prepare the grave. An additional charge shall occur for a service on all non-scheduled work days.
- b. The Cemetery management reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.

- c. The appropriate burial rights permit issued by the Village, together with appropriate burial-transit permit shall be presented to the Village Clerk or designated official.
- d. The Cemetery Sexton or personnel shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners or funeral directors.
- e. No graves shall be opened except by personnel employed by the Village.
- f. Funeral directors should arrange the time of funeral so the cemetery personnel can complete interment by 4:00pm.
- g. The surface of all graves shall be kept in an orderly and neat manner during interment process.

Section 11. Disinterment

- a. No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment have been obtained from and applicable state or county agency, government unit or official, and a copy of the same has been filed with the Village Clerk.
- b. Graves shall not be opened for inspection except for official investigations.
- c. Cemetery personnel shall exercise the utmost care in making the removal, but it shall assume no liability for any damage to any casket or burial case or urn incurred during the removal.

Section 12. Cremains

- a. Interment of cremains and/or ashes of deceased are mandatory. No cremains shall be scattered or dispersed or displayed within Ridgelawn Cemetery.
- b. A cremation may be interred at the head and at the foot of a full body burial grave site.
- c. Up to 3 cremations may be interred on a grave.
- d. Burial-transit permits are required to be filed with the Village Clerk for all cremation burials.

Section 13. Forfeiture of vacant cemetery burial spaces

- a. Cemetery graves sold after the effective date of this Ordinance and remaining vacant for eighty (80) years or more from the date of their sale shall automatically revert to the Village upon the occurrence of the following events;
- b. Notice shall be sent by the Village Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 80-year period and that all rights with respect to said graves will be forfeited if he/she does not affirmatively indicate in writing to the Village Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
- c. No written response to said notice indicating a desire to retain the cemetery grave(s) in question is received by the Village Clerk from the last owner of record of said grave(s), or his/he heirs or legal representative, within sixty (60) days from the date of mailing of said notice.
- d. A public notice (published one (1) time) will be placed with the local paper stating a written response be received by the Village Clerk from the owner of record of said lots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of the newspapers publication date, of said notice; and
- e. Upon which all above requirements have been meet and no written response is received by the Village Clerk, said grave(s) will then be considered abandon and forfeiture will result in said lots or spaces being automatically reverted to the Village; at which time ownership will belong to the village and said grave(s) will be available for resale by the village at the current sale price.

Section 14. Repurchases of burial spaces

- a. The Village may repurchase any cemetery grave from the owner for the original purchase price of the grave upon written request of said owner or his/her legal heirs or representatives.

Section 15. Cemetery Hours

No person shall be present in the Ridgelawn cemetery, except between dawn and dusk and will be enforced by the Village Police Department. This section shall not apply to authorized Village personnel.

Section 16. Prohibited Uses and Activities.

- a. Persons entering the cemetery will be held fully responsible for any damage to cemetery property.
- b. No person shall destroy, deface, apply graffiti to or otherwise injure any monument, sign, tree, fence or other structure within the cemetery.
- c. No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully present on the grounds of the cemetery.
- d. Vehicles shall not exceed 10 miles per hour in the cemetery. No vehicle shall be permitted to drive on lawns or cemetery graves. Operators shall follow such drives as indicated by signs.
- e. There shall be no snowmobile or off-road vehicle (ORV) or unlicensed motorcycle, scooter or motorized bicycle in the cemetery.
- f. Bicycles and persons jogging or walking are permitted in the Cemetery from dusk until dawn utilizing the designated roadways only.
- g. No children under sixteen (16) years of age shall be allowed in the cemetery unless accompanied by an adult and are properly supervised.
- h. No domestic animals of any kind or pets are allowed on Cemetery grounds.
- i. No person shall possess or consume alcoholic beverages on cemetery grounds.
- j. Purchase of any grave with Ridgelawn Cemetery for the purpose of speculation therein is not permitted.
- k. No person shall discharge a firearm in or adjacent to the cemetery. This prohibition shall not apply to military burials or Memorial Day Services. Liability for approved firearm discharges rests with the authorized party.
- l. Glass containers of all types are prohibited in Ridgelawn Cemetery.
- m. There shall be no fires, candles or open flames.
- n. There shall be no private signs, lighting, moving displays, or changeable copy on a sign.
- o. Village reserves the right to abate, remove, and maintain any planting, structure, either natural or man-made, that is deemed unsightly, a nuisance, or poses a hazardous situation.
- p. There shall be no unlawful interference with or disruption of a funeral or funeral procession.
- q. Rubbish or debris shall be deposited in specified receptacles located within the cemetery.
- r. Cremains or ashes of a deceased person shall not be scattered or dispersed in Ridgelawn Cemetery.

Section 17. Decoration of Gravesites-Amended November 2018

In order to preserve a peaceful, sacred resting place at Ridgelawn Cemetery, decorations must be done in a way that does not create a safety hazard, impede proper maintenance, infringe on other graves, offend others or diminish the character of the cemetery.

- a. A single grave may consist of only the following;
 - a. A foundation
 - b. A Headstone
 - c. Up to 2 urns properly installed on the foundation
 - d. Flowers placed inside the urns and may exceed the height of the headstone
 - e. Foundations may be extended by using one single concrete paver or patio block not to exceed the width (front to back) of the current foundation or to extend past the lot boundaries. Urns with flowers may be placed on this extension.
 - f. Flower saddles on top of the headstone only
 - g. Winter grave blankets and wreaths are permitted only between the dates of October 16th to March 30th.
 - h. Any and all additional embellishments must be placed on the foundation without overhang and shall not exceed the height of the headstone.
 - i. Excessive or unsightly embellishments may be subject to removal by cemetery management.
 - j. One flag holder and flag will be permitted for the grave of each veteran whose last service was honorable and is interred in Ridgelawn Cemetery. Veteran flags will be proudly displayed annually from May until October fall cleanup.

Any items that do not comply with the above may be removed by cemetery management.

- b. Lighting of any kind is prohibited. This includes but not limited to candles, solar lights, battery operated lighting, flashlights, etc.
- c. Ground plantings of any kind are strictly prohibited.
- d. Landscaping borders, bricks and rocks are strictly prohibited.
- e. The Village reserves the right to remove or trim any existing trees, plants or shrubs located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- f. Cemetery Cleanup is April 1st through the 15th and October 1st through the 15th. At this time any and all existing embellishments shall be considered abandoned and may be disposed of by cemetery management.
- g. Bereavement time will be honored up to 60 days from the date of burial. During this time, additional decorations and flowers may be placed anywhere on the grave. After 60 days, any item that still remains on the grave that does not comply with the above rules and regulations will be removed by cemetery management.

Section 18. Authority of the Village Management to Remove Unauthorized or Unlawful Items from Ridgelawn Cemetery

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in the cemetery in violation of this Ordinance, any Village rule or regulation regarding the cemetery, or any county, state or federal law, statute or regulation may be removed by the Village from the cemetery at any time and destroyed or disposed of by the Village without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the cemetery.

Section 19. ORDINANCES REPEALED

All existing ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 20. EFFECTIVE DATE.

This ordinance shall take effect and be in force 20 days from and after its enactment as provided by the Village Council.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. 169 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on April 23, 2018, and was thereafter passed at a regular meeting on May 21, 2018, at least two weeks elapsing between the introduction and the enactment.

Dated at Breckenridge, Michigan.

We, the undersigned, President and Clerk of the Village of Breckenridge, Michigan, do hereby certify that the above and foregoing Ordinance, amendments to Section 17 and Section 18 of Ordinance No. 169 of the Village of Breckenridge, Michigan, was introduced at a regular meeting of the Village Council, held on October 22, 2018 and was thereafter passed at a regular meeting on November 26, 2018, at least two weeks elapsing between the introduction and the enactment.

Dated at Breckenridge, Michigan.

SS; Charles D. Seeley
President

SS; Bridget M. McPherson
Clerk

VILLAGE OF BRECKENRIDGE
104 E. Saginaw Street P.O. Box 276
Breckenridge, MI 48615
989-842-3109 Fax 989-842-3138

No. 1696

APPLICATION FOR SIGN PERMIT

_____20_____

The cost of a sign permit is \$50.00 provided it meets the guidelines in the Village

Code/Applicant/Owner/Company: _____

Address: _____

Phone: _____

Application is being made for a permit to:

_____ Erect _____ Relocate _____ Repair _____ Remodel

Type of Sign: _____ Permanent _____ Temporary

Illumination: _____ External _____ Internal _____ None

Sign Dimensions: Height (ft) _____ Width (ft) _____ Depth (ft) _____

Sign Area (Sq Ft): _____ Ground Clearance: _____

Distance Set Back from road: _____

Please describe the sign in detail:

Office use Only

Permit issued by: _____

Date: _____

**In consideration of the granting of permit for the above described sign,
we agree to comply with all applicable ordinances of the Village of
Breckenridge and that the Village of Breckenridge shall not be liable
for any damage resulting therefrom.**

Signed: _____ Date: _____

CHAPTER 656
Nuisances

| | | | |
|--------|--|---------|---|
| 656.01 | Public nuisance defined. | 656.075 | Open burning. |
| 656.02 | Public nuisances prohibited. | 656.08 | Smoke. |
| 656.03 | Methods of enforcement. | 656.09 | Barbed wire; obstruction of street rights of way. |
| 656.04 | Refusal to abate; abatement by Village. | 656.10 | Weeds, trees and other vegetation. |
| 656.05 | Recovery of abatement expense. | 656.11 | Spitting. |
| 656.06 | Dangerous structures. | 656.12 | Junk vehicles on private property. |
| 656.07 | Garbage and rubbish; abandoned refrigerators/freezers. | 656.13 | Public nudity. |
| | | 656.99 | Penalty. |

CROSS REFERENCES

Removal of snow and ice from sidewalks - see CHTR. Sec. 67.9
 Street regulations - see CHTR. Secs. 67.20 et seq.
 Nuisances generally - see M.C.L.A. Secs. 600.3801 et seq.
 Assessments for abatement – see ADM. 206.30
 Dogs running at large - see GEN. OFF. 610.02
 Disorderly conduct - see GEN. OFF. 666.01
 Obstruction of highways by trains - see GEN. OFF. 670.01

656.01 PUBLIC NUISANCE DEFINED.

(a) As used in this chapter, "public nuisance" means anything that annoys, injures or endangers the safety, health, comfort, convenience or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any public place, street, highway, navigable lake or stream; or in any way renders the public insecure in life or property.

(b) Public nuisances include, but are not limited to, whatever is prohibited by this chapter.

(Ord. A. Passed 10-15-57.)

656.02 PUBLIC NUISANCES PROHIBITED.

No person shall commit, create or maintain a public nuisance. A separate offense shall be deemed committed each day during or on which a public nuisance remains unabated.

(Ord. A. Passed 10-15-57.)

656.03 METHODS OF ENFORCEMENT.

The Chief of Police may, at his or her option, elect to enforce this chapter by one of the following methods or by any combination thereof:

- (a) He or she may prosecute the person committing, creating or maintaining the public nuisance for a violation of a provision of these Codified Ordinances.
- (b) He or she may cause the nuisance to be immediately abated, provided that the nuisance involves the public health or safety or injury to property.
- (c) He or she may give notice in the manner provided in Section 202.04 of Part Two - the Administration Code, ordering the nuisance to be abated.
(Ord. A. Passed 10-15-57.)

656.04 REFUSAL TO ABATE; ABATEMENT BY VILLAGE.

If the owner, possessor or occupier, or any person having charge, of any property subject to an order of abatement of a nuisance by Council or the Chief of Police, fails or refuses to comply with the abatement notice, the Chief shall take the necessary steps to abate and remove such nuisance after the date prescribed in such notice.

(Ord. A. Passed 10-15-57.)

656.05 RECOVERY OF ABATEMENT EXPENSE.

(a) The cost of abatement by the Village of a nuisance may be collected in an action at law from the owner, occupier or possessor of the property upon which the nuisance was committed, created or maintained.

(b) In all cases where the Village incurs any expense for draining, filling, cleaning or purifying a lot, place or premises, or for removing an unsafe building or structure, or for removing or abating a nuisance found upon a lot or premises, Council, in addition to all other remedies provided for the recovery of such expense, may charge the same or such part thereof as it deems proper, upon the lot or premises upon or on account of which such expenses were incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

(Ord. A. Passed 10-15-57.)

656.06 DANGEROUS STRUCTURES.

(a) No person shall maintain a structure which is unsafe or which is a menace to the health, morals or safety of the public.

(b) Council may condemn any such structure, after investigation, by giving notice to the owner, occupier or possessor of the land upon which the structure is located in the manner provided in Section 202.04 of Part Two - the Administration Code, specifying in what respects such structure is a public nuisance and requiring such owner to alter, repair, tear down or remove the same within five days after the service of such notice.

(c) If, at the expiration of the time limit of such notice, the owner has not complied with the requirements thereof, the Chief of Police shall carry out such requirements.

(d) The Chief of Police may abate any such public nuisance without a preliminary order of Council if the public safety requires immediate action.
(Ord. A. Passed 10-15-57.)

656.07 GARBAGE AND RUBBISH; ABANDONED REFRIGERATORS/ FREEZERS.

(a) Disposal. No person shall dispose of any rubbish, refuse, waste or other such material except at dumps which have been approved and are supervised by the County Health Officer and which are clearly marked for such purpose, provided that garbage shall not be permitted in any dump in the Village.

(Ord. 62. Passed 6-25-90.)

(b) Littering. Except as otherwise provided in this section, no person shall dump, abandon, throw or scatter any rubbish, refuse or waste, or transport the same, in such a manner as to cause the littering of any street, alley or public place, or of any private property not his or her own, or to cause the obstruction of a ditch, drain or gutter.

(c) Harming Public Health and Welfare. No person shall allow any rubbish, refuse, junk (including junk cars or trucks) or waste to collect or lie on the property which he or she owns, occupies or controls in such a manner that it attracts, annoys or interferes with the safety, health, comfort or repose of the public, or omits odors, is unsightly or is offensive.

(Ord. A. Passed 10-15-57.)

(d) Abandoned Refrigerators and/or Freezers. No person shall leave outside of any building or dwelling or in any unlocked building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other box or container having a capacity of over one and one-half cubic feet, without first removing any locking device and the doors from such ice box, refrigerator/freezer or other container.

(Ord. 81. Passed 9-23-96.)

656.075 OPEN BURNING.

(a) Open burning is hereby prohibited, except that the following exemptions may be allowed, provided they do not violate any other sections of these codified ordinances.

- (1) Fires are permitted for the cooking of food provided that such fires are confined to a barbecue grill, barbecue pit, electric or gas grill, (in a container, utensil, device or camp fire pit designed and intended for outdoor cooking) or other enclosure and provided further that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the neighborhood.
- (2) The use of approved gaseous or liquid fired salamanders commonly used in conjunction with building and construction operations when being used in accordance with accepted safety standards.

- (3) Roofers, tanners, plumbers or others pursuing a business requiring the use of fire or for the purpose of boiling tar, pitch or oil used in the regular course of an appropriate business or trade, and while being used in a safe and sanitary manner.
- (4) Upon approval of the Fire Chief, open fires may be set in the performances of an official duty of any public officer if the fire is necessary for one or more of the following reasons or purposes:
 - A. For the prevention of a fire hazard which cannot be abated by other means.
 - B. For the instruction of public fire fighters or industrial or commercial employees under proper supervision of a qualified instructor. Such a program shall be presented to the Village Manager and Chief of Police for approval at least forty-eight hours prior to the instruction program.
 - C. For the protection of public health.
- (5) Recreational fires on private property are permitted when in a pit or a pile which does not exceed three feet in diameter and height providing the following conditions are met:
 - A. Fires are attended under the direct, constant supervision and control of a responsible adult eighteen years of age or older. Fires must be attended until extinguished and the ashes are doused with water and are cold.
 - B. Only trees, branches, kindling, wood chips, compressed wood products or commercially produced fuel products are burned.
 - C. The fire does not endanger any buildings or structures.
 - D. Atmospheric conditions are favorable and do not present a danger.
 - E. Prohibit emission of smoke or fumes which irritate, annoy, or constitute a nuisance to others living in the neighborhood.
 - F. The fire pit or pile must be in a designated area and be bordered by rocks, a large metal frame or be in a manufactured metal container, screen or crock fire containment utensil.
- (6) All fires on public property are prohibited except for fires for preparing food in barbecue grills, electric grills, gas grills or in a manufactured container made expressly for outdoor cooking.

(b) The Village Council may develop alternative means of disposal of commonly burned material such as leaves, grass cuttings, and arboreal debris.

(Ord. 62. Passed 6-25-90; Ord. 143. Passed 10-26-04.)

656.08 SMOKE.

No person who is responsible therefor shall permit the omission, from a chimney or smokestack, of dense smoke or smoke containing soot or other substance in sufficient quantity to noticeably permit the deposit of soot or other substance in the Village. The omission of such smoke or other substance is hereby declared to be a public nuisance.

(Ord. A. Passed 10-15-57.)

656.09 BARBED WIRE; OBSTRUCTION OF STREET RIGHTS OF WAY.

(a) No person shall place or maintain any barbed wire fencing or any strand of barbed wire along the line of, or in, any public street, alley or public place in the Village. No person shall place or allow such barbed wire to remain between any premises owned or occupied by him or her and the adjoining premises, or place or allow to remain any barbed wire fencing or barbed wire in the Village in any place where it will expose a person to injury on account thereof, provided that it shall not be unlawful to place such barbed wire at the top of a legal fence when placed not less than six feet from the ground.

(b) No person shall place or maintain a fence, tree, shrub or other obstacle in any portion of the highway or street right of way except by permission of the Chief of Police.
(Ord. A. Passed 10-15-57.)

656.10 WEEDS, TREES AND OTHER VEGETATION.

(a) No person who is the owner, possessor or occupier of lands in the Village shall fail to cut down all noxious weeds, including, but not limited to, ragweed, Canadian thistles, milkweed, wild carrot, oxeye daisies, poison ivy, dodders, mustards, bindweed, perennial saw thistles or hoary alyssum, growing thereon. These weeds and other vegetation, including lawn grass, shall be cut a minimum of three times each year: once by June 15, again by July 15 and again by August 15; or when the height reaches eight inches.
(Ord. 81. Passed 9-23-96.)

(b) Any tree, shrub, plant or weed which endangers public property or the health or safety of the public is hereby declared to be a public nuisance. The Chief of Police shall give notice to the owner or occupier of the premises, upon which such nuisance is located, to remove, trim or dispose of the same within five days after the service of such notice, which notice shall be given in accordance with Section 202.04 of Part Two - the Administration Code.

(c) If, at the expiration of the time limit in such notice, the owner or occupier has not complied with the requirements of such notice, the Chief of Police shall carry out such requirements and the cost thereof shall be collected as provided in Section 656.05.
(Ord. A. Passed 10-15-57.)

656.11 SPITTING.

No person shall expectorate or spit on a street or sidewalk or in any other public place, or on the floor or wall of any place of public assemblage, except in a receptacle provided for that purpose.
(Ord. A. Passed 10-15-57.)

656.12 JUNK VEHICLES ON PRIVATE PROPERTY.

(a) Unless otherwise permitted, no person, whether he or she is the owner, attendant or manager of private property, or whether he or she is the last registered owner of the vehicle or the transferee on a bill of sale covering the vehicle, shall store or permit the storage for more than ten

days, on such private property, of one or more motor vehicles which are not in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code, being Act 300 of the Public Acts of 1949, as amended, which requirements include, but are not limited to, an engine that runs, four wheels, four pneumatic tires capable of holding air, a current license plate and a working battery.

(b) Any person enumerated in this section may, because of special conditions of hardship, or for another valid reason, such as the preservation of a historic or classic vehicle, request an extension of the ten-day limitation referred to above by filling a timely request with Council. Council may, at its discretion, after a review of all the circumstances and after holding a hearing or hearings as it deems necessary, grant such applicant any reasonable extension of time.

(Ord. 81. Passed 9-23-96; Ord. 141. Passed 8-24-04.)

656.13 PUBLIC NUDITY.

(a) Definitions. As used in this section:

- (1) "Public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or any female individual's breast with less than a fully opaque covering of the nipple and areola.
- (2) "Public place" means any premises within the Village used or controlled in whole or in part for the purpose of displaying an individual's genitals, anus, or female breast for payment or promise of payment, and which is open to the general public as a business, club or association.

(b) Encouraging or Promoting Nudity. No person, corporation, business, club or association shall knowingly or intentionally cause, promote, invite, employ or encourage any person to knowingly or intentionally display in a public place for payment or promise of payment his or her genitals or anus with less than a fully opaque covering, or her female breast with less than fully opaque covering of the nipple and areola.

(c) General Prohibition. No person shall knowingly or intentionally display his or her genitals or anus in a public place for payment or promise of payment with less than a fully opaque covering.

(d) Display of Female Breast; Exception for Breast-Feeding. No female shall knowingly or intentionally display her breast in a public place for payment or promise of payment with less than a fully opaque covering of the nipple and areola. A woman's breast-feeding of a baby does not under any circumstances constitute public nudity within the meaning of this section, and a woman's breast-feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding, is under no circumstances prohibited by this section.

(e) Public Nuisance. Any premises, building, dwelling or other structure in which public nudity is offered, promoted, allowed or encouraged shall constitute a public nuisance, and shall be subject to civil abatement proceedings initiated by the Village before the Circuit Court.

(Ord. 86. Passed 4-28-97.)

656.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Whoever violates any of the provisions of Sections 656.07, 656.075 or 656.09 to 656.12 is responsible for a Municipal civil infraction and shall be subject to the civil fines set forth in Chapter 208. (Ord. 102. Passed 3-22-99.)

CHAPTER 660
Offenses Relating to Persons

660.01 Minors in pool rooms. 660.99 Penalty.

CROSS REFERENCES

Purchase or sale of alcoholic beverages by or to minors - see
GEN. OFF. 606.04
Public card games prohibited - see GEN. OFF. 624.01
Spitting - see GEN. OFF. 656.11
Billiard and pool rooms - see B. R. & T. Ch. 808

660.01 MINORS IN POOL ROOMS.

No person operating or maintaining any commercial establishment wherein billiard or pool tables are kept shall permit any minor child under the age of eighteen years to enter such establishment.

(Ord. A. Passed 10-15-57.)

660.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)