

SPECIAL LAND USES

§ 152.240 PURPOSE.

(A) The purpose of this subchapter is to provide a means for the Village of Pinckney to authorize, subject to minimum standards and appropriate conditions, certain specified uses that may be compatible with permitted uses in a district, but that may also have a greater impact on surrounding properties. This subchapter is intended to provide an opportunity for the public, and the Planning Commission to review each proposed special land use, and identify potential impacts with regard to the individual circumstances of the site and use.

(B) It is further intended to provide an opportunity for the Planning Commission to impose the conditions as are necessary to ensure that the special land use will be compatible with surrounding uses and consistent with the purpose of the district in which it will be located. If it is determined that one or more negative impacts will be generated by the special land use and that these impacts cannot be reasonably mitigated, the Planning Commission may deny the special land use in order to protect the health, safety, welfare and quality of life of village residents.

(C) Sections 152.241 and 152.242 contain general procedures and standards that apply to all special land uses. Section 152.243 contains specific standards that apply only to the specific special land uses listed in § 152.243.

(Ord. 37, passed 8-28-2005; Ord. 91, passed 10-12-2009; Ord. 134, passed 11-14-2016; Ord. 139, passed 9-11-2017)

§ 152.241 PERMIT APPLICATION AND PROCESS.

Applications for a special land use permit shall be submitted and processed as follows:

(A) *Application submittal.* No application shall be considered by the village unless it is accompanied by the following:

(1) A village application form completed in full by the applicant and signed by all persons, firms or corporations having an ownership interest in the property. For the purposes of this section, **OWNERSHIP INTEREST** shall mean the titled owner(s) and land contract holder(s);

(2) A preliminary site plan containing all of the information required by § 152.389;

(3) A written statement by the applicant and any supporting evidence explaining how the special land use will comply with the following:

(a) The general criteria in § 152.242; and

(b) The specific criteria in § 152.243 as applicable.

(4) A processing fee as established by the Village Council; and

(5) An application for a residential open space development shall also include a parallel site plan prepared in compliance with § 152.353(A).

(B) *Process.*

(1) The Zoning Administrator shall transmit the full special land use permit application to the Planning Commission for review. The Planning Commission shall fix a reasonable time for a public hearing. The Zoning Administrator shall provide notice of the public hearing in accordance with the requirements of § 152.022(C).

(2) Upon conclusion of the public hearing, the Planning Commission shall deny or approve, with or without conditions, or table for further consideration the special land use permit; or in the case of special land use permit applications for a marijuana establishment, residential open space development, condominium project, or other planned development, shall make a recommendation to the Village Council to deny or approve, with or without conditions, the special land use permit. If no decision or recommendation is made at the advertised hearing, disposition of the case must be set to a date certain at that time, and this date must be clearly stated in the meeting minutes. If no certain date is set and duly noted in the public record, notice of the next meeting at which the case will be considered shall be provided as required in division (B)(1) above. The Planning Commission shall make a decision or recommendation upon each case within 60 days of the public hearing, unless additional time is granted by the applicant.

(3) For special land use permit applications for a marijuana establishment, residential open space development, condominium project, or other planned development, a summary of the Planning Commission recommendation and comments submitted at the public hearing shall be transmitted with the special land use permit application and staff report to the Village Council. The Village Council may hold additional public hearings if it considers it necessary. The Village Council shall make a decision upon each case within 60 days of the Planning Commission's recommendation or refer the proposal back to the Planning Commission for further consideration, unless additional time is granted by the applicant.

(C) *Permit expiration.* A special land use permit issued pursuant to this subchapter shall be valid for one year from the date of issuance. If construction has not commenced and proceeded meaningfully toward completion by the end of this one-year period, the Zoning Administrator shall notify the applicant in writing, no more than 30 days before the expiration date, that upon expiration, the permit will become null and void.

(D) *Permit amendment.* Changes to an approved site plan shall comply with § 152.394. Changes to other condition(s) of approval, including but not limited to performance standards, shall be processed in compliance with division (B) above.

(E) *Permit renewal.* Upon written request by the applicant, a one-year extension may be granted by the Planning Commission if it finds that the approved special land use permit and site plan still comply with the requirements of this chapter. A written request for permit renewal must be received by the village prior to the expiration date, or a new application for a special land use permit will be required. Upon expiration of the initial one-year extension on a special use permit. Planning Commission may grant, upon written request by the applicant, subsequent one-year extensions of the special land use permit, upon showing of good cause.

(F) *Revocation.* Based upon a recommendation by the Zoning Administrator, the Planning Commission shall have the authority to revoke any special land use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements of this chapter and/or permit approval. The Zoning Administrator shall give written notice of the violation to the holder of the permit, and correction must be made within 30 days. After a 30-day period, the Zoning Administrator shall give a second notice, and the use for which the permit was granted must cease within 60 days from the date of second notice.

(G) *Re-application.* No application for a special land use permit that has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of denial, except on the grounds of newly discovered evidence or proof of change of conditions.

(H) For special land use permit applications for a residential open space development, condominium project, or other planned development, special land use permit amendments, renewals, and revocations shall also require the Village Council's approval.

(Ord. 37, passed 8-28-2005; Ord. 83, passed 10-27-2008; Ord. 91, passed 10-12-2009; Ord. 139, passed 9-11-2017; Ord. 153, passed 12-14-2020) Penalty, see § 152.999

§ 152.242 GENERAL APPROVAL CRITERIA.

(A) Before approving or denying a special land use permit application, the Planning Commission shall review the particular facts and circumstances of the application and establish a preponderance of the evidence.

(B) The Planning Commission shall approve the application only if all proposed uses and structures on the subject site comply with the general standards set forth in this section.

(C) These general standards apply to all uses authorized by a special land use permit.

(D) The specific and detailed standards set forth in § 152.243 apply to particular uses, as indicated, and must be met in addition to the general standards below, where applicable.

(1) *Compliance with Comprehensive Plan.* The special land use shall be consistent with the general goals, objectives and policies of the adopted Village of Pinckney Comprehensive Plan.

(2) *Compliance with Zoning District.*

(a) Special land uses permitted within any district shall be only those listed within the district.

(b) The special land use shall be consistent with the purpose of the zoning district in which it will be located.

(c) Unless otherwise specified in this chapter, the special land use shall comply with the lot, access, yard, setback and other site design requirements of the zoning district in which it is located.

(3) *Compatibility.* The special land use shall be designed, constructed, operated and maintained in a manner that is compatible with the essential character, permitted use, enjoyment and value of surrounding property and shall enhance the community as a whole.

(4) *Infrastructure and services.* The special land use shall be adequately served by essential public services and other infrastructures such as roads, emergency services, drainage structures and water and sewage facilities. The proposed use shall not create a need for additional public facilities or services at public cost.

(5) *Traffic.* The special land use shall minimize traffic impacts. In determining whether this requirement is met, consideration shall be given to anticipated traffic generation, automobile circulation, access to public roads, relationship to intersections, sight distances, access to off-street parking and pedestrian traffic. Access drives connected to roads under state and county jurisdiction shall comply with applicable road agency standards.

(5) *Environmental performance.* The special land use shall not involve uses, activities, processes, materials, equipment or conditions of operation that may be detrimental to any person or property, or to public health, safety and welfare. In determining whether this requirement is met, consideration shall be given to the production of runoff, traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.

(6) *Natural resources.* The special land use shall minimize impacts on the natural environment. In determining whether this requirement is met, consideration shall be given to scenic views, floodplains, surface waters, wetlands, groundwater recharge areas, woodlands, wildlife habitat and steep slopes.

(7) *Architecture.* The architectural design of all structures, including buildings and signs, shall be compatible with the design and character of structures in the surrounding area. As part of the application, the Planning Commission may require detailed drawings of proposed signs and architectural facades, including full construction elevations and information on exterior materials, colors and detailing.

(8) *Compliance required.* Uses and structures shall comply with all other provisions of this chapter, including §§ 152.240*et seq.* through §§ 152.415*et seq.* and all other applicable federal, state and local codes and ordinances.

(Ord. 37, passed 8-28-2005; Ord. 139, passed 9-11-2017)

§ 152.243 SPECIFIC APPROVAL CRITERIA.

(A) *Home occupations.* Home occupations are permitted as a special land use in all residential districts (R1, R2, R3, R4 and ROB) provided the following conditions are met:

(1) A home occupation must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes and shall not change the character of the residential nature of the premises, both in terms of use and appearance. Such home occupation shall be carried on within the dwelling that is occupied by the owner of the home occupation.

(2) A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation.

(3) No employees shall be permitted, either gratuitously or for compensation of any kind, other than members of the resident family.

(4) There shall be limited additional vehicular traffic permitted for the home occupation/category one, such as is normally generated for a dwelling unit in a residential area, both as to volume and type of vehicles.

(5) The village may impose additional conditions and regulations, as it deems necessary, to adequately protect adjoining residents and property owners. It may require that the particular business be operated only for a specified period of months or years unless an additional permit is granted. A home occupation shall operate within the hours and days as set in the special land use permit.

(6) The area of the identification sign shall not exceed one foot by two feet; and the height of the identification sign shall not be more than four feet above grade.

(7) *Customers, clients, students or patients.* No more than two customers, clients, students or patients shall be on the premises where a valid home occupation special use permit has been secured.

(8) *Exterior alterations.* Home occupations shall not require exterior alterations or involve construction features not customary in dwellings, or required use of mechanical or electrical equipment which shall create a nuisance to the adjacent neighborhood.

(9) *Interior alterations.* Any permanent structural alterations to the interior of the dwelling unit for purposes of conducting the home occupation which would render it unsuitable for residential use shall be prohibited.

(10) *Outdoor storage.* There shall be no outdoor storage of items supportive of the home occupation.

(11) *Medical marihuana.* A registered primary caregiver, in compliance with the General Rules of the state Department of Community Health, the state Medical Marihuana Act, P.A. 2008, Initiated Law, being M.C.L.A. § 333.26423(d), and the requirements of this chapter, shall be allowed as a home occupation special use. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since federal law is not affected by that Act or the General Rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The state Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

(a) The medical use of marihuana shall comply at all times and in all circumstances with the state Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;

(b) A registered primary caregiver must be located outside of a 1,000-foot radius from any school, including child care or day care facility, to insure community compliance with federal "Drug-Free School Zone" requirements;

(c) A registered primary caregiver must be located outside of a 1,000-foot radius from any other registered primary caregiver;

(d) Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel;

(e) Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week;

(f) All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the village Police Department;

(g) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located;

(h) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11 p.m. to 7 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties;

(i) That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Pinckney Area Fire Department to insure compliance with the state Fire Protection Code.

(B) *Educational institutions.*

(1) *Principal uses.* Elementary, middle and high schools, vocational schools and higher education institutions.

(2) *Lot area.* The minimum lot area shall be one acre.

(3) *Road frontage and access.*

(a) At least one lot line shall abut an arterial road or collector road.

(b) All vehicular access shall be directly from an arterial road or collector road.

(4) *Accessory use.* Support uses offered solely to students may be permitted provided they are strictly an accessory use to the principal use. The uses may include, but are not limited to: latch key child care programs, child care centers, congregate student dining and social and recreational facilities such as playgrounds and play fields.

(C) *Nursing homes and homes for the aged.*

(1) *Road frontage and access.*

(a) At least one lot line shall abut an arterial road or collector road.

(b) All vehicular access shall be directly from an arterial road or collector road.

(2) *Setbacks.* The following setbacks shall apply to structures, excluding signs, walls and fences:

(a) No structure less than two stories in height shall be closer than 50 feet to any street line or to any lot line abutting a residential district or use;

(b) No structure two or more stories in height shall be closer than 100 feet to any street line or to any lot line abutting a residential district or use; and

(c) Structures shall be setback from any lot line abutting a nonresidential district and use as specified for permitted uses on the subject site.

(3) *Enclosure and screening.* Ambulance and delivery areas shall be obscured from all residential districts and uses by a solid fence or masonry wall no less than four feet and no more than six feet in height.

(4) *Accessory use.* Support uses offered solely to residents may be permitted provided they are strictly accessory uses to the principal use. The uses may include congregate dining, health care, personal services and social, recreational and educational facilities.

(D) *Recreation.*

(1) *Principal uses.* Commercial outdoor recreation and commercial indoor recreation. (Public indoor recreation is included within the definition of public building, see § 152.267)

(2) *Road frontage and access.* If the site and proposed uses are intended to serve areas beyond the immediate neighborhood, at least one lot line shall abut a paved public road. All vehicular access shall be directly from the road.

(3) *Setbacks.* The following setbacks shall apply to parking and structures, including spectator seating, but excluding signs, walls and fences. Where unique site conditions apply, the Planning Commission may modify these setback requirements.

(a) All parking and structures shall be setback at least 50 feet from any street line or lot line abutting a nonresidential district and use.

(b) All parking and structures shall be setback at least 100 feet from any lot line abutting a residential district or use.

(4) *Enclosure and screening.* Swimming pools shall comply with the enclosure and access requirements in § 152.262(H).

(5) *Modifications.* The Planning Commission may modify off-street parking requirements in those instances wherein it is demonstrated that a significant number of the site's users will be pedestrians.

(E) *Indoor self-storage facility.*

(1) *Principal use.* Indoor storage of personal goods within a completely enclosed building.

(2) *Accessory use.* The only permitted accessory use shall be limited retail sales to tenants of locks, packing materials and similar goods incidental to the principal use.

(3) *Prohibited uses.*

(a) Commercial activity other than the principal use and accessory use permitted above.

(b) Storage of any goods or materials outside of a completely enclosed building.

(c) Storage of combustible, flammable, explosive or toxic liquids or materials within storage units or elsewhere upon the premises.

(4) *Lot area.* The minimum lot area shall be two acres and the maximum lot area shall be five acres.

(5) *Road frontage and access.*

(a) At least one lot line shall abut an arterial road or collector road.

(b) All vehicular access shall be directly from an arterial road or collector road.

(c) Access to the site shall be restricted to employees, tenants and emergency response vehicles only, by means of locked gates and/or other access-control devices.

(6) *Setbacks.* The following setbacks shall apply to structures, excluding signs, walls and fences:

(a) Structures shall be setback at least 50 feet from any lot line abutting a residential district or use; and

(b) Structures shall be setback from any lot line abutting a nonresidential district and use as specified for permitted uses on the subject site.

(7) *Lot coverage.* Lot coverage shall not exceed 40%.

(8) *Enclosure and screening.*

(a) The perimeter of the site shall be completely surrounded by a wall or fence no less than four feet and no more than six feet in height. The use of barbed wire or electrical fencing shall not be permitted.

(b) The wall or fence shall be setback at least 30 feet from all street lines and from any lot line abutting a residential district or use.

(c) The setback area between the wall or fence and street line or residential lot line shall be landscaped with appropriate plant materials.

(d) The design and materials used for the wall or fence and for landscaping within the setback area shall be approved by the Planning Commission.

(9) *Internal circulation and off-street parking.*

(a) All storage units shall be accessible via an interior drive clearly marked to distinguish vehicle direction and parking areas.

(b) The applicant shall demonstrate that emergency response vehicles can both fully access the premises and safely circulate through the site. Sufficient area and turning radii shall be provided at the end of all storage units to accommodate emergency response vehicles. The distance between storage unit buildings shall be no less than 35 feet. Where no parking is provided between storage unit buildings, the building separation may be a reduced to no less than 25 feet.

(c) Interior drives and off-street parking areas shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained to dispose of all storm water without negatively impacting surrounding property.

(10) *Facility management office.* If a management office for the facility is provided, the office shall be located within the walled or fenced area required by division (E)(8) above, and calculated as part of the maximum 40% lot coverage. Parking for the office shall not be less than one parking space for every 25 storage units on the site.

(F) *Child care facilities.*

(1) *Family day care homes.* Family day care homes serving six or fewer children shall be considered a residential use of property and a permitted use in all residential districts.

(2) *Group child care homes.* Group child care homes serving seven to 12 children shall comply with the following:

(a) Appropriate licenses with the State of Michigan shall be maintained;

(b) There shall be no more than one dwelling unit on the subject lot. Child care activities shall not be permitted within any structure other than the dwelling unit;

(c) No structure on the subject lot shall be constructed or altered for nonresidential use;

(d) There shall be a minimum of 35 square feet of indoor play area for every licensed child care slot. The play area shall not exceed 25% of the floor area of the dwelling unit. Indoor play areas shall not include bathrooms, kitchens, closets or storage areas, utility rooms, enclosed porches or similar spaces;

(e) There shall be a useable outdoor playground on the premises:

1. The playground shall not be located within the front yard, unless the Planning Commission specifically finds that it is the most appropriate location;

2. The minimum size of the playground shall be no less than 100 square feet for every licensed child care slot. The Planning Commission may reduce or waive this requirement if a public park is located within 500 feet of the subject lot;

3. All playgrounds shall be enclosed by a wall or fence at least four feet but no more than six feet in height and designed for child safety; and

4. The Planning Commission may require the playground to be obscured from abutting residential districts and uses by plant material.

(f) The hours of operation shall not exceed 16 hours within a 24-hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.

(3) *Child care centers.* Child care centers shall comply with divisions (F)(2)(a) through (f) above.

(G) *Funeral homes, not including crematoriums.*

(1) Appropriate licenses with the State of Michigan shall be maintained.

(2) Road frontage and access:

(a) At least one lot line shall abut an arterial road or collector road; and

(b) All vehicular access shall be directly from an arterial road or collector road.

(3) The following setbacks shall apply to structures, excluding signs, walls and fences:

(a) All structures shall be setback at least 40 feet from any lot line abutting a residential district or use; and

(b) All structures shall be setback at least 20 feet from any lot line abutting a nonresidential district and use.

(4) Loading areas used by ambulances, hearses or other service vehicles shall be completely obscured from all surrounding properties as shown on the site plan and approved by the Planning Commission.

(5) Sufficient off-street parking and vehicle assembly area shall be provided for the purpose of conducting funeral processions. The assembly area shall be provided in addition to the requirements of §§ 152.280*et seq.* A circulation plan identifying the arrangement of the vehicle assembly area shall be provided as part of the required preliminary site plan.

(H) *Vehicle service stations, repair services and washes.*

(1) *Principal uses.* Vehicle service stations, vehicle repair services and car washes.

(2) *Prohibited uses.*

(a) Vehicle sales, including vehicle dealerships;

(b) Equipment or activity related to vehicle repair services outside of a completely enclosed building;

(c) Outdoor commercial display or storage of vehicle parts, supplies or repair equipment, except within an area defined on the site plan, approved by the Planning Commission and located no more than ten feet beyond the principal building;

(d) Storage of inoperative or unlicensed vehicles for more than 14 days. The storage shall not occur in the front yard, side yard, or road; and

(e) Storage of discarded or salvaged materials.

(3) *Lot area.* The minimum lot area shall be 17,424 square feet.

(4) *Road frontage and access.*

(a) The subject lot shall have at least 132 feet of frontage on an arterial road or collector road.

(b) All vehicular access shall be directly from an arterial road or collector road.

(5) *Driveway and parking.* All driveways and parking lots must comply with the requirements set forth in the Village Technical Standards (approach, sight distance, curb, etc.)

(6) *Setbacks.* The following setbacks shall apply to structures including fuel pumps, but excluding signs, walls and fences:

(a) Street line:

1. Buildings shall be setback at least 50 feet from the edge of any road right-of-way; and
2. All other structures shall be setback at least 15 feet from the edge of any road right-of-way.

(b) Structures shall be setback at least 50 feet from any lot line abutting a residential district or use.

(c) Structures shall be setback from any lot line abutting a nonresidential district and use as specified for permitted uses on the subject site.

(7) *Enclosure and screening.*

(a) If the subject lot is adjacent to a residential district or use, all commercial activity shall be completely obscured from the residential district or use by means of a continuous solid wall or fence six feet in height and a landscaped buffer area in compliance with § 152.329.

(b) Outside dumpsters shall be completely enclosed and obscured by an opaque fence or wall and gate and in compliance with § 152.262(M).

(8) *Drainage of storm water.* The entire service area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained to dispose of all storm water without negatively impacting adjacent property.

(9) *Car washes.* All vehicles waiting to enter the facility shall be provided with adequate off-street stacking spaces. No vehicle stacking area shall cross any maneuvering lane, drive, sidewalk or public right-of-way. A bypass lane or other suitable means of direct access to a public road shall be provided for vehicles that do not use the car wash.

(I) *Restaurants, taverns and nightclubs.*

(1) *Principal uses.* Standard restaurants, fast food restaurants, taverns and nightclubs.

(2) *Lot area.* The minimum lot area shall be 15,000 square feet.

(3) *Road frontage and access.* All vehicular access shall be directly from an arterial road or collector road.

(4) *Setbacks.* The following setbacks shall apply to structures, excluding signs, walls and fences:

(a) Structures shall be setback at least 15 feet from the edge of any road right-of-way;

(b) Structures shall be setback at least 50 feet from any lot line abutting a residential district or use; and

(c) Structures shall be setback from any lot line abutting a nonresidential district and use as specified for permitted uses on the subject site.

(5) *Enclosure and screening.*

(a) If the subject lot is adjacent to a residential district or use, all commercial activity shall be completely obscured from the residential district or use by means of a continuous solid wall or fence six feet in height and a landscaped buffer area in compliance with § 152.329.

(b) Outside dumpsters shall be completely enclosed and obscured by an opaque fence or wall and gate, in compliance with § 152.262(M).

(6) *Fast food restaurants.*

(a) All patrons served in their vehicles via a drive-through facility shall be provided with adequate off-street standing spaces. No vehicle stacking areas shall cross any maneuvering lane, drive, sidewalk or public right-of-way. A bypass lane or other suitable means of access to a public road shall be provided for automobiles that do not use the drive-through facility.

(b) One illuminated menu board sign shall be allowed in addition to all other signs permitted by §§ 152.300et seq. The surface area of the menu board sign shall not exceed 32 square feet and the height shall not exceed six feet above grade.

(7) *Fast food restaurants, open front restaurants and outdoor cafés.* The Village Planning Commission may restrict outdoor loudspeakers or hours of operation to control noise.

(8) *Serving alcohol.* All restaurants, taverns and nightclubs permitted by the Planning Commission to serve alcohol shall comply in every respect with the Michigan Liquor Control Code of 1998, as amended.

(J) *Veterinary clinics.*

(1) *Lot area.* The minimum lot area shall be 15,000 square feet.

(2) *Road frontage and access.* All vehicular access shall be directly from an arterial road or collector road.

(3) *Setbacks.* The following setbacks shall apply to structures, excluding signs, walls and fences:

(a) All structures shall be setback from the edge of any road right-of-way as required by the zoning district in which they are located;

(b) All structures shall be setback at least 50 feet from any lot line abutting a residential district or use; and

(c) Structures shall be setback from any lot line abutting a nonresidential district and use as specified for permitted uses on the subject site.

(4) *Odors and sounds.* All facilities shall be completely enclosed within a building in such a manner as to produce no odor or sound at the lot line. No outdoor exercise runs, pens or kennels shall be allowed.

(K) *Commercial outdoor display.*

(1) *Principal uses.* Outdoor sale of vehicles, recreational equipment, manufactured homes, farm equipment, building supplies, contractor's yards, construction equipment, garden and/or landscape supplies and similar goods.

(2) *Accessory uses.* Car washes, vehicle service stations and minor vehicle repair may be permitted only as incidental accessory uses, and shall be conducted entirely within a completely enclosed building.

(3) *Prohibited uses.*

(a) Major vehicle repair;

(b) Storage of inoperative or unlicensed vehicles;

(c) Storage of discarded or salvaged materials; and

(d) Loudspeakers or other devices for broadcasting music and/or announcements.

(4) *Lot area.* The minimum lot area shall be 35,000 square feet.

(5) *Road frontage and access.*

(a) At least one lot line shall abut an arterial road or collector road.

(b) All vehicular access shall be directly from an arterial road or collector road.

(6) *Setbacks.* The following setbacks apply to structures, excluding signs, walls and fences:

(a) Structures shall be setback at least 50 feet from any lot line abutting a residential district or use; and

(b) Structures shall be setback from any lot line abutting a nonresidential district and use as specified for permitted uses on the subject site.

(7) *Enclosure and screening.* If the subject lot is adjacent to or across a road or alley from a residential district or use, all outdoor commercial displays shall be obscured from the residential district or use by means of a continuous solid wall or fence six feet in height and a landscaped buffer area in compliance with § 152.329.

(8) *Outdoor commercial display area.* The entire outdoor commercial display area shall be graded and drained to dispose of all storm water without negatively impacting adjacent property.

(9) *Stockpiles.* Any stockpiles of soil, fertilizer or similarly loose material shall be sufficiently covered and contained to prevent dust, blowing or draining of the material off-site.

(L) *Supermarkets and department stores.*

(1) *Principal uses.* Supermarkets, department stores and retail stores with more than 5,000 square feet of floor area.

(2) *Lot size.* The minimum lot area shall be 15,000 square feet.

(3) *Road frontage and access:*

(a) The subject lot shall have at least 66 feet of frontage on an arterial road or collector road; and

(b) All vehicular access shall be directly from an arterial road or collector road.

(4) *Setbacks.* The following setbacks shall apply to structures, excluding signs, walls and fences:

(a) Street line:

1. Buildings shall be setback at least 50 feet from the edge of any road right-of-way; and

2. All other structures shall be setback at least 15 feet from the edge of any road right-of-way.

(b) Structures shall be setback at least 50 feet from any lot line abutting a residential district or use; and

(c) Structures shall be setback from any lot line abutting a nonresidential district or use as specified for permitted uses on the subject site.

(5) *Enclosure and screening.*

(a) If the subject lot is adjacent to a residential district or use, all commercial activity shall be completely obscured from the residential district or use by means of a continuous solid wall or fence no less than four feet and no more than six feet in height and a landscaped buffer area in compliance with § 152.329.

(b) Outside dumpsters shall be completely enclosed and obscured by an opaque fence or wall and gate, in compliance with § 152.262(M).

(6) *Parking and loading areas.* Parking and loading areas shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with the Village Technical Standards.

(7) *Building height.* No building shall be erected or altered to a height greater than one story.

(M) *Hotels and motels.*

(1) *Lot area.* The minimum lot area shall be one acre.

(2) *Road frontage and access.*

(a) The subject lot shall have at least 66 feet of frontage on an arterial road or collector road.

(b) All vehicular access shall be directly from an arterial road or collector road.

(3) *Setbacks.* The following setbacks shall apply to structures, excluding signs, walls and fences:

(a) Street line:

1. All buildings shall be setback at least 50 feet from the edge of any road right-of-way;

2. All other structures shall be setback at least 15 feet from the edge of any road right-of-way; and

3. Within developed neighborhoods, the Village Planning Commission may allow the front setback line to be established by at least 50% of the buildings within 300 feet of either side of the subject lot.

(b) Structures shall be setback at least 50 feet from any lot line abutting a residential district or use; and

(c) Structures shall be setback from any lot line abutting a nonresidential district and use as specified for permitted uses on the subject site.

(4) *Enclosure and screening.*

(a) If the subject lot is adjacent to a residential district or use, all commercial activity shall be completely obscured from the residential district or use by means of a continuous solid wall or fence no less than four feet and no more than six feet in height and a landscaped buffer area in compliance with § 152.329.

(b) Outside dumpsters shall be completely enclosed and obscured by an opaque fence or wall and gate, in compliance with § 152.262(M).

(5) Parking and loading areas shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with the Village Technical Standards.

(N) *Changeable message signs.*

(1) *Purpose.* To promote traffic safety, enhance environmental aesthetics and ensure greater public participation in decisions about the placement of changeable message signs in the Village of Pinckney, changeable message signs shall comply with the requirements of §§ 152.242 and 152.300et seq. and the following design standards:

(a) The placement of the sign on the lot shall not impair the traffic safety of motorists or pedestrians. Compliance with this standard shall be verified by all applicable road authorities including:

1. Michigan Department of Transportation for signs visible from M-36;

2. Livingston County Road Commission for signs visible from D-19 or Dexter-Pinckney Road; and/or

3. Village Department of Public Works Director, Village Engineer or Qualified Village Agent for signs visible from all other village roads.

(b) The placement of the sign on the lot shall not be detrimental to environmental aesthetics by creating visual clutter or obstructing views of significant architectural or natural features;

(c) The message change cycle of a changeable message sign shall not be less than one minute per message, except in a combined time and temperature sign where the change cycle shall be not less than 30 seconds;

(d) The changeable message shall have no more than two lines and no more than 18 characters per line, exclusive of a combined time and temperature indication; and

(e) Flashing, blinking, moving and/or scrolling lights are prohibited.

(O) *Artificial ponds.*

(1) *Uses.* Ponds constructed on private property for the purpose of aesthetic value, recreation, wildlife habitat, irrigation and fire protection, and ponds created as a result of excavation, including mining operations but not including:

(a) Naturally occurring wetlands;

(b) Storm water detention or retention ponds regulated by the Livingston County Drain Commissioner; and

(c) Swimming pools as defined in § 152.267. Swimming pools are distinguished from artificial ponds because of their:

1. Impervious manufactured liners;

2. Source of water that is not directly dependent upon natural drainage, a watercourse or groundwater aquifer; and

3. Complete seasonal drainage by the property owner.

(2) *Prohibited uses.* Any pond created by impounding a watercourse by means of an embankment, dam or other obstruction is prohibited.

(3) *Federal, state and county compliance.* The requirements of federal, state and county agencies that regulate floodplains, wetlands, land clearing or grading and drainage, including detention and retention ponds, supersede village special land use permit requirements. Soil erosion control during construction shall comply with Livingston County Drain Commissioner permitting requirements.

(4) *Site development standards.* Large and small artificial ponds.

(a) The minimum lot area shall be as follows:

1. Artificial ponds one acre or more in surface area: four acres; and

2. Artificial ponds less than one acre in surface area: one acre.

(b) Artificial ponds shall cover less than 25% of the lot area.

(c) The minimum depth shall be 18 inches and the maximum depth shall be ten feet.

(d) No excavation shall occur within 100 feet of a wetland, lake, river, stream or mapped floodplain boundary.

(e) No excavation shall occur within 50 feet of any road right-of-way or lot line in order to ensure sublater support to surrounding property.

(f) Artificial ponds shall be located to minimize the chance of pollution from septic tanks, industries and similar sources.

(g) Location under power lines shall be avoided.

(h) The location and design of artificial ponds shall not adversely impact existing drainage, wetlands, floodplains, lakes, rivers, streams, groundwater levels, wildlife habitat, neighboring properties or public health, safety or welfare. Evidence of compliance with this standard shall be submitted and sealed by an engineer licensed in the State of Michigan.

(i) Erosion control during construction shall comply with the Livingston County Drain Commissioner's permitting requirements.

(j) Permanent erosion control shall be provided for disturbed surface areas and the margins of the artificial pond as approved by the Planning Commission.

(k) Where the artificial pond is determined by the Planning Commission to be a public hazard, it shall be completely enclosed by a fence no less than four feet and no more than six feet in height. Fences shall be adequate to allow maintenance access and prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope.

(l) Artificial ponds shall be adequately maintained and not create a nuisance in regards to mosquitoes, stagnant algae or accumulated trash or debris.

(m) No building shall be erected on the premises except as may be a permitted use in the zoning district.

(P) *Residential open space development.* Residential open space development shall be permitted as a special land use in the Low Density Residential (R1), Medium Density Residential (R2) and High Density Residential (R3) Districts, subject to the following:

(1) The provisions of this subchapter;

(2) Residential Open-Space Development and § 152.266; and

(3) The Condominium Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560. 293 and Village of Pinckney Ordinance No. 31, as amended.

(Q) *Bed and breakfast establishments.*

(1) *Intent.* It is the intent of this section is to permit the operation of bed and breakfast establishments as a vehicle for preserving historical resources within the village. Historical preservation is recognized as a public purpose by statute and local ordinance as a means to safeguard local heritage, preserve cultural, social, economic, political and architectural history, to stabilize and improve property values, to foster civic beauty, to strengthen local economies and to promote the education, pleasure and welfare of the citizenry. The purpose of this section is to advance those goals by enhancing the viability of historical preservation.

(2) *Satisfactory conditions.* Bed and breakfast establishments shall be required to satisfy all of the following conditions.

- (a) Each premises must be occupied and operated by its owner.
- (b) The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- (c) No bed and breakfast sleeping room shall be permitted that does not comply with the Michigan Building Code.
- (d) No kitchen or other food preparation area or facilities shall be provided in or available to the rooms in a bed and breakfast operation. Cooking facilities in a dwelling containing a bed and breakfast operation shall be limited to the residential kitchen.
- (e) Bed and breakfast bedrooms shall be a minimum of 120 square feet for the first two occupants and an additional 30 square feet for each additional occupant.
- (f) The stay of bed and breakfast occupants shall be no more than 14 consecutive days and not more than 30 days in any one calendar year.
- (g) The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast, which list shall be available for inspection by the Building Inspector or village designee.
- (h) One bathroom for every three sleeping rooms shall be provided, with a minimum of two bathrooms.
- (i) Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- (j) One parking space shall be provided off-street in the side or rear yard area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.
- (k) Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
- (l) Maximum sign size shall be five square feet with a maximum height of six feet. Sign materials are to be compatible with the architecture of the building. Signs must meet setback standards for the district in which they are located. Internal illumination is prohibited.
- (m) No exterior alterations to the structure shall be made which would change the residential appearance of the structure.
- (n) The applicant shall comply with any fire and life safety requirements imposed by the Livingston County Building Department according to the Building or Fire Code.

(R) *Outdoor storage lot for recreational vehicles.*

(1) *Principal use.* Outdoor storage of unoccupied recreational vehicles, as defined in § 152.267, which would include boats, jet skis, snowmobiles and temporary dwellings such as motor homes.

(2) *Accessory use.* The only permitted accessory uses shall be:

- (a) Village approved facilities for emptying and flushing holding tanks, filling or emptying water tanks, inflating tires, minor recreational vehicles repairs, and similar operations that could be required.
- (b) Accessory retail sales limited to the tenants of items incidental to the recreational vehicles storage and could include packing materials and goods to assist in "mothballing" vehicles.

(3) *Prohibited uses.*

- (a) Commercial activity other than the principal use and accessory use permitted above.
- (b) Sales of bottled gas, special gasoline for stoves and lanterns, fuel oil, and similar specialized convenience goods.
- (c) Storage of materials or equipment, inoperative or unlicensed recreational vehicles, and commercial activities other than what may be reasonable as an accessory use.
- (d) Storage of combustible, flammable, explosive or toxic liquids or materials.

- (e) Storage of unoccupied mobile homes that are designed and normally used for year-round living in a permanent location is prohibited in a recreational storage area.
- (f) The outdoor storage of wrecked vehicles, junk or supplies shall be strictly prohibited.
- (g) Recreational vehicles in storage shall not be connected to electricity, water, gas, or sanitary sewer services while in storage.
- (h) Recreational vehicles in storage shall not be used for living or housekeeping purposes, or habitation of any kind.
- (4) *Lot area.* The minimum lot area shall be two acres and the maximum lot area shall be five acres.
- (5) *Road frontage and access.*
- (a) At least one lot line shall abut an arterial road or collector road.
- (b) All vehicular access shall be directly from an arterial road or collector road.
- (c) Access to the site shall be restricted to employees, tenants and emergency response vehicles only, by means of locked gates and/or other access-control devices.
- (6) *Setbacks.* The following setbacks shall apply to structures, excluding signs, walls and fences:
- (a) Structures shall be setback at least 50 feet from any lot line abutting a residential district or use. Structures should comply with setbacks of the underlying zoning district when not abutting a residential district or use.
- (b) Structures shall be setback at least 25 feet from any lot line abutting a nonresidential district.
- (c) Recreational vehicles storage shall be setback at least 15 feet from any lot line when not abutting a residential district or use, and 50 feet from a lot line when abutting a residential district or use.
- (7) *Impervious Surface Ratio.* Because of the nature of the outdoor storage lot use, the requirement for lot coverage shall be based upon a lot impervious surface ratio that takes into consideration not only buildings, but also paved areas including parking, internal roadways, and sidewalks.
- (a) **IMPERVIOUS SURFACES** for the purposes of this special use shall be defined as a hard surface area that prevents or substantially impedes the natural infiltration of water into the underlying soil, resulting in an increased volume and velocity of surface water runoff. Impervious surfaces include, but are not limited to, buildings, roadways, driveways, parking, sidewalks, patios, and paved recreational facilities.
- (b) The **IMPERVIOUS SURFACE RATIO (ISR)** for the purposes of this special use shall be defined as the total area of impervious surfaces divided by the net area of the lot, excluding any road right-of-way.
- (c) The allowable **IMPERVIOUS SURFACE RATIO (ISR)** for the purposes of this special use shall be a maximum of 65%.
- (8) *Height.*
- (a) All buildings on the property must comply with the maximum height for buildings allowed in the SBD District, being 2 1/2 stories or 35 feet, whichever is less.
- (b) All vehicles or units stored on the outdoor recreational vehicle storage lot must be limited to a maximum of 14 feet in height.
- (9) *Enclosure and screening.*
- (a) The perimeter of the site shall be completely surrounded by a wall or fence of six feet in height. The use of barbed wire or electrical fencing shall not be permitted.
- (b) The wall or fence shall be setback at least 30 feet from any lot line abutting a residential district or use.
- (c) The wall or fence shall be setback at least 20 feet from any street lines.
- (d) The setback area between the wall or fence and street line or residential lot line shall be landscaped with appropriate plant materials.
- (e) The design and materials used for the wall or fence and for landscaping within the setback area shall be approved by the Planning Commission.
- (10) *Internal circulation and off-street parking.*
- (a) All storage spaces/units shall be accessible via an interior drive clearly marked to distinguish vehicle direction and parking areas. All traffic aisles, whether primary or secondary, shall be no less than 31 feet.
- (b) The applicant shall demonstrate that emergency response vehicles can both fully access the premises and safely circulate through the site. Sufficient area and turning radii shall be provided at the end of all storage spaces/units to accommodate emergency response vehicles.

(c) The outside storage spaces/units should be clearly marked (with striping, staking, or another approved method).

(d) Interior drives and off-street parking areas shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained to dispose of all storm water without negatively impacting surrounding property.

(11) *Facility management office.* If a management office for the facility is provided, the office shall be located within the walled or fenced area required by division (R)(9) above, and calculated as part of the maximum lot coverage. Parking for the office shall not be less than one parking space for every 25 storage spaces/units on the site.

(S) *Adult use marihuana establishments.* A marihuana establishment, in compliance with the Michigan Regulation and Taxation of Marihuana Act, P.A. 2018, Initiated Law, being M.C.L.A. § 333.27951 et. seq., Chapter 113, Miscellaneous Businesses Requiring a License; Title XI, Business Regulations, of the Village of Pinckney Code of Ordinances, and the provisions of this division, shall be permitted as a special land use, in the SBD and/or RTO Districts as specified in §§ 152.045, 152.182, and 152.202. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act. Also, since federal law is not affected by that Act, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The state Regulation and Taxation of Marihuana Act does not protect users, caregivers or the owners of properties on which the recreational or medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the federal Controlled Substances Act. The following standards shall apply:

(1) *Intent.* The purpose of this division is to regulate marihuana establishments and enforce safety, security, health, and sanitation practices related to such establishments.

(2) *Prohibited uses.* Any marihuana establishment or marihuana event not specifically listed as a permitted business or event in §§ 152.045, 152.182, and 152.202 shall be prohibited within the village.

(3) *State license.* An application for a marihuana establishment special use permit and site plan approval shall not be accepted by the village unless the applicant has received prequalification approval from the Michigan Regulatory Agency. The appropriate state license to conduct the business shall be provided to the village prior to a certificate of occupancy being issued.

(4) *Co-location and stacked licenses.* Co-location of marihuana establishments and/or licenses on one property is permitted subject to all applicable state laws, rules, and regulations concerning co-location and provided all uses are permitted within the property.

(5) *Hours of operations.* Business hours for marihuana retailers shall be no earlier than 9:00 a.m. to no later than 9:00 p.m.

(6) *Security.* All marihuana or marihuana infused products shall be contained within an enclosed, secure area. The establishment shall be open to any representative of the village to inspect and examine all premises of the establishment. A security plan shall be submitted to the village for review.

(7) *Road frontage and access.* All vehicular access for marihuana establishments located in the SBD District shall be directly from M-36/Main Street.

(8) *Separation distances.* The following separation distances from sensitive land uses shall apply to properties where the proposed marihuana establishment is to be located. Distance measurements shall be made between the closest property lines of the sensitive land use to the improved portion of the proposed land use.

(a) At least 1000 feet from a pre-existing public or private school, including preschools.

(b) At least 500 feet from a religious institution, licensed day-care facility, public parks, and trails.

(9) *Enclosure and screening.* All uses shall be completely enclosed within a building and comply with §§ 152.385 et seq. for landscaping and screening.

(10) *Environmental performance.* No activities or uses shall result in the emission of glare, noise, vibration, odor, dust, pollution or any other negative impact, as regulated by § 152.370 et seq. an odor control plan shall be submitted to the village for review.

(11) *Water supply and sanitary sewerage facilities.* Waste disposal and water supply and disposal for the facility shall not produce contamination or create other hazards that may negatively impact the structure and/or surrounding properties and/or sanitary sewer system.

(12) *Off-street parking and loading.* The requirements for off-street parking and loading shall comply with the provisions of § 152.280 et. seq.

(13) *Signs.* Signs may not depict or reference marihuana or marihuana-related paraphernalia and shall comply with the provisions of § 152.300 et seq.

(14) All other site development standards related to lot area, minimum lot width, yards and setbacks, lot coverage, and structure height shall comply with the zoning district in which the marihuana establishment is located.

(Ord. 37, passed 8-28-2005; Ord. 88, passed 7-13-2009; Ord. 91, passed 10-12-2009; Ord. 104, passed 5-9-2011; Ord. 134, passed 11-14-2016; Ord. 153, passed 12-14-2020; Ord. 154, passed 1-11-2021) Penalty, see § 152.999