

Pinckney, MI Code of Ordinances

CHAPTER 152: ZONING

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PURPOSE AND SCOPE

§ 152.001 AUTHORITY AND TITLE.

This chapter is adopted pursuant to the City and Village Zoning Act, Public Act 207 of 1921, as amended (M.C.L.A §§ 125.581 *et seq.*) and subsequently amended pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (M.C.L.A. §§ 125.3101 *et seq.*). This chapter shall be known and may be cited as the Village of Pinckney Zoning Ordinance and may hereinafter be referred to as this chapter.

(Ord. 37, passed 8-28-2005; Ord. 87 ZBA, passed 3-23-2009)

§ 152.002 PURPOSE.

It is the purpose of this Zoning Ordinance to promote public health, safety and welfare, encourage the use of land and natural resources in accordance with their

character, adaptability and suitability for particular purposes, enhance social and economic stability, prevent excessive concentration of population, reduce natural and man-made hazards, lessen traffic congestion, promote the development of adequate improvements, provide recreation opportunities and open space, enhance the value of real property, allow for a variety of land uses and to facilitate the expenditure of funds for public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Village of Pinckney Comprehensive Plan and Parks and Recreation Plan and to provide for the administration and enforcement of the standards.

(Ord. 37, passed 8-28-2005)

§ 152.003 SCOPE.

No lot, land use or structure, or part thereof, shall hereafter be created, established, developed, erected, constructed, reconstructed, expanded or altered, except as permitted by the provisions of this chapter.

(Ord. 37, passed 8-28-2005)

§ 152.004 VESTED RIGHT.

Nothing in this Zoning Ordinance shall be interpreted or construed to give rise to any permanent vested right in the continuation of any particular use, zoning district or permissible activity therein. Any such use, zoning district or activity is hereby declared to be subject to subsequent amendment, change or modification by the village as may be necessary to protect public health, safety and welfare.

(Ord. 37, passed 8-28-2005)

§ 152.005 CONFLICTING LAWS AND REGULATIONS.

(A) It is not intended by this Zoning Ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, other than the Zoning Ordinance previously adopted by the village and any amendments.

(B) The Village Planning Commission, Village Council or Zoning Board of Appeals may withhold granting of approval of any use, site plan or other approval required by this chapter pending approvals that may be required by state, county or federal agencies or departments.

(C) Whenever this Zoning Ordinance imposes more stringent requirements than are imposed by the provisions of any other law or ordinance, this Zoning Ordinance shall govern. Whenever any other law or ordinance imposes more stringent requirements than are imposed by the provisions of this Zoning Ordinance, the provisions of the other laws or ordinances shall govern.

(Ord. 37, passed 8-28-2005)

ADMINISTRATION AND ENFORCEMENT

§ 152.020 COMPLIANCE REQUIRED.

(A) No permit shall be issued by the village, or any official thereof, for the creation, establishment, development, erection, grading, clearing, construction, reconstruction, movement, expansion or alteration of any lot, land use or structure except as permitted by the provisions of this chapter. In the event a permit is issued in violation of this chapter, it is “void ab initio” (void from the beginning).

(B) The village may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his or her agent and/or is in violation of this chapter or any other village ordinances or regulations.

(Ord. 37, passed 8-28-2005) Penalty, § 152.999

§ 152.021 ZONING ADMINISTRATION.

The provisions of this chapter shall be administered and enforced by the Zoning Administrator who shall be nominated by the Village President and appointed by the Village Council.

(Ord. 37, passed 8-28-2005)

§ 152.022 DUTIES OF THE ZONING ADMINISTRATOR.

(A) *Administrative duties.*

(1) *Land use applications.* The Zoning Administrator shall receive and review zoning and land use applications for compliance or noncompliance with the provisions of this chapter, and then process the applications as follows:

(a) *Land use permits.* The Zoning Administrator shall review all land use permit applications and approve the land use permit when there is full compliance with this chapter.

(b) *Preliminary site plans.* The Zoning Administrator shall review all applications for preliminary site plan approval, and other matters that the Planning Commission is required to decide under this chapter, formulate recommendations, refer applications with recommendations to the Planning Commission for determination and notify the applicant, in writing, of any decision of the Planning Commission.

(c) *Final site plans, special land uses and re-zonings.* The Zoning Administrator shall review all applications for final site plan approval, special land use permits, re-zonings and other matters that the Village Council or Planning

Commission is required to decide under this chapter, formulate recommendations, report to the Planning Commission with recommendations, submit to the Village Council the applications together with the recommendations of the Planning Commission and notify the applicant, in writing, of any decision of the Planning Commission or Village Council.

(d) *Variances and appeals.* The Zoning Administrator shall review all applications for variances and appeals, and other matters that the Zoning Board of Appeals is required to decide under this chapter, formulate recommendations, refer applications with recommendations to the Zoning Board of Appeals for determination and notify the applicant, in writing, of any decision of the Zoning Board of Appeals.

(2) *Public notice.* When the provisions of this chapter require a public hearing, the Zoning Administrator shall inform the Village Clerk of the date, time and substance of the public hearing and the Clerk shall provide public notice of the hearing in accordance with the standards and procedures established in division (C) below.

(3) *Other administrative duties.* The Zoning Administrator shall:

(a) Evaluate proposals for uses in all districts to assure compliance with provisions of this chapter;

(b) Conduct field inspections, surveys and investigations, prepare maps, charts and other materials when necessary or desirable for the administration of this chapter;

(c) Maintain an updated copy of the official zoning map, consistent with the original map to be maintained by the Village Clerk;

(d) Maintain a record of the legal nonconforming uses and structures in the village for the purpose of implementing §§ 152.415*et seq.*;

(e) Maintain written records of all actions taken by the Zoning Administrator and keep custody of all records of the Planning Commission and Zoning Board of Appeals; and

(f) Provide the forms necessary for the various land use applications to the village as required by this chapter.

(B) *Enforcement duties.* There is vested in the Zoning Administrator the duty of enforcing this chapter and the power necessary for the enforcement. In implementing this duty, the Zoning Administrator shall conduct investigations to determine compliance or noncompliance with the provisions of this chapter, and any conditional approvals of the Planning Commission, Village Council or Zoning Board of Appeals and order correction, in writing, of all conditions found to be in violation.

(1) The written orders shall be served personally or by certified mail upon any person, firm or corporation deemed by the Zoning Administrator to be violating the provisions of this chapter. If the person, firm or corporation is not the owner of the land on, or the structure in which the violation is deemed to exist, a copy of the order shall be sent by certified mail to the owner of the land or structure. The date of mailing shall be deemed the date of service of any order served by certified mail.

(2) The written orders shall include an order to immediately cease and desist all regulated activities until the development site is brought into compliance.

(3) All violations shall be corrected within 3 days after the order to correct is issued or in the longer period of time, not to exceed six months, as the Zoning Administrator shall deem necessary and appropriate. A violation not corrected within this period shall be reported to the Village Attorney, who is hereby authorized to and may initiate procedures to eliminate the violation (see § 152.999). The Zoning Administrator may otherwise issue municipal civil infraction citations for any violations.

(C) *Public notice.* When notice of a village action is required, such notice shall comply with the Michigan Zoning Enabling Act, Public Act 110 of 2006, M.C.L.A. §§ 125.3101 *et seq.*, the Open Meetings Act, M.C.L.A. §§ 15.261 *et seq.* and the provisions of this section.

(1) *Responsibility.* When the provisions of this section or the Michigan Zoning Enabling Act requires that public notice be provided, the Zoning Administrator or other person specifically designated by the Village Council shall be responsible for preparing the notice, having it published in a newspaper of general circulation in the village and mailed or delivered as provided in this section.

(2) *Content.* All required mail, personal and newspaper notices shall include the following information.

(a) *Nature of the request.* The notice shall identify whether the request is for a re-zoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

(b) *Information regarding the subject property.* The notice shall provide the following information with regard to the property that is the subject of the request, herein referred to as the “subject property.” The notice shall list all existing street addresses relative to the subject property(s). Street addresses do not need to be created and listed if no such addresses currently exist relative to the subject property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross streets and/or including a map showing the location of the subject property. Street addresses do not need to be listed when 11 or more adjacent properties are proposed for a zoning amendment, or re-

zoning, or when the request is for an ordinance interpretation not involving a specific property.

(c) *Time and place of hearing.* The notice shall indicate the date, time and place of any public hearing(s).

(d) *Time and place where proposed text and maps are located.* The notice shall indicate the time and place where any proposed zoning ordinance text and any maps may be examined.

(e) *Written comments.* The notice shall include a statement describing when and where written comments will be received concerning the request, and that the public may appear at the public hearing in person or by counsel.

(f) *Handicap access.* The notice shall provide information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

(3) *Publication of notice in newspaper.* When notice of a public hearing is required, the Zoning Administrator shall cause such notice to be published in a newspaper of general circulation within the village not less than 15 days before the scheduled date of the public hearing.

(4) *Notice by mail or personal delivery.*

(a) *General.* When the provisions of this section or state law require that notice be provided by mail or personal delivery, such notice shall be provided as follows:

1. To the owner(s) of the subject property and to the applicant, if the applicant is different than the owner(s) of the property;

2. If real property is the subject of the notice, to all persons to whom real property is assessed within 300 feet of the subject property, and to all occupants of structures within 300 feet of the subject property, regardless of whether the property or occupant is located within the boundaries of the village;

3. Notification to owners and occupants (but not applicants) shall not be required for any zoning amendment requests involving 11 or more adjacent properties, or an ordinance interpretation request or for appeals that do not involve a specific property;

4. If the name of the occupant is not known, the term “occupant” may be used in making notification required hereunder;

5. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one

occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;

6. Each gas, electric and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the Airport Manager of each airport that registers its name and mailing address with the Clerk of the Village for the purpose of receiving notices of public hearing; and

7. To all other individuals, organizations, firms or corporations which have registered in accordance with division (C)(4)(a)6. above.

(b) *Procedures regarding notice.* Notice shall be deemed mailed upon its deposit with the United States Postal Service, properly addressed and mailed first class with postage fully prepaid. The Zoning Administrator shall prepare a list of property owners, registrants and others to whom notice was mailed, as well as anyone else to whom notice was delivered otherwise than by mail.

(c) *Timing.* Unless otherwise provided in the Michigan Zoning Enabling Act, M.C.L.A. §§ 125.3101 *et seq.*, notice of a public hearing shall be provided, whether via mail or in person, not less than 15 days before the scheduled date of the public hearing.

(5) *Conformance to court decree.* Any amendment for the purpose of conforming a provision of the Zoning Ordinance to a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Village Council and the notice of the adopted amendment published without referring the amendment to any board or agency provided for under the Michigan Zoning Enabling Act, M.C.L.A. §§ 125.3101 *et seq.*

(Ord. 37, passed 8-28-2005; Ord. 87 ZBA, passed 3-23-2009; Ord. 139, passed 9-11-2017)

§ 152.023 LAND USE PERMITS.

(A) *Compliance required.*

(1) No lot shall be cleared, graded or changed in use, and no structure, including sheds, shall be erected, altered or changed in use until the Zoning Administrator has approved a land use permit for the activity.

(2) A land use permit shall be applied for at least 14 business days prior to commencement of any activity regulated by this Zoning Ordinance and prior to application for a building permit.

(B) *Application information.* An application for a land use permit shall include the established processing fee, a village application form and any other information required by this chapter, including a plot plan or approved site plan in compliance with §§ 152.385 *et seq.* The application shall also include proof of any other necessary village approvals such as re-zonings, variances and special use permits.

(C) *Review process.* The Zoning Administrator shall confirm that the application fully complies with the requirements of this chapter. Upon approval, the Zoning Administrator shall keep a copy of the approved land use permit, including accompanying plot plans or site plans in the Village Hall.

(1) *Land Use permit.* The Zoning Administrator shall issue a land use permit so as to allow the beginning of construction. Upon issuance of a land use permit, the petitioner shall apply for all necessary building permits from the Livingston County building official and all other relevant agencies.

(2) *Certificate of Compliance.* Upon completion of construction, it shall be the duty of the property owner or his or her designee to contact the Zoning Administrator and request issuance of a Certificate of Compliance. The Certificate of Compliance shall be approved if the development is in compliance with this chapter, the Village Technical Standards and any conditions imposed hereunder. Upon issuance of a Certificate of Compliance, the petitioner shall apply for all necessary certificates of occupancy from the Livingston County building official.

(D) *Expiration.* The land use permit shall become null and void if work for which the permit was issued is not started within six months after the date of the issuance.

(E) *Revocation.* If the property owner and/or developer deviates from the approved land use permit, the Zoning Administrator shall provide written notice of permit violation in accordance with § 152.022(B).

(1) The notice shall include an order to immediately cease and desist all activity in violation of the approved land use permit, effective upon the date of service.

(2) The notice shall also include written notification that the Zoning Administrator will revoke the land use permit in ten business days and civil infraction penalties may be imposed in accordance with legal procedures until the project is brought into compliance.

(Ord. 37, passed 8-28-2005; Ord. 82, passed 5-12-2008) Penalty, see § 152.999

§ 152.024 CONSULTANTS.

From time to time, at the cost of the applicant, the village may employ planning, engineering, legal, traffic or other special consultants to assist in the review of site plans, special land use permits, re-zonings or other matters related to the planning and development of the village.

(Ord. 37, passed 8-28-2005)

§ 152.025 FEES.

The Village Council shall establish a schedule of fees, charges and expenses, and a collection procedure for all zoning applications, appeals and other matters pertaining to this chapter. The village shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the village offices and may be altered, amended or waived only by the Village Council. No permit, site plan or land use approval shall be issued until the costs, charges, fees or expenses have been paid in full, nor shall any action be taken by the village until preliminary charges and fees have been paid in full.

(Ord. 37, passed 8-28-2005)

§ 152.026 PERFORMANCE GUARANTEE.

(A) *Purpose.* The Village Council or Qualified Village Agent may require that a performance guarantee be deposited with the Village Clerk to ensure compliance with the provisions of this chapter and any conditions imposed hereunder and full completion of necessary improvements (see definition under division (B) below). The performance guarantee shall be of an amount equal to 125% of the estimated construction costs associated with the project.to cover costs associated with the normal rate of inflation.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

IMPROVEMENTS. Those features and actions associated with a project that are considered necessary by the Planning Commission or Village Council to protect natural resources or the public health, safety and welfare, including roads, lighting, utilities, sidewalks, screening, landscaping and drainage. Improvements do not include the entire project that is the subject of zoning approval.

PERFORMANCE GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit, corporate surety bond or combination thereof, in the amount of 125% of the estimated cost of the improvements for which the guarantee is required.

(C) *Estimated cost of improvements.* The estimated cost of the improvements for which a performance guarantee is required shall be determined by the applicant and

verified by the village. The village shall be authorized to employ the Village Engineer and/or Department of Public Works and/or consultants to review cost estimates and conduct periodic inspections of the improvements. If the amount of the estimated cost is not reasonably ascertainable by the village, the applicant may be required to submit:

(1) A certified estimate prepared by the applicant's licensed engineer or architect;
or

(2) Alternatively, a bona fide contract for the work to be performed, including a provision authorizing enforcement of the contract by the village in the event of a default by the applicant.

(D) *Terms and provisions of performance guarantees.*

(1) The performance guarantee shall be deposited with the Village Clerk at the time of the issuance of a land use permit authorizing the development. The village may not require the deposit of the performance guarantee before the date on which the village is prepared to issue the land use permit.

(2) The land use permit shall prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. This period shall begin from the date of issuance of the land use permit and shall not exceed two years.

(3) A letter of credit and corporate surety bond shall cover a time period equal to or longer than the time anticipated to complete improvements, and shall require 30-days' advance written notice to the village prior to termination.

(4) If the performance guarantee is in the form of cash or a certified check, the Clerk shall deposit the funds in an interest-bearing account in a financial institution with which the village regularly conducts business.

(5) The entire performance guarantee, including accrued interest, shall be returned to the applicant upon satisfactory completion of the required improvements, as determined by the village.

(6) In the event the performance guarantee posted is a cash deposit or certified check, the village, upon written request by the applicant, shall rebate to the applicant 50% of the deposited funds when 75% of the required improvements are completed as confirmed by the village, and rebate the remaining 50% of the deposited funds when 100% of the required improvements are completed as confirmed by the village.

(7) In the event the applicant does not install or maintain the required improvements within the time period established by the village, following notice to the property owner and/or other responsible parties, the village shall have the right to use the performance guarantee and any accrued interest to complete the improvements

through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. One or more of the following methods may be used to provide notice to the property owner, regular mail to the address on the permit application and/or by delivery of the notice to the property owner at the address and/or by posting the property.

(8) If the performance guarantee is not sufficient to allow the village to complete the improvements for which the guarantee was posted, the applicant shall be required to pay the village the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the village use the performance guarantee, or a portion thereof to complete the required improvements, any amounts remaining after the completion shall be applied first to the village's administrative costs including, without limitation, attorney fees, planning consultant fees, engineering consultant fees and similar expenses, with any balance remaining being refunded to the applicant.

(9) If the applicant has posted a performance guarantee or bond with another governmental agency other than the village to insure completion of a required improvement, the applicant shall not be required to deposit a performance guarantee with the village for that same improvement.

(10) At the time the performance guarantee is deposited with the village and prior to the issuance of a land use permit, the applicant may be required to enter into a written agreement with the village incorporating the terms and provisions applicable to the use of the performance guarantee, provided, however, that in the absence of such an agreement, the terms and provisions of this section shall govern.

(11). A performance guarantee in the form of a performance bond shall be posted by the Proprietor prior to the beginning of construction to insure complete construction of structures and development of the land area as proposed and approved. Such bond shall be posted in an amount equal to 125% of the estimated cost of the site improvements as identified in the fee schedule and may be reduced in proportion to the amount of work accomplished or the amount of land left undisturbed upon recommendation of the Village Engineer or qualified Village Agent. A performance bond shall be returnable in full upon the issuance of a certificate of compliance of the completion of all construction phases, and approval from the Village Engineer or qualified Village Agent. The performance bond will meet the requirements set forth in § 152.026 (E)(1) – (E)(4).

(E). *Maintenance and Guarantee Bonds.* The Proprietor shall submit to the Village a two-year maintenance and guarantee bond, equal to the estimated cost of the site improvements as established by the fee schedule. This shall be done before the

Village accepts any improvements by the Proprietor. An acceptable surety bond shall be issued:

(1) By a company licensed to do business in the State of Michigan by the Department of Labor and Economic Growth, Office of Financial and Insurance Services;

(2) By a company with a with a rating of not less than “A” as determined by A.M. Best Company or a similarly recognized rating agency;

(3) In a form that does not require the Village of Pinckney to expend money to complete the project bonded and thereafter seek reimbursement from the surety company; and

(4) With a provision specifying that any dispute on whether and/or the amount of payment to be made by the surety shall be resolved by binding arbitration.

(F). *Insurance.*

(1) Prior to construction and/or project improvements, the contractor shall procure and maintain during the term of the project, public liability and property damage insurance with an insurance company rated A+ with Michigan Best Rating System, in such amounts as will be adequate to protect the public, the Village of Pinckney, Village employees and agents, Village Engineer, Livingston County Drain Commission, Livingston County Road Commission, Livingston County Building Department, and other parties of interest as required by the Village and shall not be less than the limits set forth in the fee schedule.

(2) Certificates of Insurance will be furnished and the Village of Pinckney will be the Certificate Holder. Underground construction, where applicable, shall be specified in the coverage. Certificates of coverage signed by the insurance carriers shall include a guarantee that 30 days written notice shall be given by the insurance carrier to the Village prior to cancellation of or any changes in the respective policies. In the event that insurance is canceled, operations shall cease prior to the cancellation date and shall not resume until evidence is provided that proper insurance is again in effect. Additional insured shall include the Village of Pinckney, the Village Council and individual members thereof, Village employees and agents for the Village, the Village Engineer and their employees, Livingston County Drain commission, Livingston County Road Commission, Livingston County Building Department and other parties of interest as required by the Village.

(Ord. 37, passed 8-28-2005)

ZONING DISTRICTS AND MAP

§ 152.040 ESTABLISHMENT OF DISTRICTS.

For the purpose of this chapter, the village is hereby divided into the following ten zoning districts, which shall be known by the following symbols and names:

- (A) R1: Low Density Residential District;
- (B) R2: Medium Density Residential District;
- (C) R3: High Density Residential District;
- (D) R4: Multiple-Family Residential District;
- (E) ROB: Residential-Office-Business District;
- (F) CBD: Central Business District;
- (G) SBD: Secondary Business District;
- (H) RTO: Research-Technology-Office;
- (I) O: Office; and
- (J) PL: Public Lands Office.

(Ord. 37, passed 8-28-2005; Ord. 98, passed 3-28-2011)

§ 152.041 ZONING MAP.

(A) The boundaries of the districts listed in § 152.040 are defined and established as depicted on the official zoning map of the Village of Pinckney. The zoning map along with all notations, references and other explanatory information, shall accompany and be made a part of this chapter.

(B) Regardless of the existence of purported copies of the zoning map that may be published, a true and current copy of the zoning map available for public inspection shall be located in and maintained by the Office of the Village Clerk. The Clerk's copy shall be the final authority as to the current status of any land, lot, district, use or structure in the village. The official zoning map shall be identified by the signature of the Village President, attested to by the Village Clerk.

(C) Three copies of the official zoning map shall be maintained and kept up-to-date by the Village of Pinckney. One in the Clerk's office, one in the Zoning Administrator's office and one in the Pinckney Community Public Library.

(Ord. 37, passed 8-28-2005)

§ 152.042 INTERPRETATION.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, the following rules shall apply:

- (A) A boundary that approximately follows the centerline of a road, alley or easement shall be construed as following the centerline;
- (B) A boundary that approximately follows a recorded lot line or the line bounding a parcel shall be construed as following the line;
- (C) A boundary that approximately follows a municipal boundary line shall be construed as following the line;
- (D) A boundary that follows a railroad line shall be construed as being located midway in the right-of-way;
- (E) The scale of the zoning map shall determine any distance not specifically indicated on the map; and
- (F) Where an existing physical feature is at variance with that shown on the zoning map, or another circumstance (such as scale, lack of detail or illegibility) prevents a clear interpretation of a zoning district boundary, the Zoning Board of Appeals shall interpret the location of the district boundary upon written application or its own motion.

(Ord. 37, passed 8-28-2005)

§ 152.043 APPLICATION.

(A) *Compliance.* All lots, uses and structures shall comply with the standards set forth in the district in which they are located, except as otherwise provided for in this chapter. Uses and structures in all districts 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.

(B) *Allowable uses.* Allowable land uses are specifically listed within each district and are classified as follows:

(1) *Permitted use.* A use allowed by right, if otherwise in compliance with the standards set forth in the applicable zoning district.

(2) *Special use.* A use that may be compatible with permitted uses, if approved by the village at its discretion, subject to a public hearing and conditions.

(3) *Accessory use.* A use that is customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

(C) *Unlisted uses.* Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use that is not specifically listed along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned in accordance with the requirements of this chapter. If the Zoning Board of Appeals finds no comparable uses

based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the ordinance to establish the appropriate district(s), type of use (by right or special approval) and criteria that will apply for that use. Once the ordinance has been amended to include the new regulations, then an application to establish that use can be processed.

(D) *Lots.*

(1) No lot or setback area existing before the effective date of this chapter shall be reduced below the minimum area or dimensions established herein.

(2) All lots and setback areas created after the effective date of this chapter shall comply with the minimum requirements established herein.

(3) No portion of any lot improved with a structure shall be used to create another lot, unless each lot resulting from the lot division, lot line adjustment or sale conforms to all of the requirements established herein.

(E) *Zoning vacated areas.* Whenever any road, alley or other public right-of-way or portion thereof within the village is vacated, it shall automatically be zoned the same district as the adjacent property to the centerline of the right-of-way.

(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

§ 152.044 TABLE OF DIMENSIONS.

<i>Zoning District</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Width (In Feet)</i>	<i>Minimum Front Yard/ Setback (In Feet)</i>	<i>Minimum Side Yard/ Setback (In Feet)</i>	<i>Minimum Rear Yard/ Setback (In Feet)</i>	<i>Maximum Lot Coverage</i>	<i>Maximum Building Height</i>
R1	0.75 acres./ 0.5 acres ¹	85	30	8	30	30%	2.5 stories/35 feet
R2	12,000 square feet	66	30	6	30	30%	2.5 stories/35 feet
R3	8,712 square feet	66	30	6	20	40%	2.5 stories/35 feet
R4	8,712 square feet ²	66	20	6	20	40%	2.5 stories/35 feet
ROB	8,712 square feet	66	20	6	20	40%	2.5 stories/35 feet

CBD	None	None	N/A ³	None ⁴	None ⁵	None	3 stories/40 feet
SBD	5,000 square feet	66	25	None ⁶	20	50%	2.5 stories/35 feet
RTO	1 acre	200	50 ⁷	25 ⁸	40 ⁹	40%	2.5 stories/35 feet
O	8,712 square feet	66	20	6	20	40%	2.5 stories/35 feet
PL	11,000 square feet	66	30	N/A ¹⁰	N/A ¹⁰	35%	2.5 stories/35 feet
¹ 0.75 acres without public sewer; 0.5 acres with public sewer.							
² Single-family dwellings only. Lots occupied by two-family dwellings shall be 10,000 square feet. Lots occupied by multiple-family dwellings shall comply with § 152.123(D).							
³ The front setback line shall be established by the existing building line within 200 feet on both sides of the lot.							
⁴ When abutting a residential district, the side yard shall be the same as the required side yard in the residential district.							
⁵ When abutting a residential district or use, the rear yard shall be at least 20 feet.							
⁶ The principal building may be constructed on the side lot line; however, the total minimum side yard shall be 15 feet. When abutting a residential district or use, the side yard shall be at least 20 feet.							
⁷ Where parking spaces are located in the front yard the front setback shall be at least 75 feet.							
⁸ When abutting a residential district or use, the side yard shall be at least 50 feet.							
⁹ When abutting a residential district or use, the rear yard shall be at least 70 feet.							
¹⁰ Side and rear yards shall conform to the requirements of the abutting zoning district.							

(Ord. 37, passed 8-28-2005; Ord. 82, passed 5-12-2008; Ord. 98, passed 3-28-2011)

§ 152.045 TABLE OF USES.

(A) The following table lists permitted uses and special land uses by zoning district.

(B) Uses marked with a “P” are a permitted use and do not require a public hearing.

(C) Uses marked with an “S” are a special land use and do require a public hearing.

(D) For definition of **LAND USES** see § 152.267.

<i>LAND USE</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>R4</i>	<i>ROB</i>	<i>CBD</i>	<i>SBD</i>	<i>RTO</i>	<i>O</i>	<i>PL</i>
Adult foster care family home (1 to 6 adults)	P	P	P	P	P	S			S	
Adult foster care small group home (7 to 12 adults)	S	S	S	S	S	S	P			
Adult foster care large group home (13 to 20 adults)							P			
Adult foster care congregate facility (>20 adults)							S			
Artificial pond	S									
Bed and breakfast inn	S	S	S	S	S	S	P		S	
Book, magazine and newspaper printing								S		
Business support service					S	P	P	P	P	
Cemetery										P
Central dry cleaning plant									S	
Changeable message sign							S			
Commercial indoor recreation						S ¹	S			
Commercial kennel							S			
Commercial outdoor display							S			
Commercial outdoor recreation							S	P		S
Composting center									S	
Conference center							S	S		
Construction contractor's establishment								S		
Convenience store without gasoline sales						P	P		S	
Day Care: child care center			S	S	S	S	P			
Day Care: family day care home (1 to 6 children)	P	P	P	P	P	S			S	
Day Care: group day care home (7 to 12 children)	S	S	S	S	S					
Dwelling, multiple-family				P	S					
Dwelling, single-family	P	P	P	P	P	S			P	
Dwelling, two-family				P						
Dwelling, upper floor						P			P	
Farmers market						P	S		P	P
Financial institution with up to three drive-through windows						S	P	P	S	
Financial institution without drive-through window						P			S	
Funeral home and mortuary				S		S	P		S	
Health club							P			
Home for the elderly	S	S	S	S	S		P			
Home occupation	S	S	S	S	S				S	

<i>LAND USE</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>R4</i>	<i>ROB</i>	<i>CBD</i>	<i>SBD</i>	<i>RTO</i>	<i>O</i>	<i>PL</i>
Hospital							S			
Hotel and motel						S	P ²			
Indoor self-storage facility							S	S		
Landscape nursery							S			
Laundromat and dry cleaner						P	P		S	
Light manufacturing								S		
Limited warehousing and wholesale establishments								S		
Manufactured home park	S									
Marihuana Grower Facility – Class A or B							S	S		
Marihuana Grower Facility – Class C								S		
Marihuana Microbusiness							S	S		
Marihuana Processor Facility								S		
Marihuana Retailer							S	S		
Marihuana Safety Compliance Facility							S	S		
Marihuana Secure Transporter Facility							S	S		
Nursing home				S	S		P			
Office: business, professional, medical and dental and non-profit					P ⁶	P	P	P	P	
Outdoor Recreational Vehicle Storage Lot							S			
Parcel delivery service								S		
Personal service					P ⁶	P	P		P	
Photography, art and craft studio and gallery					P ⁶	P	P		P	
Private club							S			
Produce stand							S			
Public and private riding stables										S
Public building	S	S	S	S	S	P	P	P	P	P
Public park	P	P	P	P	P	S	P		P	P
Public swimming pools and golf courses										S
Public utility facility				S			S	P		P
Recreation equipment rental							S			
Religious institution	S	S	S	S	S	S	S			S
Research and development facility								P		
Residential open space development	S	S	S							
Restaurant, carry-out and open front							S			

<i>LAND USE</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>R4</i>	<i>ROB</i>	<i>CBD</i>	<i>SBD</i>	<i>RTO</i>	<i>O</i>	<i>PL</i>
Restaurant, fast food							S			
Restaurant, standard						P	P		S	
Retail store and retail food store						P ¹ /S ³	P ⁴ /S ⁵			
Rooming house				P						
School, elementary, middle and high	S	S	S	S		P	P		P	P
School, personal improvement					P ⁶	P			P	
School, vocational and higher education institution			S	S			S	S		
Shopping center							S			
Tavern and nightclub						P	P			
Telecommunication tower								S		S
Theater						S	P		S	
Tool and die machinery shop								S		
Vehicle service station						S	S		S	
Vehicle repair service, vehicle dealership and car wash							S			
Veterinary clinic						S	S		S	
Video rental establishment							P			
¹ Maximum 5,000 square feet of floor area.										
² Maximum 20 guest rooms.										
³ More than 5,000 square feet of floor area.										
⁴ Maximum 15,000 square feet of floor area.										
⁵ More than 15,000 square feet of floor area.										
⁶ See restrictions in § 152.141(B)										
P = Permitted Land Use (No public hearing required)										
S = Special land use (Public hearing required)										

(Ord. 37, passed 8-28-2005; Ord. 98, passed 3-38-2011)

LOW DENSITY RESIDENTIAL DISTRICT

§ 152.060 PURPOSE.

The purpose of the Low Density Residential District (R1) is to encourage single-family residential uses on relatively large lots. The requirements of this district are designed to protect the essential character of low density, single-family residential areas and to encourage a high quality, suitable and safe environment for family life.

(Ord. 37, passed 8-28-2005)

§ 152.061 PERMITTED USES.

- (A) One single-family dwelling per lot.
- (B) Public parks.
- (C) Family day care homes (one to six children).
- (D) Adult foster care family homes (one to six adults).
- (E) Accessory uses customarily incidental and subordinate to permitted uses.

(Ord. 37, passed 8-28-2005)

§ 152.062 SPECIAL LAND USES.

The following special land uses are permitted in the R1 District, subject to compliance with §§ 152.240*et seq.*

- (A) Group day care homes (seven to 12 children);
- (B) Adult foster care small group homes (seven to 12 adults);
- (C) Homes for the elderly;
- (D) Religious institutions;
- (E) Public buildings;
- (F) Elementary, middle and high schools;
- (G) Bed and breakfast inns;
- (H) Home occupations;
- (I) Residential open space development;
- (J) Artificial ponds; and
- (K) Manufactured home park.

(Ord. 37, passed 8-28-2005)

§ 152.063 SITE DEVELOPMENT STANDARD.

The following standards shall apply to all uses and structures in the R1 District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

- (A) *Lot area.* The minimum lot area shall be as follows:
 - (1) Without public sewer: 32,670 square feet (three-quarters acre); and
 - (2) With public sewer: 21,780 square feet (one-half acre).

(B) *Lot width.* The minimum lot width shall be 85 feet, measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.

(C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:

(1) *Front yard.* Structures shall be setback at least 30 feet from the road right-of-way.

(2) *Side yard.* Structures shall be setback at least eight feet from a side lot line, except for corner lots, the interior side yard shall be at least eight feet in width, and the street side yard shall be at least 20 feet in width.

(3) *Rear yard.* Structures shall be setback at least 30 feet from the rear lot line.

(4) *Shed setback.* Sheds must be in the back or side yard and setbacks will be at least five feet in the rear and sides.

(5) *Outbuilding setback.* Outbuildings must be in the back or side yard and setbacks will abide by structure (not shed) restrictions.

(D) *Lot coverage.* Lot coverage shall not exceed 30%.

(E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet, whichever is less. No structure shall be erected or altered to a height greater than 21 feet. (See § 152.267 for definitions of building height and structure height).

(F) *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. 82, passed 5-12-2008) Penalty, see § 152.999

MEDIUM DENSITY RESIDENTIAL DISTRICT

§ 152.080 PURPOSE.

(A) The purpose of the Medium Density Residential District (R2) is to encourage a predominance of single-family residential uses, located on individual parcels.

(B) The requirements for this district are intended to protect the essential character of medium density, single-family residential areas and to encourage a high quality, suitable and safe environment for family life.

(Ord. 37, passed 8-28-2005)

§ 152.081 PERMITTED USES.

(A) One single-family dwelling per lot.

- (B) Public parks.
- (C) Family day care homes (one to six children).
- (D) Adult foster care family homes (one to six adults).
- (E) Accessory uses customarily incidental and subordinate to permitted uses.

(Ord. 37, passed 8-28-2005)

§ 152.082 SPECIAL LAND USES.

The following special land uses are permitted in the R2 District, subject to compliance with §§ 152.240*et seq.*

- (A) Group day care homes (seven to 12 children);
- (B) Adult foster care small group homes (seven to 12 adults);
- (C) Homes for the elderly;
- (D) Religious institutions;
- (E) Public buildings;
- (F) Elementary, middle and high schools;
- (G) Bed and breakfast inns;
- (H) Home occupations; and
- (I) Residential open space development.

(Ord. 37, passed 8-28-2005)

§ 152.083 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the R2 District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

- (A) *Lot area.* The minimum lot area shall be 12,000 square feet.
- (B) *Lot width.* The minimum lot width shall be 66 feet, measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.
- (C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:
 - (1) *Front yard.* Structures shall be setback at least 30 feet from the road right-of-way.

(2) *Side yard.* Structures shall be setback at least six feet from a side lot line, except for corner lots, the interior side yard shall be at least six feet in width, and the street side yard shall be at least 20 feet in width.

(3) *Rear yard.* Structures shall be setback at least 30 feet from the rear lot line.

(4) *Shed setback.* Sheds must be in the back or side yard and setbacks will be at least five feet in the rear and sides.

(5) *Outbuilding setback.* Outbuildings must be in the back or side yard and setbacks will abide by structure (not shed) restrictions.

(D) *Lot coverage.* Lot coverage shall not exceed 30%.

(E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No structure shall be erected or altered to a height greater than 21 feet. (See § 152.267 for definitions of building height and structure height)

(F) *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. 82, passed 5-12-2008) Penalty, see § 152.999

HIGH DENSITY RESIDENTIAL DISTRICT

§ 152.100 PURPOSE.

The purpose of the High Density Residential District (R3) is to encourage a predominance of single-family residential uses, located on relatively small individual parcels. The requirements for this district are designed to protect the essential character of high density, single-family residential areas and to encourage a high quality, suitable and safe environment for family life.

(Ord. 37, passed 8-28-2005)

§ 152.101 PERMITTED USES.

(A) One single-family dwelling per lot.

(B) Public parks.

(C) Family day care homes (one to six children).

(D) Adult foster care family homes (one to six adults).

(E) Accessory uses customarily incidental and subordinate to permitted uses.

(Ord. 37, passed 8-28-2005)

§ 152.102 SPECIAL LAND USES.

The following special land uses are permitted in the R3 District, subject to compliance with §§ 152.240*et seq.*:

- (A) Child care centers;
- (B) Group day care homes (seven to 12 children);
- (C) Adult foster care small group homes (seven to 12 adults);
- (D) Homes for the elderly;
- (E) Religious institutions;
- (F) Public buildings;
- (G) Elementary, middle and high schools;
- (H) Higher education institutions and vocational schools;
- (I) Bed and breakfast inns;
- (J) Home occupations; and
- (K) Residential open space development.

(Ord. 37, passed 8-28-2005)

§ 152.103 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the R3 District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

- (A) *Lot area.* The minimum lot area shall be 8,712 square feet (one-fifth acre).
- (B) *Lot width.* The minimum lot width shall be 66 feet, measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.
- (C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:
 - (1) *Front yard.* Structures shall be setback at least 30 feet from the road right-of-way.
 - (2) *Side yard.* Structures shall be setback at least six feet from a side lot line, except for corner lots, the interior side yard shall be at least six feet in width, and the street side yard shall be at least 20 feet in width.
 - (3) *Rear yard.* Structures shall be setback at least 20 feet from the rear lot line.

(4) *Shed setback.* Sheds must be in the back or side yard and setbacks will be at least five feet in the rear and sides.

(5) *Outbuilding setback.* Outbuildings must be in the back or side yard and setbacks will abide by structure (not shed) restrictions.

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

(E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No structure shall be erected or altered to a height greater than 21 feet. (See § 152.267 for definitions of building height and structure height).

(F) *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. 82, passed 5-12-2008) Penalty, see § 152.999

MULTIPLE-FAMILY RESIDENTIAL DISTRICT

§ 152.120 PURPOSE.

(A) The purpose of the Multiple-Family Residential District (R4) is to achieve the same high quality, stable, suitable and safe residential environment as is intended for the single-family residential districts.

(B) The only essential difference between the R4 District and the Single-Family Residential Districts is that multiple-family dwellings are permitted.

(C) This district is applied to those areas within the village that are particularly suited for higher population density because of their central location, existing high density development and availability of public services and transportation facilities.

(Ord. 37, passed 8-28-2005)

§ 152.121 PERMITTED USES.

(A) One single-family dwelling per lot.

(B) Two-family dwellings.

(C) Multiple-family dwellings.

(D) Rooming houses.

(E) Public parks.

(F) Family day care homes (one to six children).

(G) Adult foster care family homes (one to six adults).

(H) Accessory uses customarily incidental and subordinate to permitted uses.
(Ord. 37, passed 8-28-2005)

§ 152.122 SPECIAL LAND USES.

The following special land uses are permitted in the R4 District, subject to compliance with §§ 152.240*et seq.*

- (A) Child care centers;
- (B) Group day care homes (seven to 12 children);
- (C) Adult foster care small group homes (seven to 12 adults);
- (D) Nursing homes and homes for the elderly;
- (E) Religious institutions;
- (F) Public buildings and public utility facilities;
- (G) Elementary, middle and high schools;
- (H) Higher education institutions and vocational schools;
- (I) Bed and breakfast inns;
- (J) Funeral homes; and
- (K) Home occupations.

(Ord. 37, passed 8-28-2005)

§ 152.123 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the R4 District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

(A) *Lot area.* The minimum lot area shall be 8,712 square feet (one-fifth acre) except:

(1) Lots occupied by two-family dwellings shall be at least 10,000 square feet; and

(2) Lots occupied by multiple-family dwellings shall comply with division (D) below.

(B) *Lot width.* The minimum lot width shall be 66 feet, measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.

(C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:

(1) *Front yard.* Structures shall be setback at least 20 feet from the road right-of-way.

(2) *Side yard.* Structures shall be setback at least six feet from a side lot line. Except for corner lots, the interior side yard shall be at least six feet in width, and the street side yard shall be at least 20 feet in width.

(3) *Rear yard.* Structures shall be setback at least 20 feet from the rear lot line.

(4) *Shed setback.* Sheds must be in the back or side yard and setbacks will be at least five feet in the rear and sides.

(5) *Outbuilding setback.* Outbuildings must be in the back or side yard and setbacks will abide by structure (not shed) restrictions.

(D) *Multiple-family dwelling density.* The number of multiple-family dwelling units permitted on a site shall be determined as follows:

(1) The number of dwelling units allowed per acre shall be based upon the net acreage of the site;

(2) All dwelling units shall have at least one living room and one bedroom, except not more than 10% may be efficiency dwelling units;

(3) The room assignments below shall control the number of dwelling units allowed per acre;

(a) Efficiency: one room;

(b) One bedroom: two rooms;

(c) Two bedroom: three rooms;

(d) Three bedroom: four rooms; and

(e) Four bedroom: five rooms.

(4) The total number of rooms shall not exceed the net acreage of the site, in square feet, divided by 1,600.

Density: Multiple-Family Dwellings

Example: A site with five net acres proposed for multiple-family development:

STEP 1. Convert acres to square feet: five acres = 5 x 43,560 square feet = 217,800 square feet

STEP 2. Convert square feet to total rooms: 217,800 square feet/1,600 = 136 rooms

STEP 3. Convert total rooms to dwelling units/acre:

136 rooms/2 rooms = 68 one-bedroom units/five acres = 13.6 dwelling units/acre

136 rooms/3 rooms = 45 two-bedroom units/five acres = 9.0 dwelling units/acre

136 rooms/4 rooms = 34 three-bedroom units/five acres = 6.8 dwelling units/acre

136 rooms/5 rooms = 27 four-bedroom units/five acres = 5.4 dwelling units/acre

(E) *Floor area per dwelling unit.* All dwelling units shall meet the minimum floor area requirements set forth in § 152.262(C).

(F) *Dwelling units per building.* The maximum number of dwelling units allowed within any multiple-family dwelling shall be eight.

(G) *Building length.* No multiple-family dwelling, two-family dwelling or group of attached single-family dwellings shall be longer than 160 feet.

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

(I) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No structure shall be erected or altered to a height greater than 21 feet. (See § 152.267 for definitions of building height and structure height).

(J) *Landscaping.* Landscaped buffer areas shall be required on all lots used for multiple-family dwellings in accordance with § 152.329.

(K) *Recreation.* Exclusive of other yard and setback requirements herein, all multiple-family dwellings on lots that are three or more acres shall provide common open space equal to at least 25 square feet per dwelling unit with a minimum of 1,200 square feet.

(L) *Compliance required.* Uses and structures shall comply with all other provisions of this chapter, including §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.* and all other applicable federal, state and local codes and ordinances.

(Ord. 37, passed 8-28-2005; Ord. 82, passed 5-12-2008) Penalty, see § 152.999

RESIDENTIAL-OFFICE BUSINESS DISTRICT

§ 152.140 PURPOSE.

The purpose of the Residential-Office-Business District (ROB) is to provide for a mixture of residential and complementary commercial uses. The intent is to allow low impact businesses that serve and are harmonious with adjacent residential uses, while maintaining the quality and stability of residential neighborhoods. Commercial

activities that have an adverse effect upon the value, use or enjoyment of surrounding residential properties shall be prohibited in the ROB District.

(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

§ 152.141 PERMITTED USES.

- (A) All permitted uses in the R3 District.
- (B) Business uses within a single-family dwelling unit provided:
 - (1) Permitted business uses shall include only the following:
 - (a) Business offices, professional offices, medical or dental offices and non-profit organization offices;
 - (b) Personal services and personal improvement schools; and
 - (c) Photography, art and craft studios and galleries.
 - (2) Not more than one business use shall be permitted within any dwelling unit;
 - (3) The property owner or business owner shall permanently reside in the dwelling unit;
 - (4) All business activity shall take place on the ground floor of the dwelling unit;
 - (5) Not more than 50% of the ground floor area of the dwelling unit shall be in business use and this area shall not include kitchens or bathrooms. The remaining 50% of the ground floor area and 100% of all upper stories, if any, shall be restricted to residential use only;
 - (6) The business shall not employ more than three people including the business owner(s); and
 - (7) Parking shall comply with §§ 152.280*et seq.* Mixed uses shall comply with § 152.282(E)(1).
- (C) Accessory uses customarily incidental and subordinate to a permitted use.

(Ord. 37, passed 8-28-2005)

§ 152.142 SPECIAL LAND USES.

The following special land uses are permitted in the ROB District, subject to compliance with § 152.240*et seq.*

- (A) Multiple-family dwellings (subject to compliance with 152.123(D);
- (B) Child care centers;

- (C) Group day care homes (seven to 12 children);
- (D) Adult foster care small group homes (seven to 12 adults);
- (E) Homes for the elderly and nursing homes;
- (F) Religious institutions;
- (G) Public buildings;
- (H) Bed and breakfast inns;
- (I) Business support services;
- (J) Home occupations that do not meet the criteria for a permitted use; and
- (K) Businesses allowed under § 152.141(B), that employ more than three people or use more than 50% of the ground floor area of the dwelling unit or where the property owner does not reside in the residence.

(Ord. 37, passed 8-28-2005)

§ 152.143 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the ROB District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

- (A) *Lot area.* The minimum lot area shall be 8,712 square feet (one-fifth acre).
- (B) *Lot width.* The minimum lot width shall be 66 feet, measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.
- (C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:
 - (1) *Front yard.* Structures shall be setback at least 20 feet from the road right-of-way.
 - (2) *Side yard.* Structures shall be setback at least six feet from a side lot line. Except for corner lots, the interior side yard shall be at least six feet in width, and the street side yard shall be at least 20 feet in width.
 - (3) *Rear yard.* Structures shall be setback at least 20 feet from the rear lot line.
 - (4) *Shed setback.* Sheds must be in the back or side yard and setbacks will be at least five feet in the rear and sides.
 - (5) *Outbuilding setback.* Outbuildings must be in the back or side yard and setbacks will abide by structure (not shed) restrictions.

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

(E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No structure shall be erected or altered to a height greater than 21 feet. (See § 152.267 for definitions of building height and structure height).

(F) *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. 82, passed 5-12-2008) Penalty, see § 152.999

CENTRAL BUSINESS DISTRICT

§ 152.160 PURPOSE.

(A) The purpose of the Central Business District (CBD) is to encourage shopping, business, civic and related activities along Main Street in the village center.

(B) The district is designed to protect the existing character of this area, and create a suitable and safe environment for compatible and sustainable commercial uses.

(C) It is further intended to promote commercial establishments that provide economic diversity and stability and prohibit conflicting uses that detract from the CBDs intended function as a vibrant economic and social village focal point.

(Ord. 37, passed 8-28-2005)

§ 152.161 PERMITTED USES.

(A) Upper floor dwelling units, provided adjacent nonresidential uses, have a separate entrance and sanitary facilities.

(B) Retail stores and retail food stores with not more than 5,000 square feet of floor area.

(C) Laundromats and dry cleaners (does not include dry cleaning plants).

(D) Restaurants, standard.

(E) Financial institution without drive-through facilities;

(F) Convenience stores.

(G) Business offices, professional offices, medical or dental offices and non-profit organization offices.

(H) Business support services.

(I) Photography, art, and craft studios and galleries.

- (J) Personal services.
 - (K) Personal improvement schools.
 - (L) Farmers markets.
 - (M) Public buildings.
 - (N) Elementary, middle and high schools.
 - (O) Taverns and nightclubs subject to the standards of § 152.243(I).
 - (P) Accessory uses, customarily incidental and subordinate to a permitted use.
- (Ord. 37, passed 8-28-2005; Ord. 88, passed 7-13-2009)

§ 152.162 SPECIAL LAND USES.

The following special land uses are permitted in the CBD District, subject to compliance with §§ 152.240*et seq.*

- (A) All permitted uses in the R3 District;
- (B) Bed and breakfast inns;
- (C) Veterinary clinics;
- (D) Retail stores and retail food stores with more than 5,000 square feet of floor area;
- (E) Financial institutions with up to three drive through facilities;
- (F) Religious institutions;
- (G) Commercial indoor recreation with no more than 5,000 square feet of floor area;
- (H) Vehicle service stations;
- (I) Theaters;
- (J) Funeral homes;
- (K) Hotels and motels;
- (L) Childcare centers subject to the standards of § 152.243(F);
- (M) Group day care homes subject to the standards of § 152.243(F);
- (N) Adult foster care small group homes;
- (O) Any new business in the CBD established after the effective date of this section with normal hours of operation that extend later than 11:00 p.m. or begin prior

to 6:00 a.m. shall require a special land use permit. A request to operate a business during the extended hours noted shall be submitted, in writing, to the village for Planning Commission review and approval. The Planning Commission shall, at minimum, consider the following factors:

- (1) Nature of the goods or services being provided;
 - (2) Nature and character of the surrounding neighborhood;
 - (3) Availability of the goods or services throughout the village;
 - (4) Applicant's lighting plan;
 - (5) Amount of traffic that is generated by the use; and
 - (6) Overall effect that the extended hours will have on the character, safety and general welfare of the surrounding neighborhood.
- (P) All buildings over 20,000 square feet gross floor area require a special land use permit.
- (Ord. 37, passed 8-28-2005; Ord. 88, passed 7-13-2009; Ord. 139, passed 9-11-2017)

§ 152.163 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the CBD District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260*et seq.*, §§ 152.415*et seq.* or §§ 152.440 *et seq.*

- (A) *Lot area.* There shall be no minimum lot area.
- (B) *Lot width.* There shall be no minimum lot width.
- (C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:
 - (1) *Front yard.* The front setback line shall be established by the existing building line within 200 feet on both sides of the subject lot.
 - (2) *Side yard.* None, except where the side lot line abuts a residential district the side yard shall be the same as the required side yard in the residential district.
 - (3) *Rear yard.* None, except where the rear lot line abuts a residential district or residential use, all structures shall be setback at least 20 feet from the rear lot line.
- (D) *Lot coverage.* There shall be no maximum lot coverage.
- (E) *Structure height.* No building shall be erected or altered to a height greater than three stories or 40 feet; whichever is less. No other structure shall be erected or altered to a height greater than 40 feet. (See § 152.267 for definitions of building height and structure height.)

(F) *Off-street parking and loading.* To allow for design flexibility in the CBD, the Village Council may waive or modify the requirements of §§ 152.280*et seq.* upon finding that all of the criteria in § 152.281(B) are met.

(G) *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.

(H) *Access.* New curb cuts are prohibited and closure of existing curb cuts is recommended. Exceptions will be considered if vehicle access is required and not otherwise possible.

(I) *Architectural standards.* Architectural standards for approval include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, shape and style of lights within windows, colors and finish materials. Exterior building materials shall employ a variety of textures and colors and window and door details. Desirable materials include brick, stone (natural and cast), wood siding and glass. Exterior materials that should not be used in large applications, but can be used as detail material or as a small application include EIFS (exterior insulation and finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass. Review of architectural concepts, colors and materials will be part of the site plan review.

(1) *Additions to buildings.* New construction, additions and modifications to buildings shall be harmonious with the historic scale and nature of other structures in the vicinity. Additions may be made to building facades not facing a street. Additions to a structure may be permitted except that additions to a structure's facade (the front side of the building facing the street) may be made only when such addition adds to the historical or architectural value and significance of the structure. Items to be considered for site plan review include the following:

- (a) Whether modifications are consistent with the existing architectural motif;
- (b) Whether new exterior additions are constructed to minimize the loss of historical materials and so that character-defining features are not obscured, damaged, destroyed or covered;
- (c) Whether attached exterior additions are located at the rear or on an inconspicuous side of a historic building and minimize, to the extent possible, its size and scale relative to the historic building; and
- (d) Whether new exterior additions are designed in a manner that makes clear what is historic and what is new while maintaining consistent design motifs from the historical building.

(2) *Constancy.* General architecture, front facade and overall building appointments should be consistent with the historical buildings of the downtown Main Street area. As an example, a multistory, brick building with historically formatted storefront windows and doors with upper and lower cornices.

(3) *Surface covering.* Existing and proposed buildings may be painted or stained to be consistent with the majority of the established buildings in the area or which are consistent with a documented earlier or original condition of existing buildings. Surfaces which are currently covered by wood, vinyl or aluminum siding may be repaired with the same material as currently exists. Exterior color shall be consistent with the majority of the established buildings in the Central Business District. “Non-traditional” or “Non-historical” colors are not permitted. The use of paint to attract attention or advertise using geometric shapes and color, or is in other ways inconsistent with the surrounding architecture is prohibited.

(J) *First floor.* All new buildings shall have at least 70% of their first floor facade on the street-facing sidewalk as non-reflective/non-tinted glass. The use of reflective/tinted glass on the first floor side and rear windows is discouraged. Use of reflective/tinted windows requires Planning Commission approval.

(K) *Pedestrian entrance.* All new buildings shall have at least one pedestrian entrance on the front. Rear or side entrances should be provided where parking is on the side or rear of the building.

(L) *Businesses to be retail and service establishments.* All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

(M) *Where business conducted.* All business, servicing or processing, except for loading, shall be conducted within a completely enclosed building.

(N) *Exterior walls and hiding unsightly objects.* Exterior walls facing public rights-of-way, customer-parking areas and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters and mechanical equipment should be screened on a side of the building that faces residentially zoned or used property, or mounted and screened on the roof.

(O) *Site design.* The site design shall be sensitive to pedestrian and bicycle needs. Buildings over 6,000 square feet gross floor area must provide a minimum of two bicycle hoops.

(P) *Additional Standards.* The Planning Commission may determine that additional standards are required to be harmonious with the historic scale and nature of other

structures in the vicinity. To achieve this objective the Planning Commission may, at its discretion, add to or modify the required standards above.

(Ord. 37, passed 8-28-2005; Ord. 88, passed 7-13-2009; Ord. 139, passed 9-11-2017) Penalty, see § 152.999

SECONDARY BUSINESS DISTRICT

§ 152.180 PURPOSE.

The Secondary Business District (SBD) is intended to accommodate those business activities that typically require large areas of land, may generate a large volume of automobile traffic, may require large areas of off-street parking and are potential obstacles to an efficient, convenient neighborhood service or central business district.

(Ord. 37, passed 8-28-2005)

§ 152.181 PERMITTED USES.

- (A) Financial institutions with up to three drive-through facilities.
- (B) Business offices, professional offices, medical or dental clinics and non-profit organization offices.
- (C) Business support services.
- (D) Photography, art and craft studios and galleries.
- (E) Personal services.
- (F) Adult foster small group homes (seven to 12 adults) and adult foster care large group homes (13 to 20 adults).
- (G) Homes for the elderly and nursing homes.
- (H) Public buildings and public parks.
- (I) Elementary, middle and high schools.
- (J) Child care centers.
- (K) Bed and breakfast inns.
- (L) Hotels and motels with no more than 20 guest rooms.
- (M) Health clubs.
- (N) Theaters.
- (O) Taverns and nightclubs.

- (P) Restaurants, standard.
 - (Q) Retail stores and retail food stores with not more than 15,000 square feet of floor area.
 - (R) Video rental establishments.
 - (S) Convenience stores without gasoline sales.
 - (T) Funeral homes.
 - (U) Laundromats and dry cleaners (does not include dry cleaning plants).
 - (V) Accessory uses customarily incidental and subordinate to a permitted use.
- (Ord. 37, passed 8-28-2005)

§ 152.182 SPECIAL LAND USES.

The following special land uses are permitted in the SBD District, subject to compliance with §§ 152.240*et seq.*

- (A) Adult foster care congregate facility (more than 20 adults);
- (B) Retail stores with more than 15,000 square feet of floor area;
- (C) Religious institutions;
- (D) Vocational schools and higher education institutions;
- (E) Private clubs;
- (F) Restaurants, carry-out with open front service and walk-up windows;
- (G) Restaurants, fast food;
- (H) Farmers markets and produce stands;
- (I) Landscape nurseries;
- (J) Commercial indoor recreation;
- (K) Commercial outdoor recreation, including golf courses;
- (L) Recreation equipment rental;
- (M) Vehicle service stations, vehicle repair services, vehicle dealerships and car washes;
- (N) Commercial outdoor displays;
- (O) Hospitals;

- (P) Veterinary clinics;
- (Q) Commercial kennels;
- (R) Indoor self-storage facilities;
- (S) Conference centers;
- (T) Shopping centers;
- (U) Public utility facilities;
- (V) Changeable message signs;
- (W) Buildings and other structures with a height exceeding the maximum allowed under § 152.183;
- (X) Outdoor storage lot for recreational vehicles; and
- (Y) Adult Use Marihuana Establishments including: Marihuana Grower Facility - Class A or B, Marihuana Microbusiness, Marihuana Retailer, Marihuana Safety Compliance Facility, and Marihuana Secure Transporter Facility, subject to the provision of Chapter 113, *Miscellaneous Businesses Requiring a License*; Title XI, *Business Regulations*, of the Village of Pinckney Code of Ordinances.

(Ord. 37, passed 8-28-2005; Ord. 134, passed 11-14-2016)

§ 152.183 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the SBD District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

- (A) *Lot area.* The minimum lot area shall be 5,000 square feet.
- (B) *Minimum lot width.* The minimum lot width shall be 66 feet, measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.
- (C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:
 - (1) *Front yard.* Structures shall be setback at least 25 feet from the front lot line.
 - (2) *Side yard.* The principal building may be constructed on the side lot line; however, the entire side yard shall total at least 15 feet in width. Where the side lot line abuts a residential district or residential use, the side yard shall be at least 20 feet in width.
 - (3) *Rear yard.* Structures shall be setback at least 20 feet from the rear lot line.

(D) *Lot coverage.* Lot coverage shall not exceed 50%.

(E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No other structure shall be erected or altered to a height greater than 35 feet. (See § 152.267 for definitions of building height and structure height)

(F) *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) Penalty, see § 152.999

RESEARCH-TECHNOLOGY-OFFICE DISTRICT

§ 152.200 PURPOSE.

It is the purpose of the Research-Technology-Office District (RTO) to provide for a community of research and development, light industrial and office park uses in a campus setting, rather than separate individual facilities isolated among other unrelated land uses. The district is designed to limit the type and scope of uses and their location, to ensure compatibility with the existing village character and prevent negative impacts on roads, surrounding land uses and the environment. The RTO District is further intended to expand the tax base and employment opportunities within the village without compromising the health, welfare and quality of life of village residents.

(Ord. 37, passed 8-28-2005)

§ 152.201 PERMITTED USES.

(A) Research and development facilities located within a completely enclosed building, including scientific, medical, chemical, mechanical, electronic, computer and automobile research, product development and testing facilities.

(B) Business offices, professional offices, medical or dental clinics and non-profit organization offices.

(C) Business support services.

(D) Financial institutions, with up to three drive-through facilities.

(E) Commercial outdoor recreation.

(F) Public buildings and public utility facilities.

(G) Accessory uses customarily incidental and subordinate to a permitted use, including, but not limited to, laboratories, child care centers, employee health clubs and dining facilities.

(Ord. 37, passed 8-28-2005)

§ 152.202 SPECIAL LAND USES.

The following special land uses are permitted in the RTO District, subject to compliance with §§ 152.240*et seq.*

- (A) Construction contractor's establishments with related offices;
- (B) Conference centers;
- (C) Composting centers;
- (D) Indoor self-storage facilities;
- (E) Central dry cleaning plants or laundries provided that the plants shall not deal directly with retail consumers;
- (F) Limited warehousing and wholesale establishments;
- (G) Parcel delivery service;
- (H) Vocational schools and higher education institutions;
- (I) Book, magazine and newspaper printing, publishing and related facilities;
- (J) Light manufacturing;
- (K) Tool and die machinery shops;
- (L) Radio and television studios and wireless telecommunications facilities, including transmission towers; and
- (M) Adult Use Marihuana Establishments including Marihuana Grower Class A, B or C, Marihuana Microbusiness, Marihuana Retailer, Marihuana Processor Facility, Marihuana Safety Compliance Facility, and Marihuana Secure Transporter Facility, subject to the provision of Chapter 113, *Miscellaneous Businesses Requiring a License*; Title XI, *Business Regulations*, of the Village of Pinckney Code of Ordinances.

(Ord. 37, passed 8-28-2005)

§ 152.203 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the RTO District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

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

(B) *Lot width.* The minimum lot width shall be 200 feet measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.

(C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:

(1) *Front yard.* Structures shall be setback at least 50 feet from the front lot line, except where parking spaces are located in the front yard the minimum setback shall be 75 feet.

(2) *Side yard.* Structures shall be setback at least 25 feet from side lot lines, except where the side lot line abuts a residential district or use the setback shall be 50 feet.

(3) *Rear yard.* Structures shall be setback at least 40 feet from the rear lot line, except where the rear lot line abuts a residential district or use the setback shall be 70 feet.

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

(E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No other structure shall be erected or altered to a height greater than 35 feet. (See § 152.267 for definitions of building height and structure height)

(F) *Outdoor storage areas.* All storage outside of a building shall be located within a designated area that is fully enclosed on all sides by a six-foot wall or fence and landscaping sufficient to completely obscure the storage area from surrounding roads and properties.

(G) *Environmental performance.* No use shall result in the emission of glare, noise, vibration, dust, pollution or any other negative impact, as regulated by §§ 152.370*et seq.*

(H) *Enclosure and screening.* Enclosure and screening shall comply with §§ 152.325*et seq.* Furthermore, where a planned development on a site with a gross acreage of five acres or more is proposed:

(1) The development site shall be surrounded along all exterior property boundaries by a continuous landscaped buffer area of at least 100 feet in width. This landscaped buffer area shall be sufficiently planted with trees and shrubs so as to completely obscure the planned development from surrounding roads and properties. Furthermore, the landscaped buffer area shall be perpetually maintained as approved by the village; and

(2) Curb cuts shall be reduced to the degree possible by the use of combined drives and common parking areas.

(I) *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) Penalty, see § 152.999

OFFICE DISTRICT

§ 152.210 PURPOSE.

(A) The purpose of the Office District (O) is to provide a transitional land use between residential and more intensive commercial uses.

(B) The district is designed to protect the existing character of this area, and create a suitable and safe environment for compatible and sustainable commercial uses.

(C) Uses in this district are intended to have less of an impact on surrounding uses than auto-related commercial uses.

(Ord. 98, passed 3-28-2011)

§ 152.211 PERMITTED USES.

(A) Upper floor dwelling units, provided adjacent nonresidential uses, have a separate entrance and sanitary facilities;

(B) Dwelling, single-family;

(C) Business offices, professional offices, medical or dental offices and non-profit organization offices;

(D) Business support services;

(E) Photography, art, and craft studios and galleries;

(F) Personal services;

(G) Personal improvement schools;

(H) Farmers markets;

(I) Public buildings;

(J) Public Park;

(K) Elementary, middle, and high schools; and

(L) Accessory uses, customarily incidental and subordinate to a permitted use.

(Ord. 98, passed 3-28-2011)

§ 152.212 SPECIAL LAND USES.

The following special land uses are permitted in the Office District, subject to compliance with §§ 152.240*et seq.*

- (A) Adult foster care family home (one to six adults), subject to standards;
- (B) Bed and breakfast inns;
- (C) Convenience stores without gasoline sales;
- (D) Daycare: family child care home (one to six children), subject to standards;
- (E) Financial institution with up to three drive-through windows;
- (F) Financial institution without drive-through facilities;
- (G) Funeral home or mortuary;
- (H) Home occupation;
- (I) Laundromats and dry cleaners (does not include dry cleaning plants);
- (J) Restaurants, standard;
- (K) Theaters;
- (L) Vehicle service stations;
- (M) Veterinary clinics.

(Ord. 98, passed 3-28-2011)

§ 152.213 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the Office District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260*et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

- (A) *Lot area.* The minimum lot area shall be 8,712 square feet (one-fifth acre).
- (B) *Lot width.* The minimum lot width shall be 66 feet, measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.
- (C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:
 - (1) *Front yard.* Structures shall be setback at least 20 feet from the road;
 - (2) *Side yard.* Structures shall be setback at least six feet from a side lot line. Except for corner lots, the interior side yard shall be at least six feet in width, and the street side yard shall be at least 20 feet in width; and
 - (3) *Rear yard.* Structures shall be setback at least 20 feet from the rear lot line.

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

(E) *Structure height.* No building shall be erected or altered to a height greater than two and a half stories or 35 feet; whichever is less. No other structure shall be erected or altered to a height greater than 35 feet. (See § 152.267 for definitions of ***BUILDING HEIGHT*** and ***STRUCTURE HEIGHT***).

(F) *Off-street parking and loading.* To allow for design flexibility in the office, the Planning Commission may waive or modify the requirements of §§ 152.280*et seq.* upon finding that all of the criteria in § 152.281(B) are met.

(G) *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.

(H) *Access.* New curb cuts are prohibited and closure of existing curb cuts is recommended. Exceptions will be considered if vehicle access is required and not otherwise possible.

(I) *Architectural standards.* Architectural standards for approval include the following items: rooflines and cornices, fenestration and brackets, shape and style of windows, shape, and style of lights within windows, colors, and finish materials. Exterior building materials shall employ a variety of textures and colors and window and door details. Desirable materials include brick, stone (natural and cast), wood siding, and glass. Exterior materials that should not be used in large applications, but can be used as detail material or as a small application include EIFS (exterior insulation and finishing system), vinyl siding, asphalt or metal siding, composite fiberglass and reflective glass. Review of architectural concepts, colors, and materials will be part of the site plan review.

(J) All new buildings shall have at least one pedestrian entrance on the front. Rear or side entrances should be provided where parking is on the side or rear of the building.

(K) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

(L) All business, servicing, or processing, except for loading, shall be conducted within a completely enclosed building.

(M) Exterior walls facing public rights-of-way, customer-parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should be screened on a

side of the building that faces residentially zoned or used property, or mounted and screened on the roof.

(Ord. 98, passed 3-28-2011; Ord. 139, passed 9-11-2017)

PUBLIC LANDS DISTRICT

§ 152.220 PURPOSE.

It is the purpose of the Public Lands (PL) District to provide sufficient land for public buildings and uses and to encourage the development of attractive public spaces that are conducive to community interaction, recreation and services.

(Ord. 37, passed 8-28-2005)

§ 152.221 PERMITTED USES.

- (A) Public parks.
- (B) Public buildings and public utility facilities.
- (C) Elementary, middle and high schools.
- (D) Cemeteries.
- (E) Accessory uses customarily incidental and subordinate to permitted uses.
- (F) Farmers markets and produce stands.

(Ord. 37, passed 8-28-2005; Ord. 118, passed 6-10-2013)

§ 152.222 SPECIAL LAND USES.

The following special land uses are permitted in the PL District, subject to compliance with §§ 152.240*et seq.*:

- (A) Religious institutions;
- (B) Public swimming pools and golf courses;
- (C) Commercial outdoor recreation;
- (D) Public or private riding stables; and
- (E) Telecommunication towers.

(Ord. 37, passed 8-28-2005)

§ 152.223 SITE DEVELOPMENT STANDARDS.

The following standards shall apply to all uses and structures in the PL District unless otherwise modified by the provisions of §§ 152.240*et seq.*, §§ 152.260 *et seq.*, §§ 152.415*et seq.* or §§ 152.440*et seq.*

- (A) *Lot area.* The minimum lot area shall be 11,000 square feet.
- (B) *Lot width.* The minimum lot width shall be 66 feet measured along the front lot line. For cul-de-sac and flag lots, the lot width may be measured along the front setback line.
- (C) *Yards and setbacks.* The minimum yards and setbacks shall be as follows:
- (1) *Front yard.* Structures shall be setback at least 30 feet from the road right-of-way.
- (2) *Side yards.* Side yards shall conform to the side yard requirements of the abutting zoning district.
- (3) *Rear yards.* Rear yards shall conform to the rear yard requirements of the abutting zoning district.
- (D) *Lot coverage.* Lot coverage shall not exceed 35%.
- (E) *Structure height.* No building shall be erected or altered to a height greater than two and one-half stories or 35 feet; whichever is less. No other structure shall be erected or altered to a height greater than 35 feet. (See § 152.267 for definitions of building height and structure height)
- (F) *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) Penalty, see § 152.999

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 marihuana 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 marihuana 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) 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 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*

(a) *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).

(7) *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.

(8) *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.

(Ord. 25, passed 6-12-1978)

(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 §§ 152.300*et 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 152.300*et 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 subsection, shall be permitted as a special land use, in the SBD and/or RTO Districts as specified in Sections 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 subsection 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 Sections 152.045, 152.182, and 152.202 shall be prohibited within the Village of Pinckney.

(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 pre-qualification 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.

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) Penalty, see § 152.999

GENERAL PROVISIONS

§ 152.260 PURPOSE.

The purpose of this subchapter is to provide for those regulations that generally apply to all uses regardless of zoning district.

(Ord. 37, passed 8-28-2005)

§ 152.261 ROADS AND ACCESS.

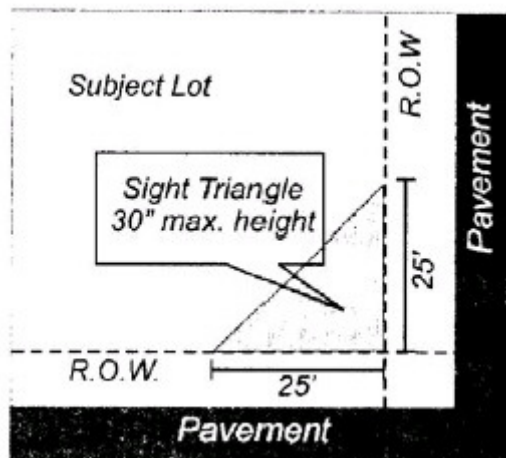
(A) *Access to a public road.* Any lot or parcel created after the effective date of this chapter shall have vehicular access to a public road, either directly or via a village approved private road.

(B) *Compliance required.* Lot frontage, vehicular access and curb cuts shall comply with applicable state and county road agency standards and the Village Technical Standards which supersede this chapter.

(C) *Curb cuts.* In the absence of other state, county or village regulation, the Village Technical Standards shall apply.

(D) *Street trees for Landscaping Adjacent to Roads.* All uses requiring site plan review in accordance with §§ 152.385*et seq.* shall comply with the following: all lots shall be landscaped along the right-of-way of any road frontage.

(E) *Visibility at road intersections.* No fence, wall, sign, structure, hedge or other visual obstruction more than 30 inches in height from the finished road grade shall be permitted within the triangular area formed at the intersection of any road right-of-way lines by drawing a straight line between the road right-of-way lines at a distance along each line of 25 feet from their point of intersection. Street trees within a sight triangle shall have all branches trimmed to provide clear vision for a vertical height of nine feet above the road grade.



(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

§ 152.262 SUPPLEMENTARY USE REGULATIONS.

(A) *Lot depth to width ratio.* Lot depth shall not exceed four times the lot width.

(B) *Accessory structures.* No accessory structure shall be erected or altered unless it is subservient to an existing principal building on the same lot.

(C) *Residential floor area.*

(1) *Single-family dwellings.* Each dwelling unit shall have at least 950 square feet of habitable floor area on the ground floor, exclusive of any attached garage.

Dwelling units of more than one story may have a minimum of 720 square feet of habitable floor area on the ground floor, exclusive of any attached garage.

(2) *Two-family and multiple-family dwellings.* Each dwelling unit shall have the following minimum floor area:

<i>Building</i>	<i>Square Feet</i>
Efficiency	500
1 bedroom units	600
2 bedroom units	800
3 bedroom units	1,000
Each additional bedroom	110

(D) *Temporary structures.* Temporary structures for uses associated with construction shall be removed within 30 days of completion or abandonment of work.

(E) *Relocating structures.* No structure larger than 120 square feet shall be moved on a lot or from one lot to another unless the structure is made to conform to all the provisions of this chapter. It shall be the responsibility of the person(s) requesting a land use permit and county building permit for the relocation to show that the structure will fully conform to all applicable codes and ordinances. To assure compliance with these provisions, no land use permit shall be issued until the applicant has posted a cash bond in an amount of no less than \$500, the proceeds of which shall accrue to the village if the total work is not accomplished within six months of the issuance of the permit.

(F) *Essential public services.* Essential public services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt the essential services from the application of this chapter.

(G) *Water supply and sanitary sewerage facilities.* After the effective date of this chapter, no structure shall be erected, altered or moved upon a lot and used in whole or in part for a residential, commercial or industrial purpose unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human waste and domestic, commercial and industrial waste. All the installations and facilities shall conform to the minimum requirements of the Livingston County Health Department and village ordinances and technical standards.

(H) *Swimming pools.*

(1) No swimming pool shall be constructed without a land use permit. Application for a land use permit shall include a plot plan showing the location of the swimming pool and any proposed decks, bathhouses and/or cabanas. The site plan shall also show the location, height and type of all existing and proposed fences or walls and access gates.

(2) Private swimming pools shall be permitted only in the rear yard. Setbacks from side lot lines and rear lot lines shall comply with the zoning district in which the pool will be located. No swimming pool shall be located within an easement.

(3) For the protection of the general public, swimming pool enclosure, gating and access control and overhead clearance shall comply with State of Michigan Construction Code and the International Swimming Pool and Spa Code requirements, as implemented by the Livingston County building official.

(I) *Garage, yard, rummage and estate sales.* Garage, yard, rummage and estate sales shall be considered temporary accessory uses provided the following conditions are met:

(1) The sales activity shall not exceed four consecutive days;

(2) No more than two sales events shall be held at the same location within a 12-month period;

(3) The sales activity shall not create a traffic hazard or nuisance to neighboring properties;

(4) No sales activity shall be conducted within a sidewalk or road right-of-way; and

(5) Advertising signs shall comply with the requirements of § 152.302(E)(5).

(J) *Keeping of animals.*

(1) No more than four dogs or cats six months of age or older shall be kept or housed in or at one dwelling unit, unless permitted as a commercial kennel.

(2) Livestock and poultry raising and similar uses shall not take place within the village limits unless permitted by § 90.01.

(K) *Adult foster care family homes.* State-licensed adult foster care family homes shall not be excluded by zoning from the benefits of normal residential surroundings, shall be considered a residential use of property for the purposes of zoning, shall be a permitted use in all residential districts, including those zoned for single-family dwellings and shall not be subject to special land use permit standards, or other

standards or procedures different from those required for other dwellings in the same district.

(1) At least 45 days before licensing an adult foster care family home within the Village of Pinckney, the state-licensing agency shall notify the Village Council.

(2) Upon notice by the state, the village shall notify property owners within a 1,500-foot radius of the lot upon which the facility is proposed. The cost of the required public notice shall be born by the licensee.

(3) The state shall not license a proposed adult foster care family home if another state licensed adult foster care family home exists within a 1,500-foot radius of the lot upon which the facility is proposed.

(L) *Outdoor storage and community blight.*

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

ABANDONED VEHICLE. Any vehicle which has remained on private property for a period of 48 continuous hours or more, without the consent of the owner or occupant of the property or a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.

BLIGHTED STRUCTURE. Any dwelling unit, accessory structure, building or any other structure or part of a structure which, because of fire, wind or other natural or technological disaster, or physical deterioration, is no longer habitable or useful for the purpose for which it may have been intended.

BUILDING MATERIALS. Lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in constructing any structure.

CONSTRUCTION EQUIPMENT. Forklifts, backhoes, graders, trenchers, loaders, excavating, compacting, paving and pipe laying equipment, dozers, hoists, temporary trailers, temporary toilets or any other equipment used in constructing infrastructure or structures.

JUNK. Parts of machines or vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, remnants of wood, metal or any other cast-off material of any kind whether or not the same could be put to any reasonable use.

JUNK VEHICLE. Any motor vehicle or recreational vehicle that is not fully licensed for use by the State of Michigan for more than 30 consecutive days and/or is inoperable for more than 30 consecutive days whether licensed or not except operative

vehicles that are kept as the stock in trade of a regularly licensed and established vehicle dealership.

PERSON. All natural persons, firms, co-partnerships, corporations and all associations of natural persons, incorporated or unincorporated, whether acting by their self or by a servant, agent or employee. All persons who violate any of the provisions of this chapter, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

TRASH and RUBBISH. Any and all forms of debris not otherwise classified herein.

(2) *Storage.* It is hereby determined that the storage or accumulation of trash, junk, junk vehicles, abandoned vehicles, building materials, construction equipment and the maintenance of blighted structures upon any private property within the Village of Pinckney tends to result in blighted and deteriorated neighborhoods, the spread of vermin and disease, the increase in nuisance complaints and therefore is contrary to the public health, safety and general welfare of the community.

(3) *Unlawful storage.* It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk vehicles or abandoned vehicles on any private property in the village except within a completely enclosed building or upon the premises of a legally operating, licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second-hand goods or junk, or operator of an vehicle repair service and/or automobile wrecker business.

(4) *Unlawful maintenance.* It shall be unlawful for any person to keep or maintain any vacant or blighted structure, unless the same is kept securely locked, the windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by unauthorized persons or unless the structure is in the course of construction in accordance with a valid building permit issued by the county for the Village of Pinckney and unless the construction is completed within one year.

(5) *Accumulation of building materials and construction equipment.* It shall be unlawful for any person to store or permit the storage or accumulation of building materials or construction equipment on any private property, except in a completely enclosed building or except where the building materials and/or construction equipment are part of the stock in trade or business located on the property, or except when the materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by Livingston County for the Village of Pinckney.

(6) *Unlawful storage of commercial purposes.* It shall be unlawful for any person to store any item, material or substance used for commercial purposes on a lot in the R1, R2, R3, R4 or ROB District, except in a completely enclosed building and

when the materials are being lawfully used in conjunction with an approved home occupation or otherwise permitted use.

(7) *Unlawful storage of vehicles.* It shall be unlawful for any person to store more than a combined total of three licensed or unlicensed, operable recreational vehicles outdoors on a lot in a residential district, 24 hours per day for more than 30 consecutive days.

(8) *Inspection.* If upon inspection, the Building Inspector, Zoning Administrator, any village police officer, Fire Inspector, health officer, elected official or County Health Department shall find that any property within the village is being used in violation of the above sections of this chapter, the owner and/or occupant shall be notified of the violation which may be given by certified letter to the owner as he or she appears on the tax rolls of the village or by service upon the occupant personally by any official of the Village of Pinckney or the Livingston County Health Department.

(9) *Appeals.* The owner and/or occupant may appeal to the Village Council for a public hearing, which shall be held at the next regular Council meeting providing he or she files a request in writing with the Village Clerk within ten days of the receipt of the notice above specified. Following the hearing, the decision of the Village Council as to the violation shall be final.

(10) *Costs eliminated.* If the owner and/or occupant of the premises shall not cause the material in violation of this chapter, as described above, to be eliminated or removed within ten days after notice or within ten days after the decision of the Village Council is rendered in case of an appeal, the Village President shall direct some person or persons to remove and/or eliminate the same at the cost and expense of the owner and/or occupant of the premises. After causing the materials to be eliminated or removed, the Village President may obtain a judgment against the owner and/or occupant in the amount of the total expense incurred by the village which shall be a lien upon the property and the same may be collected in any manner authorized by statute and, if not paid, may be placed on the Tax Roll and collected the same as other taxes.

(M) *Screening dumpsters.*

(1) *Design.* Outside dumpsters serving a multiple-family residential or commercial use shall be:

(a) Located on concrete pads of sufficient size and construction to prevent containers from leaking directly onto the ground and to fully support the containers without cracking;

(b) Completely surrounded with a fence or wall and gate at least six feet in height, so as not to be visible from adjacent lots or roads; and

(c) The design and materials of the surrounding fence or wall and gate shall be compatible with the architectural style of the buildings on the site, as determined by the Planning Commission. Acceptable materials may include treated wood, brick and vinyl.

(2) *Landscaping.* The Planning Commission, at its discretion, may require planting around dumpsters if deemed necessary due to the proximity of public and/or conflicting uses.

(3) *Location.* Dumpsters shall be consolidated to minimize the number of collection sites. Dumpsters and enclosures shall be located:

(a) Away from public view insofar as possible, and on that side which is opposite or the maximum distance possible from adjacent residential uses; and

(b) So that they do not cause excessive nuisance or offense to the occupants of nearby buildings.

(4) *Maintenance.* Dumpsters, enclosures and the immediately surrounding area shall be continuously maintained to be fully functioning, aesthetically pleasing and free of litter and debris.

(N) *Conditional re-zoning of land.* It is recognized that there are certain instances where it would be in the best interest of the village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be offered by property owners as part of a request for a re-zoning. It is the intent of this section to provide a process consistent with the provisions of § 405 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) as amended by which an owner seeking a re-zoning may voluntarily propose conditions regarding the use and/or development of land as part of the re-zoning request. Therefore, as an alternative to a re-zoning amendment as described in § 152.460, the Village of Pinckney may allow conditional re-zoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the re-zoning process in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended. If a property owner submits an offer for conditional re-zoning as provided within this section, then the procedure for the proposed conditional re-zoning of land shall follow the standards and procedures as noted below.

(1) *Procedure.* The amendment procedure for a conditional re-zoning shall follow the same procedure as a traditional re-zoning amendment pursuant to § 152.460, except as modified by this section.

(2) *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a re-zoning is requested. This offer may be made either at the time the application for re-zoning is filed or may be made at a later time during the re-zoning process. In addition to the procedures as noted in § 152.460, the following procedures, standards and requirements apply to all proposed conditional re-zoning requests:

(a) A conditional re-zoning request must be voluntarily offered by the owner of land within the village. All offers must be made in writing and must provide the specific conditions to be considered by the village as part of the re-zoning request. The offer may be made either at the time the application for re-zoning is filed or may be made at a later time during the re-zoning process. All offers shall be in the form of a written agreement approved by the village and property owner, incorporating the conditional re-zoning site plan when required below and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional re-zoning is sought.

(b) Conditional re-zoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.

(c) Conditional re-zoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage and the like. Conditional re-zonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of §§ 152.440*et seq.*

(d) The owner's offer of conditions shall bear a reasonable and rational relationship to the property and the surrounding area for which re-zoning is requested.

(e) Conditional re-zoning shall not grant, nor be considered as a grant of special land use approval. The process for review and approval of special land uses must follow the provisions of §§ 152.240*et seq.*

(f) All conditions offered by a land owner in relation to a re-zoning request must have a direct relationship to the re-zoning itself. The provisions to allow conditional re-zoning shall not be construed to allow re-zoning by exaction.

(g) In addition to the informational requirements provided for in § 152.460, the applicant may be required by the village to provide a conditional re-zoning site plan prepared by a licensed professional allowed to prepare the plans under this chapter that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to the property that is the subject of the conditional re-zoning of land. The details to be offered for inclusion in the conditional re-zoning site plan shall be determined by the applicant, subject to approval of the village. A conditional re-zoning site plan shall not replace

the requirement under this chapter for site plan review and approval, or subdivision or site condominium approval, as the case may be.

(h) The offer of conditions may be amended during the process of re-zoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. If the amendment occurs subsequent to the Planning Commission's public hearing on the original re-zoning request, then the re-zoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(i) An owner may withdraw all or part of his or her offer of conditions any time prior to final re-zoning action of the Village Council provided that, if the withdrawal occurs subsequent to the Planning Commission's public hearing on the original re-zoning request, then the re-zoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(3) *Planning Commission review.* The Planning Commission, after public hearing and consideration of the factors for re-zoning set forth in § 152.461, may recommend approval, approval with recommended changes or denial of the re-zoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

(4) *Village Council review.* After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested re-zoning and may approve or deny the conditional re-zoning request. The Village Council deliberation shall include, but not be limited to, a consideration of the factors for re-zoning set forth in § 152.461. Should the Village Council consider amendments to the proposed conditional re-zoning advisable and is such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with § 401 of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, refer the amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter in accordance with the statute to deny or approve the conditional re-zoning with or without amendments.

(5) *Approval.*

(a) If the Village Council finds the re-zoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of this chapter adopted by the Village Council to accomplish the requested re-zoning.

(b) The Statement of Conditions shall:

1. Be in a form recordable with the Livingston County Register of Deeds and in a manner acceptable to the Village Council;
2. Contain a legal description of the land to which it pertains;
3. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land;
4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any documents are incorporated by reference, the reference shall specify the date of the document and where the document may be examined;
5. Contain a statement acknowledging that the Statement of Conditions shall be recorded by the village with the Livingston County Register of Deeds; and
6. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

(c) Upon the re-zoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was re-zoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands re-zoned with a Statement of Conditions.

(d) The approved Statement of Conditions shall be filed by the village with the Livingston County Register of Deeds. The Village Council shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the village or to any subsequent owner of the land.

(e) Upon the re-zoning taking effect, the use of the land so re-zoned shall conform thereafter to all of the requirements regulating the use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

(6) *Compliance with conditions.*

(a) Any person who establishes a development or commences a use upon land that has been re-zoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable

accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(b) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable Statement of Conditions.

(7) *Time period for establishing development or use.* Unless another time period is specified in the ordinance re-zoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the re-zoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Village Council if:

(a) It is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and

(b) The Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

(8) *Reversion of zoning.* If approved development and/or use of the re-zoned land does not occur within the time frame specified under division (7) above, then the land shall revert to its former zoning classification as set forth in §405 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) as amended. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of re-zoning of the land to its former zoning classification. The procedure for considering and making this reversionary re-zoning shall thereafter be the same as applies to all other rezoning requests.

(9) *Subsequent re-zoning of land.* When land that is re-zoned with a Statement of Conditions is thereafter re-zoned to a different zoning classification, or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to division (8) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Village Clerk shall record with the Livingston County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

(10) *Amendment of conditions.*

(a) During the time period for commencement of an approved development or use specified pursuant to division (7) above or during any extension thereof granted

by the Village Council, the village shall not add to or alter the conditions in the Statement of Conditions.

(b) The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original re-zoning and Statement of Conditions.

(11) *Village right to re-zone.* Nothing in the Statement of Conditions nor in the provisions of this section shall be deemed to prohibit the village from re-zoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any re-zoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

(12) *Failure to offer conditions.* The village shall not require an owner to offer conditions as a requirement for re-zoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

(Ord. 37, passed 8-28-2005; Ord. 82, passed 5-12-2008) Penalty, see § 152.999

§ 152.263 SUPPLEMENTARY YARD REGULATIONS.

(A) *Building setback.* In cases where less than the full, required road right-of-way width has been deeded or dedicated, the building setback on any lot abutting thereon shall be measured from the required right-of-way line.

(B) *Permitted yard encroachment.*

(1) Enclosed porches shall be considered an integral part of the building to which they are attached and shall be subject to the same yard, setback and dimensional requirements.

(2) Unenclosed porches may project into any yard, provided:

(a) The height shall not exceed one story, measured from grade to the highest point; and

(b) The porch shall not be closer than five feet to any lot line.

(3) Decks, patios and terraces shall be exempt from yard requirements, provided:

(a) The area is unroofed and without walls or other forms of solid continuous enclosure that connect to the principal building;

(b) No portion shall be within the front yard;

(c) No portion shall be closer than five feet to any side lot line or rear lot line; and

(d) The highest finished elevation is not more than three feet above the average grade.

(4) Signs may encroach into yards but no sign or portion thereof, shall be closer than five feet to any lot line or road right-of-way.

(5) Structural elements such as cornices, sills, chimneys and gutters may project into any required yard up to a maximum of two and one-half feet.

(6) Fire escapes, outside stairways and balconies, if of open construction, may project into any required yard up to a maximum of five feet.

(C) *Walls and fences.*

(1) *Height.* Unless otherwise provided for in this chapter, walls and fences shall comply with the following:

(a) Wall and fence height shall be measured from the average grade to the highest point not including posts;

(b) The maximum height of a wall or fence within a front yard shall be three and one-half feet;

(c) The maximum height of a wall or fence within a side yard or rear yard shall be six feet; and

(d) Walls and fences on corner lots shall comply with the vision clearance requirements of § 152.261(E).

(2) *Setbacks.* Fences and walls shall be permitted on any lot line except:

(a) As required for landscaped buffer areas per § 152.329(D); and

(b) Fences and walls along a lot line that abuts a road right-of-way shall be setback at least five feet from the road right-of-way and landscaped on the road side.

(3) *Landscaped buffer area fences.* Landscaped buffer area fences shall be in compliance with § 152.329.

(Ord. 37, passed 8-28-2005; Ord. 124, passed 5-12-2014) Penalty, see § 152.999

§ 152.264 SUPPLEMENTARY HEIGHT REGULATIONS.

(A) No building or other structure shall be erected or altered to a height greater than the maximum allowed in the district in which it is located, except as permitted in divisions (B)(1) and (2) below.

(B) No ground shall be filled that will have the effect of exceeding the maximum allowed height. (See § 152.267 for definitions of building height and structure height).

(1) Ornamental and mechanical appurtenances may be added to rooftops, such as: steeples, belfries, cupolas, domes, chimneys, elevator and stairwell penthouses and ventilation systems provided:

- (a) The appurtenance shall not exceed 25% of the total roof area; and
- (b) The structure shall be setback from lot lines an additional one foot for each foot above the permitted height.

(2) Principal buildings in a commercial district, provided:

- (a) The total building height shall not exceed 125% of the permitted height; and
- (b) The building shall be setback from lot lines an additional one foot for each foot above the permitted height.

(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

§ 152.265 SIDEWALKS.

(A) Any residential subdivision, site condominium, multiple-family residential development, residential open space development, shopping center or commercial or industrial planned development shall provide and maintain sidewalks in compliance with the Village of Pinckney Technical Standards, §§ 152.100*et seq.* and §§ 92.55*et seq.*

(B) The following standards shall also apply:

(1) *Sidewalks.* Sidewalks shall be required by the Planning Commission on one or both sides of the road in consideration of factors such as the density of development, age characteristics of the expected residents, and expected traffic volumes along the street, proximity to other sidewalk systems and proximity to schools, public parks and public institutions. They must be built in accordance with the Village Technical Standards.

(a) The Planning Commission may eliminate the sidewalk requirement for special situations and where another type of pedestrian trail system will be provided by the developer.

(b) Public walkways may be required in the middle of any block over 1,350 feet in length to obtain satisfactory pedestrian circulation within the subdivision, to provide access to parks or common open space, to provide links with an adjacent subdivision or to provide access to an activity center. Where the walkways are required, an easement at least ten-foot wide shall be provided.

(c) Required sidewalks may be installed along the road frontage of a residential lot following construction of the dwelling unit. Where an approved subdivision plat or

site plan contains sidewalks, a certificate of occupancy shall not be issued until the required sidewalk is installed along the road frontage of that individual lot.

(2) *Construction standards.* The following construction standards apply to pedestrian facilities within a residential project:

(a) The Planning Commission may permit six-foot wide stone or wood chip paths or wooded boardwalks in common open space areas or areas with sensitive environmental features instead of paved sidewalks. The unpaved path shall provide direct access to all lots where the Planning Commission waives the requirement for paved sidewalks;

(b) Sidewalks and bike paths shall be located within the road right-of-way, or another dedicated easement where grade or other factors prevent placement within the road right-of-way; and

(c) Crosswalk pavement markings and signs may be required.

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

§ 152.266 CONDOMINIUM DEVELOPMENTS.

All site condominiums shall fully comply with the State of Michigan Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended. Concurrent with notice to the village required pursuant to § 71 of the Condominium Act (M.C.L.A. § 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information:

(A) *Application information.*

(1) The name, address and telephone number of the following:

(a) 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);

(b) All engineers, attorneys, architects or registered land surveyors associated with the project; and

(c) The developer or proprietor of the condominium project.

(2) The legal description and tax identification number(s) of the subject lot(s).

(3) The total gross site area (acreage to be dedicated as public right-of-way shall be noted).

(4) A detailed description of all proposed land uses.

(5) The approximate number of condominium units to be developed.

(6) Building elevation and floor plans where applicable.

(7) A description of the proposed water system.

(8) A description of proposed wastewater treatment system.

(9) The location of floodplains, when appropriate.

(10) A site plan showing the location, area and dimensions of all building envelopes, building sites (limited commons area and general commons areas) and other requirements listed in § 66 of the Condominium Act (M.C.L.A. § 559.166) and §§ 152.385*et seq.*

(11) A storm water management plan, including all conduits, swales, county drains, detention basins and other related facilities.

(12) Unrecorded, draft copies of the master deed bylaws and other restrictive covenants.

(B) *Compliance required.* All the requirements of Administrative Rules 401 (R559.401) and 402 (R559.402) promulgated by the Condominium Act shall be met.

(C) *Roads.*

(1) All building sites shall have direct access to a public or private road right-of-way. All roads shall be constructed to standards approved by the Village Council.

(2) *Street Layout.* Street layout shall provide for the continuation of existing major road collector streets in surrounding areas, or conform to a plan for neighborhood development approved by the Planning Commission.

(3) *Future connections.* Certain proposed streets, as designated by the Planning Commission shall be extended to the boundary line of the parcel to provide future connection with adjoining land.

(4) *Private Streets.* Private streets and roads shall generally be prohibited. If private streets or roads are approved, sufficient area shall be left undeveloped along the private street or road to allow for possible future right-of-way dedication per Livingston County Road Commission Standards.

(D) *Street Trees.* Trees shall be provided in the margins of both sides of all streets, public or private, and shall be placed at the minimum rate of one per single family residential lot or at a maximum distance apart of 50 feet. Trees to be installed in the street margins shall be of the large deciduous type or as approved by the Planning Commission. All street trees shall be uniformly spaced to create a tree lined street. Notes should be included on all plans indicating that trees shall not be planted within six (6) feet of water or sewer lines and shall not interfere with any other overhead or

underground utility lines. Consideration should be given to the mature size and height of the tree when evaluating placement and species selection.

(E) *Street Lighting*. Streetlights shall be provided in all residential developments. They shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.

(F) *Amendments or changes in project*. Amendments or changes in a condominium project, as described in § 67 of the Condominium Act (M.C.L.A. § 559.167), shall conform to all design standards for the zoning district where the project is located, shall be approved by the village and this requirement shall be made part of the bylaws and recorded as part of the master deed.

(G) *Delineation of condominium units*. All individual condominium units shall conform to the design standards for minimum lot width, lot area, yard and setback requirements. The units shall be approved by the Village Council, and those requirements shall be made part of the bylaws and recorded as part of the master deed.

(H) *Monumentation required*. All condominium projects that consist in whole or in part of condominium units that are building sites, manufactured home sites or common open space or recreational sites, shall be marked with monuments as provided herein. With respect to the minimum requirements for the survey of a proposed condominium project, monuments shall be located in the ground according to the following requirements:

(1) Monuments consisting of iron, steel bars or pipes not less than one-half inch in diameter and 36 inches in length shall be placed at all major boundary corners of project area;

(2) Monuments shall be located in the ground at all angles in the boundaries of the condominium project boundary; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line;

(3) If a location of a monument is clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof shall be clearly indicated on the survey plan of the condominium subdivision plan and referenced to the true point;

(4) If a point required to be monumented is on a bedrock outcropping or other hard surface, a steel rod, not less than one-half inch in diameter shall be

drilled and grouted into solid material to a minimum depth of eight inches and clearly labeled on the survey plan;

(5) All required monuments shall be placed flush with the ground, where practicable, in accordance with the final grade;

(6) All building areas shall be monumented in the field by iron or steel bars or pipes at least 18 inches long and one-half inch in diameter or other markers approved by the Village Council; and

(7) The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check or irrevocable bank letter of credit running to the Village of Pinckney, whichever the proprietor selects, in an amount not less than \$25 per monument and not less than \$500 in total. The cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(Ord. 37, passed 8-28-2005)

§ 152.267 DEFINITIONS.

(A) *Construction of language.* For the purposes of this chapter, certain words and terms used herein shall be defined and interpreted as follows:

(1) Words used in the present tense include the future;

(2) The singular number includes the plural and the plural, the singular;

(3) The word ***BUILDING*** includes the word ***STRUCTURE***;

(4) The word ***LOT*** includes the word ***PLOT*** or ***PARCEL***;

(5) The word ***PERSON*** shall include any individual, firm, co-partnership, corporation, company, association, club, joint venture, estate, trust or any other group or combination acting as a unit, and the individuals consisting of the group or unit and the plural as well as the singular number, the singular masculine pronoun shall include the feminine, neuter and plural unless the intention to give a more limited meaning is disclosed by the context;

(6) The word ***USED*** or ***OCCUPIED*** as applied to any land or building shall be construed to include the words ***INTENDED***, ***ARRANGED*** or ***DESIGNED TO BE USED*** or ***OCCUPIED***;

(7) The words ***SHALL, IS*** or ***ARE*** are always mandatory, not directory; and

(8) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ACCESSORY STRUCTURE. An attached or detached structure on the same lot as the principal building and used exclusively for an accessory use.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use, and located on the same lot as the principal building. Residential accessory uses include common open space and residential recreation centers.

ADULT CABARET. An establishment where sexually explicit materials or entertainment is presented, displayed, permitted or provided to patrons, excluding minors by reason of age pursuant to state or local law.

ADULT FOSTER CARE FACILITY. An establishment that provides foster care to adults, including adults who are aged, mentally ill, developmentally disabled or physically disabled who require supervision and care on an on-going basis, but who do not require continuous nursing care. An ***ADULT FOSTER CARE FACILITY*** is further defined and regulated by the state Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, being M.C.L.A. §§ 400.701 through 400.737, as amended. An ***ADULT FOSTER CARE FACILITY*** does not include a facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions or substance abuse rehabilitation facilities, a home for the aged or a nursing home as defined herein. See also definition of ***FOSTER CARE***.

ADULT FOSTER CARE CONGREGATE FACILITY. An adult foster care facility with the approved capacity to receive and provide foster care for more than 20 adults.

ADULT FOSTER CARE FAMILY HOME. A private residence with the approved capacity to receive and provide foster care for six or fewer adults. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

ADULT FOSTER CARE LARGE GROUP HOME. An adult foster care facility with the approved capacity to receive and provide foster care for at least 13 but not more than 20 adults.

ADULT FOSTER CARE SMALL GROUP HOME. An adult foster care facility with the approved capacity to receive and provide foster care for 12 or fewer adults.

ALLEY. A public or private right-of-way that is permanently reserved as a secondary means of access to an abutting property and is not intended for primary traffic circulation.

AMENITIES. A feature of real property that enhances its attractiveness and increases the occupant's or user's satisfaction, although the feature is not essential to the property's use. **AMENITIES** include a desirable location near water or scenic views, swimming pools, tennis courts, community buildings, common open space and other recreational facilities.

ARTIFICIAL POND. A still body of water that is smaller than a lake and larger than a pool and is not naturally occurring. This definition does not include storm water detention or retention ponds, small ornamental garden pools or swimming pools, as defined herein.

ASSISTED LIVING. See **ADULT FOSTER CARE, NURSING HOME** or **HOME FOR THE ELDERLY**. A comparison of these three uses is provided below:

Table 2-1		
<i>Types Of Assisted Living Facilities</i>		
<i>Land Use</i>	<i>Age Limitation</i>	<i>Nursing Care Provided</i>
Adult foster care	None	No
Home for the elderly	60+ years	No
Nursing home	None	Yes

ATTIC. The space between the underside of the roof and the uppermost ceiling of a building. For the purposes of this chapter, an attic shall be unheated and unfinished. An attic shall not be counted as a story for height measurement or be counted in floor area measurement.

AUDITORIUM. A large, fully enclosed space within a nonresidential building that is used for the gathering of an audience.

BASEMENT. An underground story having at least one-half of its height below the average level of the adjoining grade. A basement shall not be counted as a story for height measurement, or be counted in floor area measurement.

BED AND BREAKFAST INN. A subordinate use within a single-family dwelling, in which:

- (a) The innkeeper owns and resides in the dwelling;
- (b) No more than eight guest rooms are rented to travelers for overnight lodging; and
- (c) One meal or more is provided to overnight guests only in return for payment. The use is distinguished from a rooming house, hotel or motel as defined herein.

BERM. An earthen ridge, usually artificial, designed to provide visual interest, obstruct views, reduce noise and screen roads and incompatible land uses. Berms shall be fully protected from erosion with sod, seed or another form of vegetative ground cover.

BLOCK. An area of land bounded by roads or by a combination of roads and public parks, cemeteries, railroad rights-of-way, waterways or another barrier to the continuity of development.

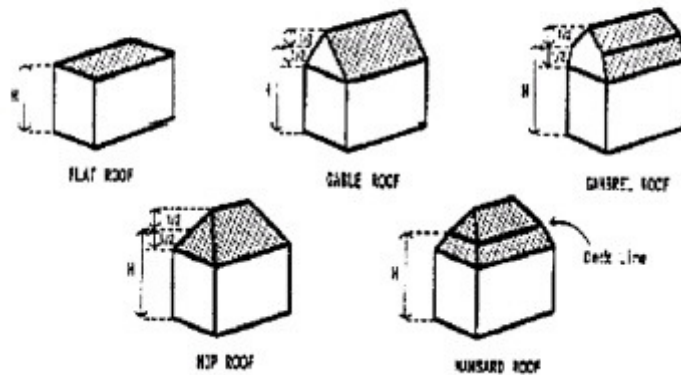
BREAST HEIGHT. The vertical height on the main stem of a tree at four and one-half feet above grade.

BUILDING. A structure, either temporary or permanent with a roof supported by columns or walls and used or built for the shelter or accommodation of persons, animals or property of any kind. This shall include tents or awnings that are situated on a lot and so used.

BUILDING FRONTAGE. That portion of a building that is parallel to, or nearly parallel to, a public or approved private road.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the grade at the front of the building to the highest point of a flat or slanted roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of a gabled, hip or gambrel roof.

**Figure 2-1
BUILDING HEIGHT**



BUILDING LINE. A line formed by the face of a building and extending to the lot lines. For purposes of this chapter, a minimum building line is the same as the front setback line.

BUSINESS OFFICE. See *OFFICE*.

BUSINESS SUPPORT SERVICE. A commercial establishment engaged in providing one or more services to other businesses. Typical uses include: business consulting, employment services, stenographic, secretarial and other clerical services, mailing, copying and printing, security, telephone message services and the sale, rental or repair of computers and other office equipment. Does not include parcel delivery service as defined herein.

CAR WASH. A structure, premises or portion thereof, used for washing and cleaning of vehicles.

AUTOMATIC CAR WASH. A car wash using automated equipment, such as a conveyor belt, operated by one or more attendants.

SELF SERVICE CAR WASH. A car wash using customer-operated equipment activated by a coin, token, card or similar means.

CERTIFICATE OF OCCUPANCY. A *CERTIFICATE OF OCCUPANCY* is a permit that allows a building to be occupied after its construction or improvement. It certifies that the construction conforms to the building code and is satisfactory for occupancy.

CHILD DAY CARE. A child care center, family day care home or group day care home, as defined and regulated by the State of Michigan Child Care Organizations

Act, Public Act 116 of 1973, being M.C.L.A. §§ 722.111 through 722.128, as amended.

CHILD CARE CENTER. A facility other than a private residence, licensed by the State of Michigan to care for one or more children, for periods of less than 24 hours a day.

FAMILY DAY CARE HOME. A private residence, licensed by the State of Michigan to care for one but fewer than seven children, for periods of less than 24 hours a day.

GROUP DAY CARE HOME. A private residence licensed by the State of Michigan to care for more than six but not more than 12 children, less than 24 hours a day.

COMMERCIAL. A use that is a privately owned business, having to do with commerce or trade and concerned with making a profit.

COMMERCIAL DISTRICT. See ***DISTRICT.***

COMMERCIAL GARAGE. Any garage other than a private garage or community garage available to the public, and which is used for the storage, repair, rental, greasing, washing, sales, service adjusting or equipping of automobiles or other motor vehicles.

COMMERCIAL INDOOR RECREATION. A fully enclosed building primarily used for commercial recreation including, but not limited to, bowling alleys, archery ranges, golf domes and ranges, tennis facilities, billiard halls and ice or roller skating rinks. For zoning purposes, ***INDOOR COMMERCIAL RECREATION*** does not include:

- (a) Indoor firearms target practice ranges; or
- (b) Pool tables, video games or other coin or token operated amusement devices that are strictly accessory uses to restaurants, taverns or nightclubs.

COMMERCIAL KENNEL. Any structure, lot or premise where three or more dogs or cats, six months of age or older, are kept for commercial purposes, including boarding, breeding or sale or the rendering of services for profit.

COMMERCIAL OUTDOOR DISPLAY. The use of an outdoor area for the display, sale or rental of merchandise, including building and landscaping materials, vehicles, recreational equipment, manufactured homes and farm equipment.

COMMERCIAL OUTDOOR RECREATION. Commercial recreation facilities within an open, partially enclosed or screened area. Typical uses include driving ranges, private and miniature golf courses, swimming pools, tennis courts, racquetball

courts, ball parks, batting cages, sports arenas, racing tracks and amusement and water parks.

COMMON OPEN SPACE. The entire area within the boundaries of a subdivision, residential open space development or planned development permanently set aside and designed for collective use by the property owners, residents and guests of the development.

(a) Common open space shall be recognizable and usable and may include residential recreation centers, open squares and greens, neighborhood gardens and parks, pedestrian and bicycle trails, play fields, playgrounds and wildlife habitat areas.

(b) Common open space shall not include space devoted to required sidewalks, landscaped buffer areas, yards, setbacks, roads, driveways, rights-of-way, off-street parking, parking lot islands, roadside swales, retention or detention ponds, regulated wetlands or floodplains and/or utility easements.

(c) The boundaries of common open space shall be treated as lot lines in determining lot area, yards and setbacks.

(d) Common open space shall be developed, used and maintained in perpetuity in accordance with restrictive deeds, easements, covenants, conditions or restrictions that shall be recorded with the subject lot(s).

CONDOMINIUM. Any development undertaken under the provisions of the Michigan Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended and/or the Administrative Rules promulgated therein. The following other definitions shall also apply:

BUILDING ENVELOPE. The principal building intended for a building site, together with any accessory structures.

BUILDING SITE. The condominium unit, including the building envelope and contiguous limited common elements under and surrounding the building envelope, and it shall be equivalent to lot as used in this chapter.

CONDOMINIUM PROJECT. A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended and the Administrative Rules promulgated therein.

CONDOMINIUM SUBDIVISION PLAN. A document that shall be an exhibit to the master deed of the condominium project. Contents shall conform with Act 59, the Condominium Act, its promulgated rules and the provisions in this chapter.

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use.

GENERAL COMMON ELEMENTS. The common elements other than the limited common elements.

LIMITED COMMON ELEMENTS. A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project.

SINGLE-FAMILY DETACHED CONDOMINIUM UNIT. In a condominium subdivision, an individual building site or envelope, which is defined by a volume of air space and horizontal and vertical boundaries.

SITE CONDOMINIUM PROJECT. A condominium project with a condominium subdivision plan, planned and regulated as a subdivision. The subdivision shall be equivalent to a subdivision as used in this chapter and in the Village of Pinckney Subdivision Ordinance. The subdivision may consist entirely of single-family detached condominium units.

CONFERENCE CENTER. A year-round facility with staff and equipment dedicated to providing an environment that will support and facilitate meetings. Dedicated meeting rooms are separate from living, kitchen, dining and leisure areas.

CONSTRUCTION. Any work or operations necessary or incidental to the erection, alteration, demolition, installation, assembling or equipping of structures and/or essential public services. The term **CONSTRUCTION** shall include land clearing, grading, excavating and filling and shall also mean the finished product of any such work or operations.

CONTRACTOR'S ESTABLISHMENT. A structure or premises used for construction activities, including offices and storage of equipment and materials.

CONVENIENCE STORE. A retail store selling a relatively limited selection of small items such as prepackaged food products, beverages, general household items, tobacco products and newspapers and magazines. A convenience store does not include gasoline sales (see instead **VEHICLE SERVICE STATION**).

CORNER LOT. See **LOT**.

COURT. An outdoor open space, other than a yard, enclosed wholly or partly by buildings or circumscribed by a single building.

CUL-DE-SAC. A road with only one outlet and sufficient space at the closed end to provide a vehicle turning area.

DECK. A wooden floor usually adjoining a building, which does not have walls or roof. A wooden alternative to a concrete or masonry patio.

DENSITY. The number of dwelling units per acre of land.

DEPARTMENT STORE. A retail store with at least 5,000 square feet of floor area, wherein a wide variety of merchandise and services are displayed in separate departments.

DETENTION POND. Temporarily stores water before discharging into a surface-water body. Primarily used to reduce flood peaks.

DEVELOPMENT. The arranging and construction of land for human use, including the subdivision of land, the provision of facilities for transportation, utilities, communication and other essential public services and the placement and erection of structures.

DISCONTINUANCE. The failure to pursue customary operations.

DISTRICT. A zoning district within the Village of Pinckney as established and set forth in this chapter:

- (a) Commercial districts are: CBD, SBD and RTO;
- (b) Nonresidential districts are: PL, CBD, SBD and RTO; and
- (c) Residential districts are: R1, R2, R3, R4 and ROB.

DRIVE-THROUGH FACILITY. Any use that involves the delivery of a product or service directly to customers inside a vehicle, typically through a window or other appurtenance to a building.

DUMP. An area, either public or private, utilized for the deposit of collected materials of very low or non-existent value. Generally regarded as the terminal deposit for unwanted matter, but not including organic garbage.

DWELLING, MULTIPLE-FAMILY. A building designed exclusively for permanent occupancy by three or more families living independently of each other in three or more separate dwelling units.

DWELLING, SINGLE-FAMILY. A detached building designed exclusively for permanent occupancy by one family and containing one dwelling unit.

DWELLING, TWO-FAMILY. A building designed exclusively for permanent occupancy by two families living independently of each other in two separate dwelling units.

DWELLING UNIT. A building, or portion thereof, designed exclusively for permanent occupancy by one family, including cooking and sanitary facilities.

ELEMENTARY, MIDDLE OR HIGH SCHOOL. See **SCHOOL**.

ESSENTIAL PUBLIC SERVICES. The erection, construction, alteration or maintenance by a public utility of the various underground, surface or overhead transmission, collection, distribution or disposal systems that are necessary for the preservation of the public health, safety or general welfare, such as gas, electricity, communications, steam, fire protection, water and sewage systems. Essential public services shall include all poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and other similar equipment or accessories reasonably necessary for the furnishing of adequate service by a public utility, but it shall not be deemed to include public utility facilities or public buildings.

EXPANSION. An increase in size, volume, density, intensity, quantity or scope including, but not limited to, an increase in:

- (a) The floor area of an existing structure;
- (b) The lot area occupied by a specific use; or
- (c) The intensity of use.

EXCAVATION. Any breaking of ground except for agriculture or common and routine landscaping.

FAMILY. A group of two or more people related by birth, marriage or adoption and residing together in the same dwelling unit.

FAMILY DAY CARE HOME. See **CHILD DAY CARE**.

FARMERS MARKET. An establishment or premises where local farmers sell agricultural products from covered or open-air areas designated for individual retailers.

FENCE. A vertical and linear structure used to mark a boundary or to define and enclose a specific area for the purpose of protection, privacy or confinement.

FILL. The deposit of material onto the ground, to raise the surface of the land to a desired level, except for agriculture or common and routine landscaping.

FINANCIAL INSTITUTION. A place of business primarily engaged in the provision of financial services, such as exchanging and lending money and guaranteeing loans. Typical uses include banks and trust companies, lending and financing institutions, holding companies, stock and bond brokers, security and commodity exchanges, savings and loan associations, credit agencies and credit unions.

FLAG LOT. See **LOT**.

FLOOR AREA. The sum of the horizontal area of all the floors of a structure, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two structures or dwelling units. **FLOOR AREA** does not include:

- (a) Attics, elevator shafts or vent shafts;
- (b) Floor space used for mechanical equipment;
- (c) Open and/or unenclosed porches;
- (d) Off-street parking or loading spaces (i.e. garages or enclosed delivery bays);
- (e) Basements or floors below the ground floor, except when used or intended to be used by customers, patrons or clients, or for retail sales or commercial offices; and
- (f) For the purpose of computing off-street parking for those uses not enclosed within a building, the area used for the sale or display of merchandise and/or the area used to serve customers or patrons shall be included in the total floor area.

FOSTER CARE. The provision of supervision, personal care and protection in addition to room and board, for 24 hours a day, five or more days a week and for two or more consecutive weeks for compensation.

FRONT LOT LINE. See **LOT LINE**.

FRONT SETBACK LINE. See **SETBACK**.

FUNERAL HOME. A building, or portion thereof, used for human funeral services. The building may contain space and facilities for:

- (a) Embalming and the performance of other services used in preparation of the dead for burial;
- (b) The performance of autopsies and other surgical procedures;
- (c) The storage of caskets, funeral urns and other related funeral supplies; and
- (d) The storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE. An accessory structure for the storage of motor vehicles.

GROSS SITE AREA. The total horizontal area of land within the perimeter boundaries of a site.

GROUND FLOOR. That floor of a building with an elevation nearest to grade and direct access to grade, but not including any portion of a basement. In the case of a building built into a hillside or with a split level, all occupiable floors less than one story above or below grade with direct access to grade, but not including any portion of a basement.

GROUND FLOOR AREA. The floor area of the ground floor of a building.

GRADE. The height of the ground on which something (i.e. a structure) stands.

GROUP DAY CARE HOME. See **CHILD DAY CARE.**

HAZARDOUS MATERIAL. A substance or combination of substances that, because of quantity, concentration or physical, chemical or infectious characteristics, may either:

(a) Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

HAZARDOUS WASTE. Hazardous materials that no longer have practical use, such as substances that have been discarded, spilled or contaminated or that are being stored temporarily prior to proper disposal.

HEALTH CLUB. A structure or open space used as an athletic or health club, gymnasium or weight control establishment, and providing facilities the activities as swimming pools, saunas, tennis, racquetball or basketball courts, running tracks or exercise and fitness rooms or areas.

HIGHER EDUCATION INSTITUTION. See **SCHOOL.**

HOME FOR THE ELDERLY. A residential facility, licensed by the State of Michigan, that provides room, board, supervision, assistance and personal care to unrelated, non-transient individuals 60 years of age or older. **HOMES FOR THE AGED** are further defined and regulated by the State of Michigan Public Health Code, Public Act 368 of 1978, being M.C.L.A. §§ 333.1101 *et seq.*, as amended and do not include **NURSING HOMES** or **ADULT FOSTER CARE FACILITIES**, as defined herein.

HOME OCCUPATION. A commercial occupation, business or service customarily engaged in by residents in their dwelling unit, in compliance with §§ 152.240 *et seq.*

HOSPITAL. A building or group of buildings having rooms for lodging patients overnight, and used for providing in-patient medical or surgical treatment of sick or injured persons. A hospital may include related facilities, such as central service facilities, laboratories, pharmacies, outpatient departments and staff offices, provided the facilities are incidental and subordinate to the main use and are an integral part of the hospital operation.

HOTEL. A building designed for occupancy as a temporary abiding place of transient individuals who are lodged with or without meals, in which there are more than 15 sleeping rooms usually occupied singly and in which no provision is made for cooking in any individual room or suite.

IMPROVEMENT. Those features and actions associated with a development project that are considered necessary by the body or official granting zoning approval to protect natural resources or the public health, safety and welfare, including but not limited to: roads, lighting, utilities, sidewalks, screening, drainage and/or structures. Improvement does not include the entire development project that is the subject of zoning approval.

INDOOR SELF-STORAGE FACILITY. A building or group of buildings in an area surrounded by a fence or wall with controlled access that contains individual, self-contained rental units for the storage of personal and household goods. Also commonly known as a mini-warehouse or mini-storage facility. Does not include retail, wholesale or industrial warehouses or activities.

INDUSTRY. Extraction, production, processing, testing, cleaning, repair, storage or distribution of commodities.

INTENSITY OF USE. The amount of activity associated with a specific use. Intensity of use shall be determined by the Zoning Administrator, based on but not limited to the following criteria:

- (a) The amount of vehicular and/or pedestrian traffic generated;
- (b) Noise, odor, light and/or air pollution generated;
- (c) Potential for litter or debris;
- (d) Type and storage of materials connected with the use;
- (e) Total residential dwelling units and density;
- (f) Total lot coverage; and
- (g) Height of structures, including building height.

INTERIOR LOT. See ***LOT.***

JUNK/SALVAGE YARD. A place where waste, discarded or salvaged materials including but not limited to scrap iron, bottles, rags, paper, rubber tires and metals are stored, bought, sold, exchanged, baled, packed, disassembled or handled. Auto wrecking yards, storage or salvaging of dismantled, partially dismantled or inoperable motor vehicles, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment are included in this definition. The following are not included in this definition:

- (a) The sale of used vehicles in operable condition; and
- (b) The sale of salvaged materials incidental to manufacturing operations.

LANDSCAPE NURSERY. A structure and/or premises primarily used for the storage and retail sale of live trees, shrubs or plants and products used for gardening and landscaping. For the purpose of this chapter, plant nursery does not include uses limited to the temporary sale of vegetables, fruits or Christmas trees.

LANDSCAPED BUFFER AREA. A defined area within a lot or site, which is covered with trees, shrubs, fences, walls or berms or a combination thereof, designed to provide visual screening and/or noise reduction along public rights-of-way and in between incompatible land uses.

LAUNDROMAT. A commercial business that provides washing, drying and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

LEGAL NONCONFORMING USE. A structure or land use lawfully existing at the time of enactment of this chapter, or amendment thereto, which does not conform to the regulations of the zoning district in which it is situated.

LIGHT MANUFACTURING. Manufacturing uses that include fabricating, processing, testing, assembling, packaging and manufacture of products from previously prepared materials, but not including uses involving primary production of food, wood, metal, petroleum or chemical products from raw materials. The operations shall not deal in large volumes of product handling, storage and distribution; nor shall the operations include on-site milling, forging or heavy grinding of parts or similar manufacturing operations.

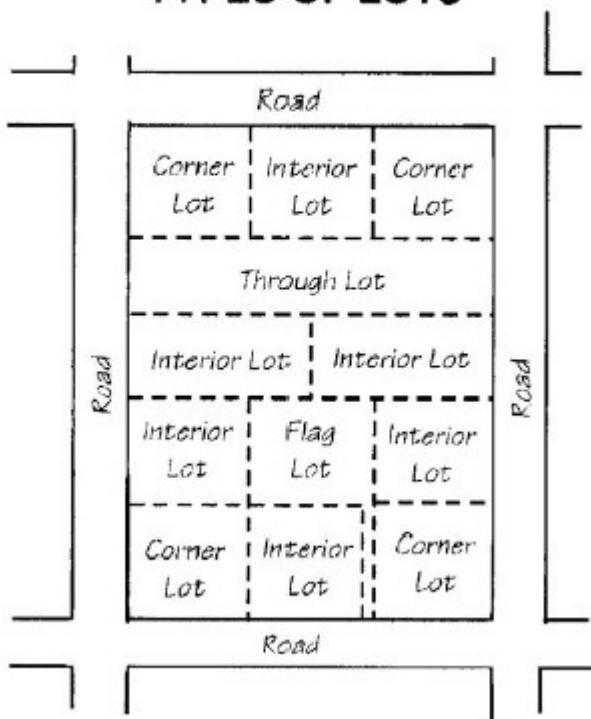
LIGHT SOURCE. Any device or fixture producing artificial light including those parts and surfaces of reflectors, refractors, globes, baffles, shades and hoods upon which the light falls.

LOADING AREA. A facility used and/or designed for receiving cargo from or discharging cargo into a vehicle (including trucks over 8,000 pounds).

LOT. An area of land described by metes and bounds on a recorded deed or shown on a recorded plat. Lots shall:

- (a) Be of at least sufficient size, excluding any portion of a road or right-of-way to meet minimum standards for use, coverage, lot area and yards as required herein; and
- (b) Have frontage on, or a permanent means of vehicle access to, a public or village approved private road.

**Figure 2-2
TYPES OF LOTS**



CORNER LOT. A lot with two intersecting lot lines abutting a road along their entire length. A lot abutting a curved road shall be considered a corner lot if the tangents of the curve, at the two points where the lot lines intersect the street line, form an interior angle of not more than 135 degrees.

FLAG LOT. A lot possessing less than the required road frontage, served by a village approved private access easement.

INTERIOR LOT. A lot with frontage on one road only.

THROUGH LOT. A lot with frontage on two roads that do not intersect, as distinguished from a corner lot.

LOT AREA. The total horizontal area within the lot lines of a lot, excluding area within a public right-of-way.

LOT COVERAGE. That part or percent of the gross site area occupied by buildings, including accessory structures.

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

LOT LINES. The boundary lines of a lot, further defined as follows:

(a) *Front lot line.*

1. In the case of an interior lot, that line separating the lot from the road right-of-way.

2. In the case of a corner lot or through lot, that line separating the lot from the right-of-way of the road that is providing primary vehicle access, as designated on the plat, site plan and/or land use permit application.

3. In the case of a flag lot, that lot line closest and relatively parallel to the road or private access easement providing vehicle access.

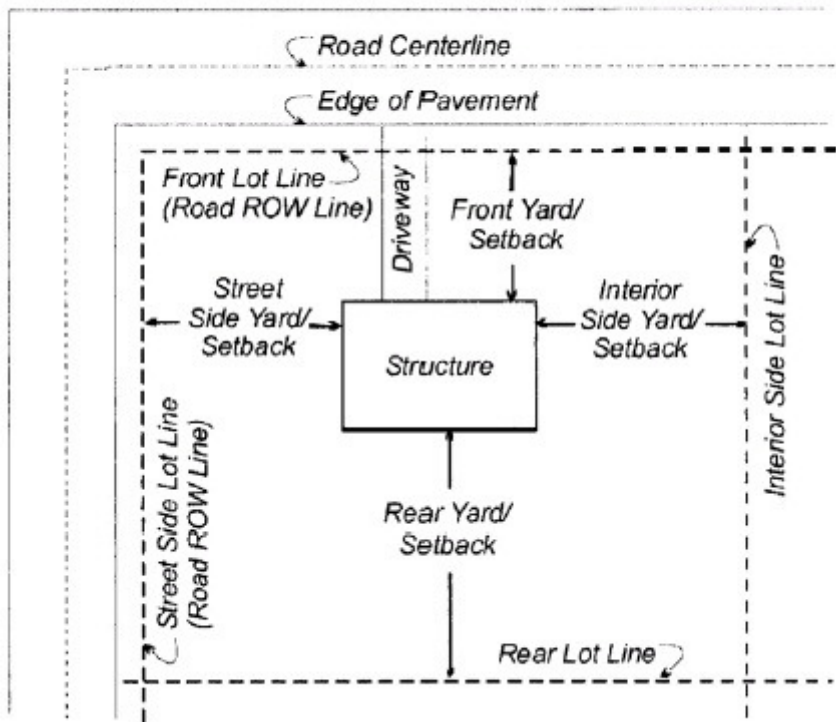
(b) *Rear lot line.* That lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

(c) *Side lot line.* Any lot line other than the front lot line or rear lot line. On a corner lot, the side lot line separating a lot from a road is a street side lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD. A lot that is described in metes and bounds on a deed or shown on a subdivision plat recorded with the County Register of Deeds at the time of adoption of this chapter.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the two points where the side lot lines intersect the street line upon which the lot principally fronts. For cul-de-sac lots and flag lots, the lot width may be measured at the two points where the side lot lines intersect the front setback line.

Figure 2-3
LOT LINES, YARDS & SETBACKS



MANUFACTURED HOME. A structure transportable in one or more sections which is built on a chassis and designed to be used as a single-family dwelling with or without a permanent foundation, when connected to the required utilities and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Does not include **RECREATIONAL VEHICLES**.

MANUFACTURED HOME PARK. A lot, parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any buildings, structures, enclosures, street equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a recreational vehicle park.

MARIHUANA ESTABLISHMENT. A marihuana grower facility, marihuana microbusiness, marihuana processor facility, marihuana retailer, marihuana safety compliance facility, marihuana secure transporter facility, or any other type of marihuana-related business licensed by the Marihuana Regulatory Agency.

MARIHUANA GROWER. A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments (Class A , maximum of 100 plants; Class B, maximum of 500 plants; Class C, maximum of 2000 plants).

MARIHUANA-INFUSED PRODUCT. A topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

MARIHUANA MICROBUSINESS. A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

MARIHUANA PROCESSOR. A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA RETAILER. A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY. A person licensed to test marihuana, including certification for potency and the presence of contaminants.

MARIHUANA SECURE TRANSPORTER. A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MEDICAL OR DENTAL CLINIC. A building or portion thereof designed for and used by two or more physicians, surgeons, dentists, psychiatrists, physiotherapists, optometrists or similar practitioners, or a combination of persons in these professions, but not including facilities for major surgery or for lodging of patients overnight. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients.

MEDICAL OR DENTAL OFFICE. See **OFFICE**.

MIXED USE. The intermingling of land uses or activities within a single site, such as residential and commercial uses.

MOTEL. A commercial business comprised of a series of attached, semi-detached or detached rental units for the overnight accommodation of transient guests, each unit containing a bedroom, bathroom and closet space and with each unit having its own entrance from the parking area.

NET SITE AREA. The total land area within a site after the following have been deducted from the gross site area:

- (a) Road rights-of-way;
- (b) Other access, utility and facility easements;
- (c) Other easements preventing development of the ground area within their boundaries except those setting aside common open space in a residential open space development; and
- (d) Areas that are unbuildable due to environmental constraints such as steep slopes and MDEQ regulated wetlands.

NIGHTCLUB. An establishment properly licensed to serve alcohol and where live entertainment is provided including, but not limited to dance, comedy, theater or music performances. Does not include an adult cabaret, as defined herein.

NONCONFORMING LOT. A lot that does not conform to the dimensional requirements of the zoning district in which it is located, but which was a legally established lot of record prior to the effective date of this chapter or its amendment.

NONCONFORMING STRUCTURE. A structure that does not meet the yard, setback, lot coverage, height or other dimensional requirements of the zoning district in which it is located, but which was legally established prior to the effective date of this chapter or its amendment.

NONCONFORMING USE. Any use of a lot or structure that is not allowed within the zoning district in which it is located, but which was legally established prior to the effective date of this chapter or its amendment.

NONPROFIT ORGANIZATION OFFICE. See **OFFICE**.

NURSING HOME. A home, whether operated for profit or not, for the care of the aged, infirm or physically disabled, wherein two or more persons are provided shelter, food and medical treatment as prescribed by a physician. **NURSING HOMES** are further defined and regulated by the Public Health Code (Public Act 368 of 1978, being M.C.L.A. §§ 333.1101 *et seq.*, as amended). A **NURSING HOME** does not include a **HOME FOR THE AGED** or **ADULT FOSTER CARE FACILITY**, as defined herein.

OFF-STREET PARKING. A defined area that is not in a road right-of-way, designed and used for the temporary parking of licensed (registered) and operable vehicles.

OFFICE. A room, suite of rooms or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or

stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

BUSINESS OFFICE. Offices of corporate, administrative, auditing, accounting and clerical occupations, real estate, insurance and travel agents and similar occupations.

MEDICAL OR DENTAL OFFICE. An office designed for and used by one physician, surgeon, dentist, psychiatrist, physiotherapist, optometrist or similar practitioner that does not include facilities for major surgery or for lodging patients overnight. Does not include medical or dental clinics or hospitals as defined herein.

PROFESSIONAL OFFICE. Offices of attorneys-at-law, land surveyors, architects, engineers, certified public accountants, publishers and similar professionals.

NON-PROFIT ORGANIZATION OFFICE. Offices of tax exempt non-profit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations and political, religious and philanthropic organizations. Does not include a public building or religious institution as defined herein.

OFFICE DISTRICT. See ***DISTRICT.***

OPAQUE. Impervious to sight. This shall be measured by observation of any two square yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.

ORDINARY HIGH WATER MARK. The line on the shore of a surface water body established by the regularly occurring fluctuations of water, and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding area.

OUTBUILDING. A structure, not a residence, larger than 200 square feet, taller than ten feet, but less than 21 feet in height.

PARCEL. A continuous area of land that has not been divided or subdivided according to the provisions of the Land Division Act, Public Act 288 of 1967, as amended, M.C.L.A. §§ 560.101 *et seq.*

PARCEL DELIVERY SERVICE. A private commercial establishment that provides the delivery of letters and packages, including retail sale of stamps and packaging materials, distribution, storage and transfer of packages and fleet storage and maintenance.

PARKING. The temporary storage of registered, licensed and operative motor vehicles.

PARKING SPACE. An off-street space exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a road or alley.

PATIO. A concrete, brick or masonry floor usually adjoining a building, which is not elevated above the ground surface and does not have walls or a roof.

PERMITTED USE. A principal use and/or accessory use for which the zoning district in which it is located has been established. Does not include a special land use as defined, herein.

PERSONAL SERVICE. An establishment primarily engaged in providing frequent or recurring services of a personal nature. Typical uses include barber and beauty shops, custom tailoring shops, minor repair shops (i.e., shoes, watches and small appliances) and similar personal services. Does not include laundromats, dry cleaners or personal improvement schools.

PERSONAL IMPROVEMENT SCHOOL. A commercial establishment primarily engaged in conducting personal improvement classes of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, dance studios, hobby instruction and martial arts training. Does not include personal services, elementary, middle or high schools, vocational schools or institutes of higher education.

PLANNING COMMISSION. The Village of Pinckney Planning Commission.

PLANNED DEVELOPMENT. A unified development of land under single ownership or control, that includes one or more principal buildings where the requirements of a given zoning district may be modified by approval of an overall development plan. A planned development may be developed in a single operation or phased series of stages and may include common open space, structures, roads, circulation ways, utilities and other site features and improvements.

PLAY FIELD. An area of open space used for active recreation such as baseball, football and soccer fields, tennis and basketball courts and ice rinks.

PLAYGROUND. An area of open space used for children's recreation and designed to accommodate recreational equipment such as play structures, swings, slides and monkey bars.

PLOT PLAN. A site plan containing the information required in § 152.389(D)(1) through (D)(15), submitted for review and approval by the Zoning Administrator as part of a land use permit, in accordance with § 152.386.

PORCH. A structure attached to the exterior of a building often forming a covered entrance with steps and a separate roof.

ENCLOSED PORCH. A porch that is enclosed on all four sides, usually with screens and/or windows.

UNENCLOSED PORCH. A porch that is open on one or more sides.

PRINCIPAL BUILDING. The building occupied by or designed for the principal use.

PRINCIPAL USE. The predominant use to which the premises are devoted.

PRIVATE CLUB. Buildings and facilities owned or operated by a corporation, association or person for a common social, educational or recreational purpose, but not primarily to render a service that is normally carried on as a commercial business. A private club is usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

PRODUCE STAND. A booth, stall or other partially enclosed structure where seasonal produce is sold to the general public.

PROFESSIONAL OFFICE. See **OFFICE**.

PROPERTY. Real estate.

PUBLIC BUILDING. Publicly owned and operated buildings, such as government offices, post offices, police stations, fire stations, libraries, museums, indoor public recreation facilities. Does not include public utility facilities or elementary, middle and high schools.

PUBLIC PARK. Any lot or tract of land owned and operated by a public agency and used for outdoor active or passive recreation, including open space, plazas, playgrounds and play fields. Does not include public swimming pools, golf courses or indoor recreation facilities. (The latter is included in the definition of **PUBLIC BUILDING**, above.)

PUBLIC UTILITY. A private company regulated by the state public service commission, Municipal Department or Commission, with an exclusive franchise for

providing an essential public service, for example, electrical, gas, steam, communication, transportation, sewer or water service.

PUBLIC UTILITY FACILITY. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations and gas regulator stations, water supply and sewage disposal plants, water and gas tanks, railroad transfer and storage tracks and railroad rights-of-way. This use does not include freight terminals or commercial radio, television and other transmitting or relay stations.

RECREATIONAL EQUIPMENT. One or more of the following stored on a site for the purpose of commercial outdoor display: tents, campers, boats, personal watercraft, floats, surfboards and rafts, off-road vehicles, trailers and recreational vehicles.

RECREATIONAL VEHICLE. A motor driven vehicle used for recreational travel purposes, including:

- (a) Boats, jet-skis, snowmobiles and other motorized off-road vehicles; and
- (b) Temporary dwellings such as motor homes, buses, fifth wheels, trailers and truck caps. For the purpose of this definition, ***TEMPORARY DWELLING*** shall mean designed to sleep and cook in on a temporary, short-term basis.

RELIGIOUS INSTITUTION. A building, or group of buildings, controlled by a tax-exempt religious organization wherein people regularly assemble for religious worship, meetings, instruction and related activities. A religious institution does not include a chapel within a funeral home as defined herein.

RESIDENCE. A dwelling unit that is used for human habitation other than on a transient basis.

RESIDENTIAL DISTRICT. See ***DISTRICT.***

RESIDENTIAL OPEN SPACE DEVELOPMENT. One or more lots developed as a single entity with residential uses clustered on no more than 70% of the net site area with the remaining net site area permanently dedicated as common open space.

RESIDENTIAL RECREATION CENTER. A privately owned recreational facility for use by the owners, residents and guests of a particular residential development, religious institution, private school or private club, including both indoor and outdoor facilities such as club houses, gyms, swimming pools, tennis courts, play fields and playgrounds.

RESTAURANT. Any use that includes the sale of food and/or beverages to customers in a ready-to-consume state. The method of operation may be characteristic of a carry-out restaurant, drive-in restaurant, fast food restaurant, standard restaurant or tavern or combination thereof, as defined below:

RESTAURANT, CARRY-OUT. A restaurant without a drive-through window, whose principal business is the sale of prepared food in disposable packaging for consumption off the premises.

RESTAURANT, DRIVE-IN. A restaurant whose principal business is the sale of prepared food for consumption in a vehicle on the premises and outside of an enclosed building.

RESTAURANT, FAST FOOD. A restaurant whose principal business is the sale of prepared food in disposable packaging for consumption off the premises, or on the premises within an enclosed building. Orders are taken at a drive-through window or walk-up counter and payment is made prior to consumption.

RESTAURANT, STANDARD. A restaurant whose principal business is the delivery of prepared food to customers seated at tables or in a cafeteria line, and its subsequent consumption by customers at tables within a completely enclosed building or designated outdoor seating area. Food and beverages are usually served in or on non-disposable tableware. Carry-out orders are provided only on an incidental basis. Drive-through service is not provided and food is not served to customers within in a vehicle. This definition includes **BANQUET FACILITIES**.

RETAIL FOOD STORE. A store or market that sells primarily groceries, baked goods, produce, dairy products, meats and similar food products in small quantities directly to the consumer for consumption off the premises. Does not include **RESTAURANTS**.

RETAIL STORE. A store that sells small quantities of merchandise directly to the consumer, including stores selling clothing, jewelry, antiques, furniture, hardware, electronics, gifts, books, records, flowers, household goods, office and art supplies and similar items.

RETENTION POND. A stormwater management practice that captures stormwater runoff and does not discharge directly to a surface water body. The water is “discharged” by infiltration or evaporation.

RIGHT-OF-WAY. A permanent easement established for the passage of persons or vehicles, or for the location of utilities, delineated by legally established lines or boundaries.

ROAD. A public or private right-of-way that accommodates vehicular traffic and provides vehicular access to abutting properties, including thoroughfares, avenues, highways, boulevards, courts, lanes and drives, but not including alleys or driveways to buildings.

ARTERIAL ROAD. A road designed primarily to accommodate high volume, through traffic between cities, villages and other major traffic generators. On-street

parking is seldom allowed and driveway connections are severely restricted. Examples include Main Street (M-36), Pearl Street (D-19) and Dexter-Pinckney Road.

COLLECTOR ROAD. A road designed primarily to provide direct access between local roads and arterial roads. Examples include Hamburg, Unadilla, Putnam and Howell Streets and Mower and Patterson Lake Roads.

LOCAL ROAD. A road designed primarily to provide direct access to adjacent property. Local roads rarely serve through traffic. On-street parking is often allowed and there are relatively few restrictions on driveway connections.

ROAD FRONTAGE. The legal line of demarcation between a lot or parcel and a road right-of-way or easement.

ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROOM. For the purpose of determining minimum lot area and maximum density in a multiple-family district, a living room, dining room, bedroom, den, library, studio, sunroom or other room equal to at least 80 square feet in area. A room shall not include the area in a kitchen, bathroom, utility room, corridor, hallway, closet, attic or basement.

ROOMING HOUSE. A building containing at least three and no more than ten rooms without cooking facilities, which are rented as sleeping and living quarters, and where meals may or may not be furnished to renters. Rooms with private cooking facilities shall be considered separate dwelling units. Does not include a **BED AND BREAKFAST INN**, **HOTEL** or **MOTEL** as defined herein.

SCHOOL. A public or private institution funded, chartered or recognized by the State of Michigan and providing instruction to students pursuant to state law concerning compulsory education.

ELEMENTARY, MIDDLE OR HIGH SCHOOL. Any building or group of buildings or premises approved by the State of Michigan for public or private elementary or secondary instruction.

HIGHER EDUCATION INSTITUTION. A public or private college, university or other institution of higher education accredited by the State of Michigan and offering undergraduate or graduate degrees.

SETBACK. The minimum required horizontal distance between a structure and the adjoining lot lines and street line(s).

FRONT SETBACK LINE. The minimum required horizontal distance between any structure and the front lot line.

SHED. A structure smaller than 200 square foot and less than ten feet in height.

SHOPPING CENTER. A group of three or more retail stores on a site developed in accordance with an overall planned development, designed, built and managed as a single, integrated project with common off-street parking areas provided on the site.

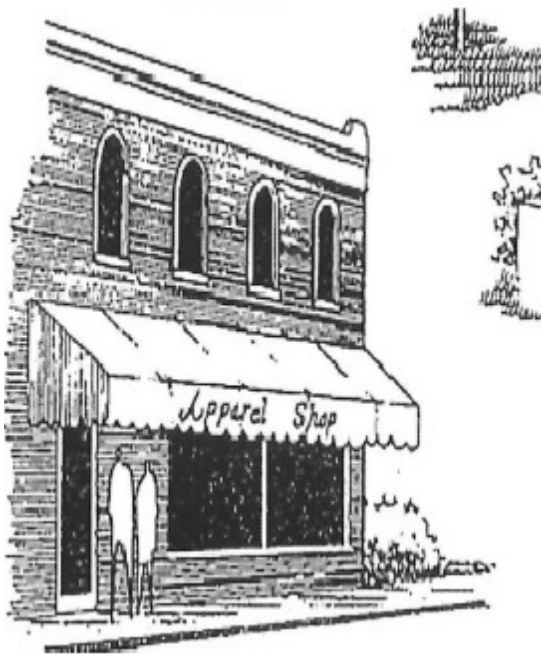
SIDE. That edge of a lot not designated as front or rear.

SIGN. Any object, device, display or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location or otherwise convey information in written or pictorial form. ***SIGNS*** are further defined as follows:

BANNER SIGN. Any sign for advertising purposes, composed of fabric, plastic, or other non-rigid material without enclosing framework.

BILLBOARD. A sign regulated as a billboard by the Highway Advertising Act of 1972, as amended.

CANOPY SIGN. A sign displayed and affixed flat on the surface of a canopy and does not extend vertically or horizontally beyond the limits of the canopy.



CHANGEABLE MESSAGE SIGN. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the structural integrity of the sign. A sign on which the only copy that changes is an electronic or

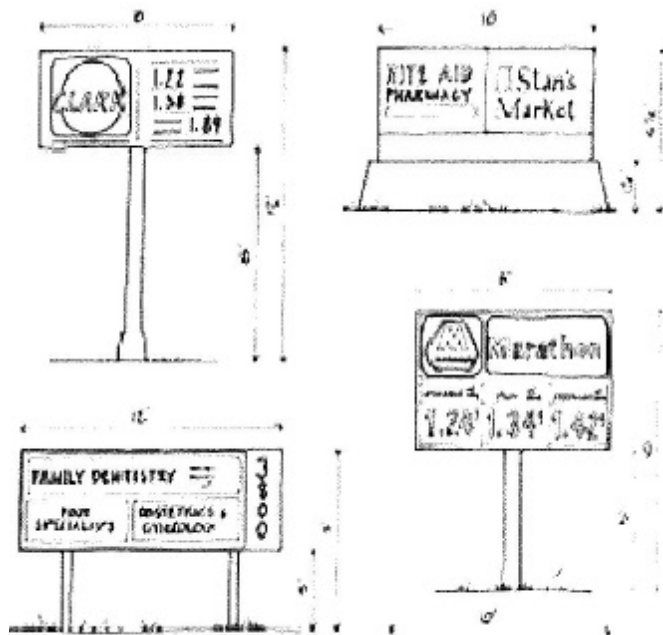
mechanical indication of time, temperature shall be considered a “time, temperature” portion of a sign and not a changeable copy sign for purposes of this chapter.

DIGITAL/ELECTRONIC SIGN. A sign that uses changing lights or other electronic media to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process.

DIRECTIONAL SIGN. A sign directing and guiding vehicular or pedestrian traffic or parking but bearing no advertising matter.

FREE STANDING SIGN. A sign not attached to any building, and self-supported by poles, pylons, braces or other structural supports mounted in the ground.

GROUND SIGN. A sign supported by one or more upright brace or braces of reasonable size necessary to support such sign, permanently mounted in or upon the ground and in no way attached to a building structure.



IDENTIFICATION SIGN. A sign that only conveys the name of a person or business, or the address or name of a building, or a combination thereof, in order to identify the location of uses on the premises and not to advertise.

MARQUEE SIGN. A sign attached to or erected on a marquee, canopy or awning which projects from and is supported by a building.

MENUBOARD. A freestanding sign for restaurant establishments to display their menu items and prices in compliance with § 152.305(C) of this chapter.

MURAL. A design or representation painted or drawn on the wall of a building, which does not advertise an establishment, product, service, or activity.

OFF-SITE DIRECTIONAL SIGN. A sign that guides and directs traffic to a specified destination on another site in the most direct manner possible.

PLACARD. A sign not exceeding two square feet in area, which provides notices of a public nature, such as “No Trespassing,” “No Hunting,” “Closed,” or “Open.”

POLITICAL SIGN. A temporary sign used in connection with an official local government, school district, county, state, or federal election or referendum.

PORTABLE SIGN. Any sign not permanently attached to the ground or a building.

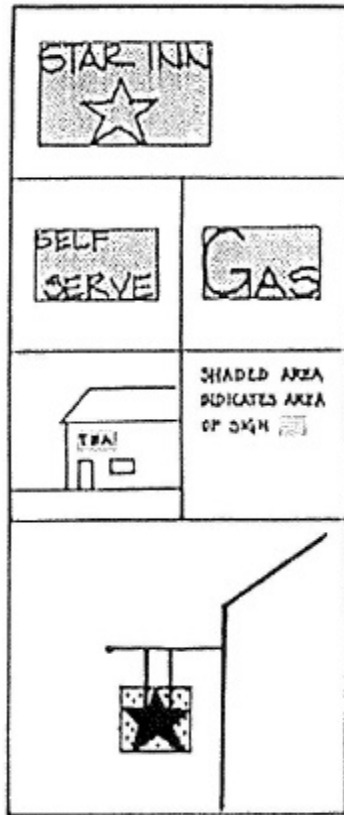
PROJECTING SIGN. A sign which is supported by a wall, roof, or building and which projects from the building at some angle greater than 20° degrees thereto.

READER BOARD. A portion of a sign on which text is periodically changed manually by removing and inserting prefabricated letters and numbers.

ROOF SIGN. A sign attached to or supported by the roof of a building, which extends above the immediately adjacent roof line of the building, or a sign that is wholly or partially above the roof line of a building.



SIGN MESSAGE AREA. A sign message area is the area, computed in square feet, within which the letters, figures, numbers, or symbols are contained. The area is determined by measuring the height of the extreme perimeters of all letters, figures, numbers, or symbols, by the width of the same. The area of all changeable copy signs shall be determined by measuring the total area within which the copy can be altered.



SIGN STRUCTURE. That part of the sign which structurally supports the sign message area whether integrated into the message area through the use of the same materials or through the use of complementing but different materials.

SIGN SURFACE. That part of the sign upon, against, or through which the message is displayed or illustrated.

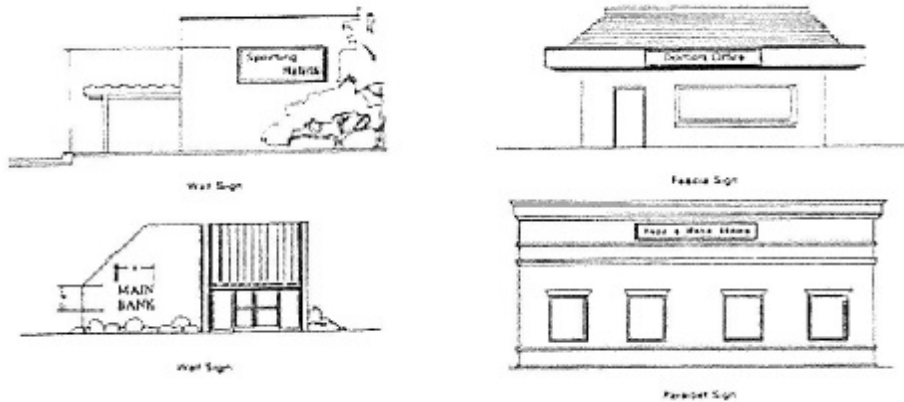
SPECIAL EVENT SIGN. Temporary signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations, such as fairs, festivals, art and craft shows, and charitable events.

SUSPENDED SIGN. A sign that is suspended or hung from the underside of an eave, porch roof, or awning.

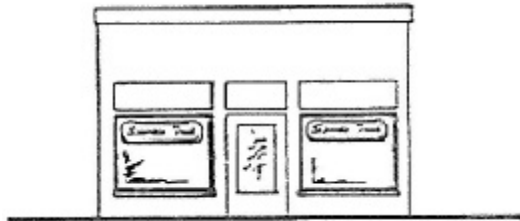
TEMPORARY SIGN. A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, and not permanently attached to the ground or a building.



WALL SIGN. Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



WINDOW SIGN. A sign installed inside a window and intended to be viewed from the outside.



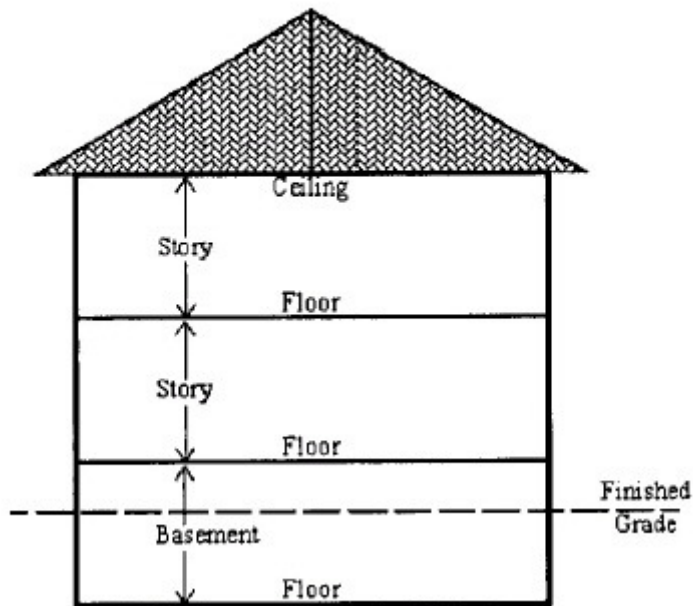
SITE. Any lot, parcel or tract of land, or combination of contiguous lots, parcels or tracts of land that are under one ownership or more than one ownership, where development is part of a single unified project and site plan.

SITE PLAN. The documents and drawings specified herein as being necessary to ensure that a proposed land use is in compliance with this chapter.

SPECIAL LAND USE. A use that is permitted in a district only after it is reviewed and approved by the Village Planning Commission.

STORY. That part of a building between the surface of a floor and the surface of the next floor above it, or if there is no floor above it, then the space between the surface of the floor and the roof. The term **STORY** does not include an attic or basement (see Figure 2-3 below).

Figure 2-3
STORY DEFINITION



STORY, HALF. An uppermost story lying under a sloping roof with a minimum floor area of 200 square feet and clear height of at least seven feet six inches. For the purpose of this chapter, the floor area is only that area having at least four feet clear height between floor and ceiling.

STREET. For the purposes of this chapter, a **STREET** shall be the same as a **ROAD**.

STREET LINE. The dividing line between a lot and road right-of-way.

STRUCTURAL ALTERATION. Any change in the supporting structure of a building such as bearing walls, columns, girders or beams, or any substantial changes in the roof and/or exterior walls.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles.

STRUCTURE HEIGHT. For all structures other than buildings, **STRUCTURE HEIGHT** shall mean the vertical distance measured from the highest point of the structure to the lowest point of the average finished grade immediately below and adjacent to the structure. (See separate definition of **BUILDING HEIGHT**)

SUPERMARKET. A conventional retail grocery store selling a wide variety of meat, dairy, produce and other food products and some household merchandise. May include a pharmacy as an accessory use. Does not include warehouse clubs.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water of 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas located on a lot as a n accessory use to a residential or recreational use.

TAVERN. An establishment operated primarily for the dispensing of alcoholic beverages. Live entertainment and the sale of prepared food to customers may be incidental and subordinate uses. If the alcoholic beverage service area is incidental and subordinate to a larger theater or restaurant, represents less than 50% of the gross leasable area (GLA), the ***TAVERN*** shall be defined as that part of the structure so designated on an approved site plan. The remainder of the structure shall be considered the theater or restaurant under these regulations.

THEATER. An enclosed building used principally for presenting motion pictures or live performances including, but not limited to, dance, comic, theatrical or musical performances with or without the consumption of food or beverages on the premises. Does not include an adult cabaret as defined herein.

TRACT. Two or more contiguous lots or parcels in the same ownership.

USE. For the purposes of this chapter, ***USE*** means:

- (a) The purpose for which land or structures thereon are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained; or
- (b) Any activity, occupation, business or operation carried on in a structure or on a lot.

VARIANCE. A modification in the literal provisions of this chapter granted by the Zoning Board of Appeals when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the property on which the modification is granted.

VEHICLE. A passenger automobile, motorcycle, motor home, van or truck with a gross vehicle weight of less than 8,000 pounds and defined as a motor vehicle by the Motor Vehicle Code.

VEHICLE CIRCULATION AREA. Space provided within a lot or site for vehicle maneuvering including drives, aisles and traffic lanes but excluding parking spaces, sidewalks and public rights-of-way.

VEHICLE DEALERSHIP. A structure or premises used primarily for the sale of new and/or used vehicles, including incidental storage, maintenance and servicing.

VEHICLE REPAIR SERVICE. A structure or premises used primarily for the repair of vehicles, noncommercial trucks, motorcycles and recreational vehicles, including the sale, installation and servicing of equipment and parts. Typical uses include both major vehicle repair and minor vehicle repair.

MAJOR VEHICLE REPAIR. Vehicle repair, rebuilding or reconditioning such as work on the engine block, head and internal parts, engine replacement, work on the transmission case and internal parts, transmission replacement, work on torque converters or drive trains, collision service including body frame or fender repair, painting, steam cleaning and similar activities.

MINOR VEHICLE REPAIR. Vehicle service and repair such as engine tune-up, lubrication, alternator, battery, radiator, belt, hose, tire, muffler and exhaust system repair or replacement, rust proofing and wheel balancing and alignment. Does not include any use specified in the definition of **MAJOR VEHICLE REPAIR**.

VEHICLE SERVICE STATION. Any structure or premises used for the retail sale of vehicle fuels, oils and accessories (such as tires, batteries, brakes and shock absorbers). May include the retail sale of small convenience goods such as newspapers, magazines, tobacco products and prepackaged food and beverages. May also include minor vehicle repair conducted entirely within a completely enclosed building as an incidental accessory use, but shall not include **MAJOR VEHICLE REPAIR**.

VEHICLE WASH. See **CAR WASH**.

VETERINARY CLINIC. A place for the medical care, diagnosis and treatment of sick or injured animals, including those in need of surgery. A veterinary clinic may include customary pens or cages, which are permitted only within the wall of the clinic structure.

VOCATIONAL SCHOOL. An establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills including, but not limited to business, office, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and similar types of instruction.

WALL. A vertical and linear structure used to mark a boundary, or to define and enclose a specific area for the purpose of protection, privacy or confinement. A wall is generally distinguished from a fence by the solidity of construction, being usually made from solid brick or concrete. This definition does not include retaining walls constructed for the purpose of holding back and supporting a mass of earth.

WAREHOUSE. A building wherein goods, merchandise and materials are stored for subsequent sale, distribution or use off-site.

WHOLESALE AND WAREHOUSING, LIMITED. The small-scale storage and sale of goods to other businesses for resale, excluding indoor self-storage facilities, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high-turnover facilities. Limited wholesale and warehousing facilities shall be under 50,000 square feet in area and operate only during normal business hours.

WIRELESS TELECOMMUNICATIONS FACILITY. An unmanned structure consisting of antennas, antenna support structures or other equipment used to provide wireless services as set forth in § 704 of the Telecommunications Act of 1996.

YARD. A space on the same lot with a structure, open to the sky, unoccupied and unobstructed, except for specifically permitted uses or encroachments. The measurement of a yard shall be the horizontal distance between a lot line and structure. (See Figure 2-2)

FRONT YARD. A yard extending across the full lot width, from the front lot line to the nearest part of the principal building or structure.

INTERIOR SIDE YARD. A side yard separating a lot from another lot.

REAR YARD. A yard extending across the full lot width from the rear lot line to the nearest part of the principal building or structure.

SIDE YARD. A yard extending from the front yard to the rear yard between the side lot line and the nearest part of the principal building or structure.

STREET SIDE YARD. A side yard separating a lot from a road.

(Ord. 37, passed 8-28-2005; Ord. 82, passed 5-12-2008; Ord. 98, passed 3-28-2011; Am. Ord. 107, passed 12-12-2011)

§ 152.268 TRANSIENT AND SEASONAL SALES.

The sale of seasonal items, examples of which are Christmas trees, flowers and plants, pumpkins, and fruit and beverages, by persons other than the owner or occupant of the premises, shall be permitted on properties located in the Central Business District (CBD), Secondary Business District (SBD), or Public Lands District (PL) that have frontage on Main Street (M-36). Farmers market and other uses related to special events are permitted on public property as approved by the Village Council. Such uses will be subject to the following standards and conditions:

(A) Transient or seasonal sales may be located within any required setback as long as a five foot pedestrian access is maintained, but shall not be located within any public road right-of-way or sidewalk.

(B) Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscape area required to meet requirements of this zoning code, or create a traffic or safety hazard.

(C) Transient or seasonal sales shall be conducted in a manner so as not to create a public nuisance to neighboring properties. Adequate on-site parking together with proper ingress and egress to the site shall be provided.

(D) Transient and seasonal sales shall be allowed only upon a zoning compliance permit issued by the Village Zoning Administrator. To secure a permit, an application for a permit shall be submitted which shall include the following:

(1) Name, address and phone number of the merchant who will conduct the transient and/or seasonal sale;

(2) Written approval for such sales by the legal owner of the property affected;

(3) A plot plan depicting the layout of the area where sales will be conducted, as necessary to determine compliance with this section;

(4) Health department approval, where applicable;

(5) A permit fee as established by the Village Council;

(6) Permit may be revoked by the village if the use becomes a nuisance or fails to comply with the provisions of this section.

(E) Signage for transient or seasonal sales shall be limited to one portable non-illuminated free standing sign with a maximum size of nine square feet per side and a height limitation of four feet six inches.

(F) The permit issued under this section for transient and/or seasonal sales shall be valid for a maximum period of five days from the date of issuance or a period determined by the Village Zoning Administrator. At the end of the permit period, any and all temporary structures shall be removed.

(Ord. 118, passed 6-10-2013)

OFF-STREET PARKING AND LOADING

§ 152.280 PURPOSE.

(A) The purpose of this subchapter is to establish standards for off-street parking and loading that result in safe, adequate and efficient vehicle parking and delivery throughout the village.

(B) It is recognized that, due to the specific site conditions and requirements of any given development, inflexible application of these standards may result in development with too much or too little parking or loading space.

(C) Too much parking will result in wasted space, community blight and increased storm water runoff, flooding and water pollution.

(D) Too little parking may lead to traffic congestion or unauthorized parking on adjacent streets or property.

(E) Flexibility and the efficient use of land is encouraged by allowing shared off-street parking for multiple uses on the same lot and on separate lots located near each other.

(Ord. 37, passed 8-28-2005)

§ 152.281 GENERAL REQUIREMENTS.

(A) *Compliance required.*

(1) Off-street parking, loading and stacking facilities shall comply with the requirements of the Village of Pinckney Technical Standards, Michigan Construction Code and applicable road agencies.

(2) Off-street parking, vehicle loading and stacking facilities in compliance with this subchapter shall be provided in all districts whenever:

(a) A new use or building is established; and

(b) An existing use or building is expanded or changed.

(3) Off-street parking and loading areas shall be landscaped in compliance with § 152.331.

(B) *Central Business District.* To allow for design flexibility, the Planning Commission may waive or modify the requirements of this subchapter for off-street parking or loading in the Central Business District (CBD), upon finding that all of the following criteria are met:

(1) Due to one or more unique characteristics of the property, such as its size, shape, topography, location, existing structures or surroundings, the strict application of off-street parking and loading requirements in this subchapter will deprive the property owner of its reasonable use, as enjoyed by other property owners in the CBD;

(2) The modification will not create a traffic hazard or any other unsafe, undesirable condition. The applicant may be required to submit a traffic study and/or other documented evidence of compliance with this criterion; and

(3) The modification will be consistent with the purposes of the CBD and this subchapter and will provide adequate parking for the proposed use(s).

(C) *Zoning.* Any lot used for off-street parking, vehicle loading or stacking shall be zoned to allow the principal use(s) being served.

(D) *Setbacks.* Off-street parking, loading and stacking spaces shall be setback from street lines and lot lines as required for structures in the zoning district in which the spaces are located.

(E) *Signs.* Signs shall comply with §§ 152.300*et seq.*

(F) *Landscaping.* Landscaping and screening shall comply with §§ 152.325*et seq.*

(G) *Lighting.* Lighting shall comply with § 152.371(B).

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

§ 152.282 OFF-STREET PARKING.

(A) *Use.* Off-street parking shall be used only for the short-term storage of licensed and operable vehicles. Off-street parking shall not be used for the sale, servicing, repair, dismantling or long-term storage of any vehicle, equipment or material. For the purposes of this requirement, **SHORT-TERM** shall mean fewer than 24 consecutive hours and **LONG-TERM** shall mean 24 or more consecutive hours.

(B) *Location.*

(1) Required off-street parking shall be located on the same lot or within 300 feet of the use(s) being served.

(2) Off-street parking spaces that serve a multiple-family dwelling or a commercial use shall be located in the rear yard or in a side yard to the maximum extent practicable.

(3) Off-street parking spaces shall be at least five feet from any principal building.

(C) *Ownership.* If off-street parking spaces are not under the same ownership as the principal use(s) being served, evidence of the right to use the off-street parking spaces shall be submitted with the application for site plan approval. This evidence shall be in the form of a property easement, long-term lease or other legally binding agreement between the owner of record and joint users. The agreement shall clearly establish rights of use and responsibility for ongoing maintenance and shall be recorded with the Livingston County Register of Deeds before issuance of a land use permit. The agreement shall require written notification by the lessee to the village at least 14 days prior to the amendment or termination of the agreement.

(D) *Dimensions.*

(1) Individual parking spaces shall be a minimum of 9 feet in width and 20 feet in length. Where a parking space is against an edge, the vehicle overhang may be credited as two feet, if abutting landscaping or abutting sidewalk is at least seven feet wide

(2) Traffic aisles within parking lots shall be a minimum width of 22 feet.

(E) *Calculation.* **FLOOR AREA** is defined in §152.267. For the purpose of calculating off-street parking spaces, the following rules shall apply:

(1) *Mixed and shared uses.* The total number of off-street parking spaces shall be the sum of the required spaces for each individual use computed separately.

(2) *Students and employees.* The Planning Commission shall determine the number of employees and students based upon the largest possible number of employees working on any single shift, the maximum student enrollment permitted by the State of Michigan or the maximum building capacity.

(3) *Fractions.* Fractions of less than one-half shall be disregarded and fractions of one-half or more shall be counted as one space.

(4) *Barrier free parking.* Barrier free parking facilities shall be provided and designed in compliance with the Americans with Disabilities Act (ADA) and Construction Code requirements. ADA required spaces may be excluded from the minimum number of spaces required per § 152.283.

(F) *Maximum.* The number of off-street parking spaces provided to serve a use shall not exceed the number of spaces required in § 152.283, except the Planning Commission may allow an increase of up to 50% at its discretion.

(G) *Reduced minimum.* The Planning Commission may reduce the number of off-street parking spaces required in § 152.283 by up to 25%, based upon a parking analysis submitted by the applicant.

(1) The parking analysis shall clearly demonstrate that fewer spaces will result in a better design and more efficient use of land, or will otherwise achieve an established goal within the Village Master Plan.

(2) Consideration shall be given to peak use, availability of car pool and off-site parking, public transportation, pedestrian and bicycle access and preservation of natural resources and community character.

(3) The parking analysis shall contain, at a minimum:

(a) Plans showing the location of all relevant uses and structures and the location of roads, off-street parking, public transit and bicycle and pedestrian facilities; and

(b) A schedule showing the maximum number of vehicles to be accommodated during peak hours of operation. This schedule shall be based on the *Institute of Transportation Engineers Trip Generation Manual*, 6th Edition.

(H) *Surface*. Surfacing shall comply with the Village Technical Standards.

(I) *Wheel guards*. Boundary or perimeter areas shall be provided with wheel or bumper guards or continuous curbing located so that no part of parked vehicles will extend beyond the lot line or into any access aisle, maneuvering, setback, pedestrian or landscaped area.

(J) *Access*. All parking areas containing three or more parking spaces shall be located and designed so that vehicles can enter and exit the parking area without backing onto a public right-of-way.

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

§ 152.283 MINIMUM OFF-STREET PARKING SPACES.

(A) The minimum number of off-street parking spaces shall be as required in this section.

(B) For uses not specifically mentioned in this section, the number of required parking spaces shall comply with that of a similar use as determined by the Planning Commission.

<i>Land Use</i>	<i>Minimum Number Parking Spaces</i>
<i>Residential</i>	
Single-family dwelling	2 per dwelling unit
Two or multiple-family dwelling	1.5 per dwelling unit
Manufactured home park	2 per dwelling unit
Rooming house	1 per bedroom
<i>Institutional</i>	
Home for the elderly	1 per dwelling unit
Nursing home and hospital	1 per employee + 1 per 4 beds

Child care center	1 per employee + 1 per 10 licensed child care slots
Elementary or middle school	1 per employee + 1 per 25 students
High school, trade school or higher education institution	1 per employee + 1 per 10 students
Public building (including museum, library and post office)	1 per 500 square foot floor area
Place of assembly (including religious institution, funeral home, theater, auditorium, indoor or outdoor arena and private club)	1 per 4 auditorium seats or 1 per 8 feet of bench or 1 per 50 square feet of assembly area without fixed seats
<i>Commercial</i>	
Office, all types	1 per 300 square feet floor area
Personal service	1 per 300 square feet floor area
Restaurant, all types	1 per 75 square feet floor area
Retail store (including retail food store)	1 per 300 square feet floor area supermarket and department store
Convenience store	1 per 200 square feet floor area
Automobile service station	1 per 200 square feet floor area
Automobile repair service	1 per 500 square feet floor area
Automobile dealership	1 per 350 square feet floor area
Bulk retail (including building, garden supplies)	1 per 600 square feet floor area
Wholesale trade and warehousing	1 per 600 square feet floor area
Hotel, motel and bed and breakfast inn	1 per bedroom

(Ord. 37, passed 8-28-2005)

§ 152.284 OFF-STREET LOADING.

(A) *Compliance required.* Off-street loading facilities shall be required on the same lot as any use that involves the regular loading or unloading of commercial vehicles.

(B) *Use.* Vehicle loading facilities shall not be used for the sale, servicing, repair, dismantling or storage of any vehicle, equipment or material and shall not be counted as an off-street parking space.

(C) *Location.* Off-street loading facilities shall not be located in the front yard.

(D) *Dimensions.* Each loading space shall be at least ten feet in width and 30 feet in length, with 14 feet of height clearance.

(E) *Minimum loading space.* **FLOOR AREA** is defined in § 152.267. The minimum number of off-street loading spaces shall be as follows:

<i>Building Floor Area</i>	<i>Minimum Number Loading Spaces</i>
Up to 2,000 square feet	None
2,000 to 20,000 square feet	1 space
20,000 to 100,000 square feet	1 space + 1 space for each 20,000 square feet in excess of 20,000 square feet
100,000 to 500,000 square feet	5 spaces + 1 space for each 40,000 square feet in excess of 100,000 square feet
100,000 to 500,000 square feet	15 spaces + 1 space for each 80,000 square feet in excess of 500,000 square feet

(F) *Waiver.* The Planning Commission may reduce the number of off-street loading spaces required in division (E) above upon finding that fewer spaces will not result in traffic congestion, a safety hazard, a public nuisance or undue encroachment upon neighboring property.

(G) *Surface.* Loading dock approaches shall be paved and have an asphalt or concrete base so as to provide a permanent, durable and dustless surface.

(H) *Access.* Vehicle loading and unloading facilities shall be located and designed so that vehicles can enter and exit without backing onto a public right-of-way.

(Ord. 37, passed 8-28-2005)

§ 152.285 DRIVE-THROUGH FACILITIES.

(A) *Compliance required.* All uses that provide drive-through facilities for serving customers within their automobiles shall provide adequate off-street stacking space within a defined drive-through lane.

(B) *Dimensions.* Each drive-through lane and stacking space shall be at least ten feet in width. Each stacking space shall be 20 feet in length.

(C) *Minimum stacking spaces.* The minimum number of stacking spaces in each drive-through lane shall be as follows. Stacking spaces shall be in addition to the space at the service window.

<i>Land Use</i>	<i>Stacking Spaces Per Service Lane</i>
Bank, pharmacy, dry cleaner or similar use	4
Fast food restaurant	6
Self service car wash	3 at entry + 1 at exit
Automatic car wash	6 at entry + 2 at exit

(D) *Design standards.*

(1) Clear identification and delineation between the drive-through and parking areas shall be provided. Drive-through facilities shall be designed in a manner that protects pedestrian and vehicular safety.

(2) All drive-through facilities shall provide a bypass lane that allows vehicles to pass those waiting to be served and exit the premises.

(3) No vehicle stacking areas shall cross any maneuvering lane, drive, sidewalk or public right-of-way.

(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

SIGNS

§ 152.300 PURPOSE.

(A) The purpose of this subchapter is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety, and welfare. While this subchapter recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the village, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

(B) To achieve its intended purpose, this subchapter has the following objectives:

(1) To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses;

(2) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;

(3) To keep signs within a reasonable scale with respect to the buildings they identify;

(4) To reduce visual distraction and obstructions to motorists traveling along, entering, or leaving streets;

(5) To promote a quality manner of display which enhances the character of the village;

(6) To prevent the proliferation of temporary signs which might promote visual blight.

(7) To eliminate the potential for any adverse affects on the neighboring properties.

(Ord. 37, passed 8-28-2005; Am. Ord. 107, passed 12-12-2011)

§ 152.301 PERMITS.

(A) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise noted within this subchapter.

(B) A permit fee shall be paid in accordance with the schedule adopted by the Village Council.

(C) A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of this subchapter, provided if an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, structural modification of the sign shall not be required.

(D) When a sign permit has been issued by the village, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Zoning Administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the village.

(E) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the village and shall be signed by the applicant.

(F) The application for a sign permit shall be accompanied by the following plans and other information:

(1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.

(2) The location by street address of the proposed sign structure.

(3) A plot plan showing the full dimensions of the sign, proposed copy and graphics, and the location of the sign in relationship to all lot lines, structures, easements, rights-of-way, and the edge of road and parking lot pavement.

(4) Elevation and detail drawings showing colors and materials to be used, and clearly demonstrating compliance with all of the standards in this subchapter.

(5) Any sign that uses electricity shall require an electrical permit from the county building department, regardless of size.

(G) *Expiration.* Sign permits shall become null and void if the work for which the permit was issued is not completed within six months of the date of issue.

(H) *Maintenance.* No permit shall be required for the routine repair, servicing, cleaning, or repainting of an existing sign message. This shall include changing the lettering on an existing sign, provided that the advertised use is permitted in the applicable zoning district, and the size, location, and illumination of the sign is not altered.

(Ord. 37, passed 8-28-2005; Am. Ord. 82, passed 5-12-2008; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.302 PERMITTED SIGNS IN ALL DISTRICTS.

The following signs are permitted in all districts without a sign permit, provided no sign shall be located within a public right-of-way, except as noted, or located in a manner that distracts or obstructs the vision or movement of motorists or pedestrians.

(A) *Name and address signs.* Nameplates containing only a resident's name and address, and not exceeding two square feet in size.

(B) *Directional signs.* On-premise directional signs which indicate the direction of pedestrian or vehicular traffic flow on private property. Directional signs shall not exceed two square feet in size and six feet in height, shall contain no advertising, and may be illuminated.

(C) *Ingress and egress signs.* One sign is permitted at each point of ingress and one sign is permitted at each point of egress. The signs shall not exceed two square feet in area and two feet in height, and shall be setback at least five feet from the road right-of-way.

(D) *Street numbers.* Street numbers.

(E) *Placards*. No hunting, no fishing, no trespassing signs unless less than two square feet in area and spaced no less than 100 feet apart.

(F) *History signs*. Historical markers.

(G) *Interior signs*. Signs in the interior of a building, with the exception of window signs.

(H) *Public interest signs*. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty, including but not limited to directional signs, regulatory signs, and information signs.

(I) *Structural information signs*. Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

(J) *Political signs*. Political signs shall be permitted on all lots regardless of zoning, provided that such sign is located and placed with the permission of the owner or lawful occupant of the lot or parcel where such sign is located, and provided that such sign does not violate any other provision of this subchapter. No more than one sign may be erected on a lot within the village for each candidate and/or ballot proposal, and all such signs shall be removed within five days following the election. The signs shall not exceed 16 square feet in area and four feet in height.

(Ord. 37, passed 8-28-2005; Am. Ord. 72, passed 4-4-2006; Am. Ord. 75, passed 11-13-2006; Am. 82, passed 5-12-2008; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.303 PROHIBITED SIGNS.

The following signs are prohibited in all districts, unless otherwise provided for in this subchapter:

(A) Any sign constructed, maintained, or altered in a manner not in compliance with this subchapter;

(B) Billboards;

(C) Roof signs;

(D) Beacons, strings of lights, pennants, spinners, or streamers used for commercial purposes;

(E) Signs containing flashing, intermittent, or moving lights, digital/ electronic signs, signs with moving or revolving parts, or reflecting parts which may distract drivers. This prohibition does not extend to those signs that give the time or

temperature, provided that no other animated messages are displayed. Digital/electronic signs may be considered for the display of gas prices at automobile filling stations and on menuboard located inside of the Secondary Business District but only through the special land use process;

(F) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words including but not limited to "Stop," "Look," "Danger," or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic;

(G) Any sign that, by reason of the location, shape, color, or movement, may obstruct the view of or be confused with any official traffic sign, signal, or control device;

(H) Signs affixed to trees, rocks, shrubs, or similar natural features, except signs denoting a site of historic significance;

(I) Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein;

(J) Temporary signs mounted upon trucks, vans, or other wheeled devices, except for political signs. Signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted;

(K) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance;

(L) Any sign affixed to a light standard that is utilized for commercial advertising purposes;

(M) Any sign unlawfully installed, erected, or maintained.

(Ord. 37, passed 8-28-2005; Am. Ord. 75, passed 11-13-2006; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.304 GENERAL STANDARDS.

(A) *Location.*

(1) All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.

(2) No sign, or portion thereof, shall be closer than four feet to any electric light pole, street lamp, or other public utility pole or standard.

(3) No sign, or portion thereof, shall be closer than 13 feet to any electrical conductor without proof of approval by the public utility company.

(4) No sign shall obstruct any opening required for building ventilation.

(5) No sign shall impede free entry or exit through any door, window, or fire escape.

(6) No sign shall be located in, project into, or overhang a public road right-of-way without the approval of the controlling government agency and the Village Council.

(7) No sign shall in any way obstruct vehicular or pedestrian traffic, or the view in any direction at a road intersection. The applicant shall submit proof of compliance with this standard from the applicable road agencies.

(B) *Illumination.*

(1) No sign shall be illuminated by other than electrical means.

(2) The light from illuminated signs shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties.

(3) No sign may be erected which flashes, rotates, has moving parts or messages generated by discrete lighting elements; such illuminated lights shall be in accordance with § 152.303(E).

(4) Internal illumination shall be permitted under the following circumstances:

(a) Individual back-lit letters which are silhouetted against softly illuminated walls.

(b) Individual letters with translucent faces, containing soft lighting elements inside each letter.

(5) Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.

(6) Only indirectly illuminated signs shall be allowed in any residential district.

(7) Internally-illuminated plastic signs with dark-colored detachable letters shall be strictly prohibited in all districts.

(8) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.

(9) Rear-illuminated (backlit) awnings are prohibited.

(C) *Safety.*

(1) All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the village. In the event of conflict between this section and other laws, the most restrictive shall govern.

(2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk.

(3) No sign shall be erected, relocated, or maintained so as to obstruct fire fighting or prevent free access to any door, window, or fire escape.

(Ord. 37, passed 8-28-2005; Am. Ord. 95, passed 6-28-2010; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.305 MISCELLANEOUS PERMITTED SIGNS.

(A) *Signs for outdoor sales of automobiles or vehicles.* No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this subchapter. The prohibited signs include banners, flags, and digital/electronic signs.

(B) *Signs for automobile filling stations, automobile repair garages, automobile service stations, automobile washes, and automobile dealerships.*

(1) No advertising signs may be placed on-site other than the permitted maximum wall and/or ground signs as per this article. The prohibited signs include banners and flags.

(2) Changeable message signs or digital/ electronic signs for the display of gas prices may be permitted under the following circumstances:

(a) The Planning Commission may consider a digital/electronic changeable message sign for automobile filling stations as a special land use in the Secondary Business District (SBD).

(b) In review of the special land use, the Commission shall consider the following standards:

1. The changeable message area shall be exclusively for the display of gas prices.
2. The sign message and background shall each be a single contrasting color.
3. The foot-candles shall comply with the requirements of § 152.371(B).

4. The size of the changeable sign message area shall not exceed 50% of the total sign surface area.

5. 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;

6. The message change 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;

7. The changeable message area shall have no more than two lines and no more than 18 characters per line, exclusive of a combined time and temperature indication.

8. 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:

- a. Department of Transportation for signs visible from M 36;
- b. County Road Commission for signs visible from D 19 or Dexter-Pinckney Road;
- c. Village Department of Public Works Director, Village Engineer, or qualified Village Agent for signs visible from all other village roads.

(C) *Menuboard signs for drive-in and drive-through businesses.*

(1) The Planning Commission, in its sole discretion, may approve up to two menuboards upon determination that it is integral to the nature of the business.

(2) Each menuboard shall not exceed seven feet in height.

(3) One menuboard (in stacking lane) shall not exceed 16 square feet and the other (at the speaker) shall not exceed 32 square feet in area.

(4) The area of the menuboard is exclusive of the structure's framing.

(5) All menuboards shall be single sided.

(6) No menuboard may be located within the required front yard and between 20 and 40 feet from any parcel perimeter.

(7) Only up to four square feet of the menuboard shall include digital/electronic signage.

(8) The Planning Commission may consider a modified sign area, subject to the following:

- (a) Only one of the menuboard may be increased in area.
- (b) The menuboard is completely screened from the roadway.
- (c) Under no circumstances shall the menuboard exceed 48 square feet in area.

(D) *Off-premise directional signs.* Off-premise directional signs directing vehicular traffic to a church, governmental building, public parks and recreational facilities, public hospitals, or educational institutions may be permitted in all districts subject to the review of the Planning Commission and the following standards:

- (1) No more than two signs per use shall be permitted.
- (2) The size of an off-premise directional sign shall not exceed two square feet in size.
- (3) The height of an off-premise directional sign shall be no less than three feet nor exceed six feet. However, variations in height may be granted by the Planning Commission to accommodate vehicular visibility to avoid obstruction to visibility.
- (4) Illumination shall not be permitted.
- (5) Permission of the property owner where the proposed sign is to be located must be provided.

(E) *Historic markers.*

(1) If a structure within the village has been designated as a state historical site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or the property on which the structure is located.

(2) Anyone wishing to place a historic marker on a structure or property shall complete and file a sign permit application with the Zoning Administrator. No fee shall be charged for a historic marker application. The Zoning Administrator shall review and approve all such applications but always reserves the right to send the request to the Planning Commission for their consideration.

(F) *Interior window signs.*

(1) Window sign means any sign, excluding the posting of hours of operation and/or street and building address, which is painted or mounted onto a window pane, or which is hung directly inside the window with the purpose or effect of identifying any premises from the sidewalk or street.

(2) Window signs shall not exceed more than 30% percent of each window area in which they are displayed.

(3) Non-temporary signs hung inside windows shall be made of clear materials, including but not limited to transparent plastic, with lettering painted or attached to them, with all hours of operation, credit card and address signs being exempt.

(4) Window signs do not require sign permits, nor count in the calculation of total building signage permitted.

(5) Permanent and/or illuminated window signs require a permit and application.

(G) *Mural signs.* When a mural or graphic includes identification of an establishment or specific services, goods or products, or a representation of the types of services, goods, or products provided on the site, the mural area will count towards the total permitted wall sign area. Murals are subject to special land approval and the following standards:

(1) No mural may be placed on any building or structure that includes nonconforming signs.

(2) Only one wall, facade, or surface of a building or structure may be used for a mural.

(3) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one sign. A mural will count towards the total wall signage allowed for the business; however, the Planning Commission in its sole discretion may permit murals of larger size. Larger murals shall be permitted when determined to demonstrate at least one of the following:

(a) Accentuates the historic features of the building.

(b) Masks an unattractive building facade.

(c) Creates an aesthetically pleasing amenity.

(d) Superior in aesthetics to an attached wall sign.

(4) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property, and shall agree to restore the wall, facade, or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.

(5) In the review of the special land use, the Planning Commission shall grant approval only if the following criteria are met:

(a) The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.

(b) Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.

(c) Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

(H) *Identification sign.* The area of an identification sign shall not exceed two feet by three feet; and height shall not be more than four feet above grade.

(Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.306 PERMITTED GROUND SIGNS.

(A) *General requirements.*

(1) *Frontage on two public roads.* Two ground signs shall be permitted per premise which has frontage on two public roads. One sign shall not exceed the area requirements set forth herein. The second sign shall not exceed 50% percent of the area requirements set forth herein.

(2) *Setback.* A ground sign shall have a setback of five feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.

(3) *Height.* The height of a ground sign shall be computed as the vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

(a) Existing grade prior to construction; or

(b) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purposes of locating the sign.

(4) *Area.* Area of the sign shall include the total area within any circle, triangle, rectangle, or other geometric shape enclosing the extreme limits of writing, representation, emblem, or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, and is further calculated as follows:

(a) Single face sign: One square foot per one linear foot of road frontage, total not to exceed the total maximum area per side as listed in § 152.308 Table 2 below.

(b) Multi-faced signs: One square foot per one linear foot of road frontage, total not to exceed the total area maximum as listed in § 152.308 Table 2 below.

(B) *Multiple tenants.* One ground sign stating the name of a business center and major tenants therein may be erected for a shopping center, office park, industrial

park, or other integrated group of stores, commercial buildings, office buildings, or industrial buildings in the CBD, SBD, and RTO Districts. The sign area shall not exceed 50 square feet in total area. Such signs may be up to eight feet in height. If the lot fronts on two or more collector or arterial streets, one such sign may be permitted for each frontage.

(C) *Specific requirements.* Ground signs shall be permitted by district in accordance with the following requirements.

TABLE 1 GROUND SIGNS PERMITTED BY DISTRICT			
District	Height	Single Faced Per Side (max)	Total Max Area Sign; Two or more faced
CBD and SBD	8 feet	25 square feet	50 square feet.
ROB and O	5 feet	18 square feet	36 square feet
RTO and PL	8 feet	16 square feet	32 square feet
R1, R2, R3, R4	4 feet	6 square feet	12 square feet

(D) *Signs requiring special land use approval.* The Planning Commission may consider a sign that is greater than the maximum height and area requirements or less than the minimum setback requirements as a special land use. In review of a special land use, the Planning Commission shall consider the standards set forth in § 152.240 and the following:

- (1) The standards set forth in §§ 152.304 and 152.301;
- (2) The size, shape, and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs;

(4) The relationship to and visibility from the public street where the property is located.

(Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.307 RESERVED.

§ 152.308 PERMITTED WALL SIGNS.

(A) *General requirements.*

(1) No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.

(2) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws, and in accordance with the Building Code. In no case shall any wall sign be secured with wire, straps of wood, or nails.

(3) For buildings with distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.

(4) If a building faces two separate roads, one wall sign may be permitted facing each road, and the total allowable square footage of all wall signs shall not exceed the maximum allowable square footage specified for each district in Table 2 below.

(B) *Specific requirements.* Wall signs shall be permitted by the district in accordance with the following requirements.

TABLE 2 WALL SIGNS PERMITTED BY DISTRICT		
District	Maximum Height	Sign Message Area (max.)
CBD and SBD Districts	6 feet	1 foot for each lineal foot of building frontage not to exceed a total of 100 square feet

TABLE 2 WALL SIGNS PERMITTED BY DISTRICT		
District	Maximum Height	Sign Message Area (max.)
ROB and O District	4 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 40 square feet
RTO and PL Districts	4 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 50 square feet
R-1, R-2, R-3 and R-4 Districts	4 feet	1/2 square foot for each lineal foot of building frontage not to exceed a total of 20 square feet

(C) *Wall signs requiring special land use approval.* The Planning Commission may consider a sign that is greater than the maximum area requirement as a special

land use. In review of a special land use, the Planning Commission shall consider the standards set forth in § 152.240 and the following:

- (1) The standards set forth in §§ 152.304 and 152.301;
- (2) The size, shape, and topography of the property;
- (3) The relationship of the sign to neighboring properties and signs; and
- (4) The relationship to and visibility from the public street where the property is located.

(Ord. 37, passed 8-28-2005; Ord. 75, passed 11-13-2006; Ord. 95, passed 6-28-2010; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.309 PERMITTED PROJECTING OR SUSPENDED SIGNS.

(1) Projecting and suspended signs shall be permitted in CBD, Central Business Districts.

(2) The surface area of the projecting or suspended sign shall not exceed six square feet on each side or a total of 12 square feet. The total square feet of signage (both sides) shall be subtracted from the total allowable wall signage square footage for the district.

(3) The bottom of the projecting or suspended sign shall be a minimum of eight feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.

(Ord. 37, passed 8-28-2005; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.310 PERMITTED TEMPORARY SIGNS.

The following temporary signs shall be permitted in accordance with the regulations herein.

(A) *Garage sales, rummage sales, estate sales, and similar activities.* One non-illuminated sign used for advertising a garage sale, rummage sale, estate sale, or similar activity is permitted on private property only, for a period not to exceed seven consecutive days with four of these days being the days of the actual sales event.

(1) Each sign shall be no more than six square feet in area and four feet tall.

(2) Each sign shall have the date the sign was erected or placed and the sign owner's name and address written on the back of the sign in black ink and capital letters. The Zoning Administrator shall immediately remove any sign lacking this information.

(3) Up to three additional non-illuminated off-premises signs may be erected provided they are not erected on utility poles and they comply with the time frame provisions of division (A) of this section above.

(B) Permitted real estate signs (on-site).

(1) For all residential projects involving the sale of individual lots and/or dwelling units, one non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the sale of such lots and/or dwelling units (including weekend open house signs). Such signs shall not exceed 32 square feet in area and a height of 12 feet.

(2) All residential projects involving the rental or leasing of dwelling units, one non-illuminated freestanding sign shall be permitted per each entrance to the project advertising the rental or leasing of such units (including weekend open house signs). Such signs shall not exceed 32 square feet in area and a height of 12 feet.

(3) All signs advertising the rental, lease, or sale of a property or dwelling unit shall be removed within 48 hours after the property is no longer available for rent or lease, closing on the sale, or completion of construction work.

(4) All weekend open house signs may be posted no more than 24 hours before the open house and shall be removed within four hours following the open house.

(5) All signs located within the right-of-way shall require a county permit.

(6) All permitted real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this subchapter.

(C) Permitted weekend open house real estate signs (off-site).

(1) For a residential dwelling within an established neighborhood in the village, no more than two freestanding signs shall be permitted.

(2) For a new development in the village with multiple dwellings being listed for sale, no more than three freestanding signs shall be permitted. However, additional freestanding signs may be permitted by the Zoning Administrator when circumstances exist that are unique to the property and not self-created. Approval for the additional signs shall be for up to six months at which time another permit would have to be sought.

(3) Such signs shall not exceed an area of six square feet and a height of four feet.

(4) All signs located within the right-of-way shall require a county permit.

(5) All such signs may be posted no more than 24 hours before the open house and shall be removed within four hours following the open house.

(6) All permitted weekend open house real estate signs shall otherwise comply with all other standards for freestanding signs set forth in this subchapter.

(D) *Portable signs.* Portable sidewalk signs are only permitted within the CBD, Central Business District. Portable signs are permitted for ground floor commercial uses to identify the store/business, indicate that it is open, its hours of operation, to show restaurant menus and daily specials, to advertise sales and special deals or service. Additionally, the following provisions shall apply:

(1) No more than one portable sidewalk sign shall be permitted per business that is located on the ground floor.

(2) The sign shall be removed when weather conditions create potentially hazardous conditions.

(3) The maximum area of a portable sidewalk sign is six square feet per side with no dimension greater than four feet (not counted towards total sign area), with a maximum of two faces per sign.

(4) The sign shall be located directly in front of the building it represents. The sign shall also be located on the building side of the sidewalk in such a manner that it is not in the pedestrian clear path of travel area.

(5) The sign shall not unreasonably interfere with the view, access to, or use of adjacent properties.

(6) The sign should be of durable materials that complement the materials of the building such as overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic, slate chalkboard, or marker board. The lettering may be permanent or temporary.

(7) Paper signs, wind-activated items (such as balloons, windsocks, and pinwheels), and non-rigid changeable areas shall not be used as or attached to a sign.

(8) The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails, and wires. All parts, portions, and materials of a sign shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from rust, corrosion, and graffiti. No glass, breakable materials, or attached illumination shall be allowed.

(9) No sign shall be permitted referring to off-premise locations.

(10) The primary colors of such signs shall be compatible with the colors of the buildings within the area.

(11) Sidewalk signs shall be removed daily at the close of business hours.

(12) Sidewalk signs within the road right-of-way shall require approval by the applicable agency.

(E) *Promotional banners.*

(1) In all districts, the Zoning Administrator may allow a new business, as part of its start-up phase, to use a one-time only temporary sign for up to a 45-day period. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which the sign is located.

(2) Permission to display a promotional banner or sign for civic or charitable activity across M 36 must be authorized by the Zoning Administrator and Village Council. Appropriate conditions can be placed on the granting of the permit, including but not limited to duration, size, location, etc. Requests for placement location must be made in writing to the Zoning Administrator two weeks prior to placement of the sign.

(3) Exceptions can be made upon request for location of special event signage in the right-of-way at the intersection of Dexter Road and Main Street (M-36). Requests for placement at this location must be made in writing to the Zoning Administrator two weeks prior to placement of the sign. Signs placed in the right-of-way without permission will be removed.

(4) Temporary promotional banners shall not be located in a public right-of-way, must be affixed to the principal building of the business, and shall be located and designed to avoid interference with or distraction to vehicular and pedestrian traffic.

(5) All promotional banners which are not properly maintained shall be removed at the order of the Zoning Administrator.

(6) All other promotional banners (that is, streamers, flags, etc.) are strictly prohibited.

(F) *Farmers market signs.* Two A-frame or sandwich board signs not to exceed 12 square feet per sign may be displayed on the site during the day(s) of the event.

(Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.311 ABANDONED SIGNS.

(A) *Definition.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN.

(a) Any sign that does not display a well-maintained message for 14 consecutive days;

(b) Any sign the owner of which cannot be located at the owner's last address as reflected in the records of the Department; or

(c) Any sign no longer fully supported by the structure designed to support the sign, for a consecutive 30-day period.

(B) *Illegal abandoned signs.* Any sign abandoned for 14 days shall become illegal. The Zoning Administrator shall determine whether a sign is abandoned. The sign owner shall be notified of its illegal status and shall have 30 days from the date of notice to bring the sign into compliance with this chapter or remove it. After this period, the village may remove the sign at the owner's expense.

(Ord. 37, passed 8-28-2005; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

§ 152.312 NONCONFORMING SIGNS.

Nonconforming signs shall comply with § 152.419(E). The Zoning Administrator may immediately remove any sign that may threaten public safety.

(Ord. 37, passed 8-28-2005; Am. Ord. 107, passed 12-12-2011) Penalty, see § 152.999

LANDSCAPING AND SCREENING

§ 152.325 PURPOSE.

The purpose of this subchapter is to: enhance the appearance and value of the community, buffer conflicting land uses, minimize noise, air, light, soil and water pollution, divide large expanses of pavement, define and shade pedestrian and parking areas and encourage the preservation of natural vegetation and existing trees.

(Ord. 37, passed 8-28-2005)

§ 152.326 APPLICATION.

No final site plan required by §§ 152.385 *et seq.* shall be approved unless it complies with all of the landscaping and screening standards set forth herein.

(Ord. 37, passed 8-28-2005)

§ 152.327 LANDSCAPE PLANS.

(A) A separate, detailed landscape plan shall be submitted with any final site plan required by §§ 152.385 *et seq.*

(B) For the purposes of this subchapter, breast height shall be measured vertically along the main stem and shall be four and one-half feet above grade.

(C) The landscape plan shall be drawn at a scale in accordance with site plan general application standards found in section 152.388. The plans shall include, but not necessarily be limited to, the following items:

(1) Location and description of existing trees to be preserved, relocated or removed, including species and diameter at breast height. Trees to be preserved shall be clearly labeled “to remain” and tree protection measures shall be shown on the landscape plan;

(2) Location and description of trees and shrubs to be planted, including common name, species (deciduous or evergreen), root type (shallow or deep), height, diameter at breast height and size of root ball and/or container;

(3) Location and description of ground cover and method of planting (sod, plugs, sprigs or seeds);

(4) Location, dimensions and description of landscaped buffer areas, berms and landscape parking islands;

(5) The location and dimensions of walls, fences and outdoor dumpster enclosures including typical elevation and vertical sections showing height and materials;

(6) The location and dimensions of common open spaces and recreational areas, proposed improvements and maintenance provisions for the areas;

(7) Construction details to resolve specific site conditions, such as drainage, culverts, soil erosion control measures, walls and/or tree wells;

(8) Details in either text or drawing form to ensure proper installation and establishment of plant materials as prescribed by the American Nurseryman Standards; and

(9) Detailed description of the ongoing landscape maintenance program.

(Ord. 37, passed 8-28-2005)

§ 152.328 GENERAL LANDSCAPE STANDARDS.

(A) *Existing vegetation.*

(1) Existing vegetation shall not be removed or disturbed until the Village of Pinckney has approved the required landscape plan, final site plan and land use permit.

(2) Existing, healthy, native vegetation shall be preserved to the maximum degree practical, especially trees eight inches or more in diameter at breast height.

(3) Planting requirements may be waived if the existing vegetation to be retained on the site meets or exceeds the standards set forth in this subchapter.

(B) *Quality.* Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to southeast Michigan and shall conform to the current minimum standards of the American Association of Nurserymen.

(C) *Composition.*

(1) Plantings shall be clustered and staggered rather than situated in straight rows for interest and variety unless the placement is an integral part of a design element, such as an alley of trees.

(2) A mixture of plant materials is recommended as a protective measure against insect and disease infestation. However, a limited mix of hardy species is recommended rather than a large number of different species to produce a more cohesive and orderly design.

(D) *Ground cover.* All landscaped areas that do not contain trees, shrubs or planting beds shall be covered with living ground cover (including grass) and/or organic mulch. Stone or aggregate shall not be accepted as a ground cover. Ground cover shall be planted in sufficient quantity to present a finished appearance within one growing season and shall not exceed 18 inches in height at maturity.

(E) *Berms.*

(1) *Height.* Berms shall be at least two and one-half feet in height and no more than five feet in height, as measured on the side of the proposed berm having the highest finished grade.

(2) *Side slopes.* Side slopes shall be no steeper than one vertical foot for every three horizontal feet, and shall be designed and planted to prevent erosion. Side slopes shall be planted with naturalized groupings as required for landscape buffers herein.

(3) *Shape.* Berms shall be constructed with a rounded surface at least two feet in width at the highest point and extending the length of the berm. In general, the shape of berms shall appear to be as natural as possible.

(F) *Visibility at road intersections.* All plant materials and structural landscape elements within a vision clearance area shall comply with § 152.261(E).

(G) *Curb stops.* A curb or wheelstop may be required along interior parking lot landscape islands, perimeter landscape strips and landscapes adjacent to road rights-of-way to prevent vehicles from damaging plants and structural landscape elements.

(H) *Dumpsters.* Dumpsters shall be located and screened in accordance with § 152.262(M).

(I) *Inspection.* It shall be the property owner or developer's responsibility to request a landscape inspection by the Zoning Administrator within ten to 14 months after land use permit approval, to assure full compliance with the approved site plan.

(Ord. 37, passed 8-28-2005)

§ 152.329 LANDSCAPED BUFFER AREAS.

(A) *Application.* On any site in a multiple-family residential or commercial use, a landscaped buffer area in compliance with this subchapter shall be provided as follows. A landscaped buffer area at least six feet in width shall be provided along all lot lines that abut a residential district or use.

(B) *Design standards.*

(1) The landscaped buffer area shall provide a visual screen that is at least six feet high and 80% opaque along its entire length. Compliance with this standard shall be determined based upon reasonably anticipated growth within three years of planting.

(2) At least 50% of the trees within the buffer area shall be evergreen.

(3) The landscaped buffer area shall be planted with one of the following:

(a) Existing vegetation in conformance with division (B)(1) above;

(b) Existing vegetation augmented with evergreen plantings;

(c) A solid hedge of evergreen trees and/or shrubs; and

(d) Naturalized groupings of plant materials, which contain a mixture of trees and shrubs.

(C) *Additional screening.* The Planning Commission may determine that additional screening is required to effectively buffer more intense or conflicting land uses. To achieve this objective the Planning Commission may, at its discretion, also require the following. A berm, wall and/or fence, in addition to the trees and shrubs required above.

(D) *Walls and fences.*

(1) *Landscaped buffer walls and fences.* Landscaped buffer walls and fences shall be:

(a) Located further from the lot line than the required landscaping, which shall be planted between the wall or fence and lot line;

(b) At least three feet in height but no more than six feet in height;

(c) Constructed of brick, stone, redwood, cedar, or No. 1 pressure-treated wood, vinyl or other materials approved by the Planning Commission or Zoning Administrator, but chain link fences shall not be permitted for screening purposes; and

(d) Otherwise in compliance with § 152.263(C).

(2) *Ornamental fences.* Fences of an ornamental nature shall be a maximum of 36 inches, provided that adequate vision clearance is provided, as required in § 152.261(E). Ornamental fences shall be constructed of a design including post and rail, picket, or other types, as approved by the Planning Commission or Zoning Administrator and materials including redwood, cedar, or No.1 pressure-treated wood, vinyl, iron, steel, brick, stone, or other materials approved by the Planning Commission or Zoning Administrator. The fences shall be in compliance with § 152.263(C).

(Ord. 37, passed 8-28-2005; Ord. 124, passed 5-12-2014) Penalty, see § 152.999

§ 152.330 FOUNDATION PLANTINGS.

Foundation plantings shall be provided along all sides of buildings that face a public right-of-way or a parking lot used by the public.

(A) Planting areas shall extend at least six feet from the face of the building and contain a mixture of trees and shrubs.

(B) The Planning Commission may reduce or waive this requirement upon finding that full compliance is impractical due to the use, location of delivery areas and/or site layout.

(Ord. 37, passed 8-28-2005)

§ 152.331 LANDSCAPING ADJACENT TO ROADS.

All non-residential developments shall include 1 tree and 5 shrubs per 30 lineal feet or road frontage. Trees are not required to be evenly spaced and may be clustered. The required landscaping adjacent to public and private roadways shall be located on private property within a planting strip a minimum of 10 feet adjacent to the road right-of-way.

§ 152.332 LANDSCAPING OFF-STREET PARKING LOTS.

(A) *Interior parking lot landscaping.* Separate landscaped islands shall be provided within off-street parking lots, so as to break up the broad expanse of pavement, provide shade and guide vehicular and pedestrian circulation and beautify the village. Unless modified in accordance with § 152.334, off-street parking lots with 50 or more individual parking spaces shall comply with the following:

(1) There shall be at least one tree planted within the interior of the parking lot for every eight parking spaces, or fraction thereof;

(2) Landscaped islands shall be:

(a) At least 150 feet in area, as measured from the outside curb edge;

(b) Planted with at least one large deciduous tree;

(c) Located so that no single parking space is more than 45 feet from a landscaped island; and

(d) Completely surrounded with at least a four-inch concrete or bituminous curb.

(3) A minimum distance of three feet from the backside of the curb and the proposed landscape plantings shall be provided.

(B) *Perimeter parking lot landscaping.* Landscaped buffer areas shall surround the perimeter of off-street parking areas in compliance with § 152.329.

(Ord. 37, passed 8-28-2005)

§ 152.333 TREE AND SHRUB STANDARDS.

(A) *Large evergreen trees.* Shall be at least six feet in height. Permitted trees include:

(1) Spruce;

(2) Fir;

(3) Hemlock; and

(4) Pine.

(B) *Large deciduous canopy trees.* Shall be at least two and one-half inches in diameter at breast height. Permitted trees include:

(1) Oak;

(2) Maple;

(3) Beech;

(4) Linden;

(5) Birch;

(6) Honey Locust (seedless, thornless);

(7) Sycamore; and

(8) Ginko (male only).

(C) *Small deciduous ornamental trees*. Shall be at least one and three-quarter inches in diameter at breast height. Permitted trees include:

- (1) Dogwood;
- (2) Cherry;
- (3) Pear;
- (4) Hawthorn;
- (5) Redbud;
- (6) Magnolia;
- (7) Crabapple;
- (8) Serviceberry; and
- (9) Hornbeam.

(D) *Narrow evergreen trees*. Shall be at least three and one-half feet in height. Permitted trees include:

- (1) Red Cedar;
- (2) Hinoki Cypress;
- (3) Juniper; and
- (4) Arborvitae.

(E) *Shrubs*. Shall be at least two feet in height at the time of planting and at least three feet in height within three years. Permitted shrubs include:

- (1) Yew;
- (2) Spruce;
- (3) Juniper;
- (4) Mugo Pine;
- (5) Euonymous;
- (6) Boxwood;
- (7) Honeysuckle;
- (8) Lilac;

- (9) Sumac;
- (10) Syracantha;
- (11) Cotoneaster;
- (12) Flowering Quince;
- (13) Viburnum;
- (14) Spirea;
- (15) Privet; and
- (16) Potentilla.

(F) *Plant substitutions.* The Zoning Administrator may approve revisions to proposed plant species due to lack of availability or seasonal planting problems, provided the alternative plantings fully meet the purpose and provisions of this subchapter.

(G) *Prohibited plant materials.* The following trees are not permitted as new plantings for required landscaping: Box Elder, Poplar, Willow, Tree of Heaven, Ash and Catalpa. Furthermore, the Planning Commission reserves the right to exclude other species when their use would not contribute to the goals of the Zoning Ordinance.

(Ord. 37, passed 8-28-2005)

§ 152.334 INSTALLATION AND MAINTENANCE.

(A) *Performance guarantee.* To ensure full compliance with this subchapter and completion of landscape improvements, the Planning Commission or Village Council may require that a performance guarantee be deposited with the Village Clerk, in accordance with § 152.026.

(1) The amount of the performance guarantee shall be 125% of the estimated cost of the improvements for which the guarantee is required. The Zoning Administrator shall determine the estimated cost of the improvements based upon a written estimate provided by the applicant from a reputable local nursery.

(2) A maintenance bond for an amount not less than 10% of the total performance guarantee may be required for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This condition may also be met with a cash deposit of 10% of the total performance guarantee. This amount shall be released to the applicant upon certification by the Zoning Administrator that all landscape materials are being maintained in good condition.

(B) *Installation.* Plant installation shall comply with the standards in the most recent edition of the *American Standard for Nursery Stock* (ANSI Z60.1), published by the American Nursery and Landscape Association.

(C) *Maintenance.* The property owner shall maintain all landscaping in a healthy condition, free from refuse and debris. All landscaped areas shall be irrigated with a readily available and acceptable water supply. Underground sprinkler systems shall be installed, used and maintained to insure the proper irrigation of all plant materials on the site.

(Ord. 37, passed 8-28-2005)

§ 152.335 WAIVERS AND MODIFICATIONS.

(A) To allow for design flexibility, the Planning Commission may waive or modify the requirements of this subchapter at the time of preliminary site plan review, upon finding that the following criteria are met:

(1) The modification will be consistent with the purpose of this subchapter and will result in an equally effective or superior landscape design;

(2) Due to one or more unique characteristics of the property, such as its size, shape, topography, location, existing buildings or surroundings, the strict application of this subchapter will deprive the property owner of its reasonable use, as enjoyed by other property owners in the same zoning district;

(3) Strict application of this subchapter will result in a loss of existing parking spaces required by §§ 152.280 *et seq.*, where the parking does not abut a residential district or use; and

(4) Existing vegetation, landscaping and structures are located in such a way that the addition of the required landscaping would be detrimental to plant health or otherwise create undesirable conditions.

(B) In granting an adjustment, the Planning Commission may attach the conditions of approval, as it may deem reasonable.

(Ord. 37, passed 8-28-2005)

§ 152.336 NONCONFORMING SITES.

Landscape elements that are shown on site plans approved prior to the effective date of this chapter may be maintained in accordance with §§ 152.415 *et seq.*

(Ord. 37, passed 8-28-2005)

RESIDENTIAL OPEN SPACE DEVELOPMENT

§ 152.350 PURPOSE.

It is the purpose of this subchapter to allow flexibility in residential lot size, site design and housing type, in order to encourage a more creative and efficient use of land than conventionally allowed within Low Density Residential (R1), Medium Density Residential (R2) and High Density Residential (R3) Districts, and to achieve the following objectives:

- (A) Preserve village character, natural resources and open space;
- (B) Create usable, recognizable common conservation and recreation areas;
- (C) Provide a diversity of high quality housing types;
- (D) Develop land and infrastructure efficiently and economically;
- (E) Provide interconnected roads of an appropriate scale; and
- (F) Provide interconnected pedestrian and bicycling facilities.

(Ord. 37, passed 8-28-2005)

§ 152.351 GENERAL REQUIREMENTS.

(A) *Special land use permit required.* A residential open space development shall require a special land use permit from the Village of Pinckney.

(1) The special land use permit shall be processed in compliance with § 152.241(B).

(2) The special land use permit shall set forth all conditions of approval and include an approved preliminary site plan in compliance with the following:

- (a) The specific standards within this subchapter;
- (b) The general standards within §§ 152.240*et seq.*; and
- (c) The Village of Pinckney Subdivision Regulations or the site condominium requirements of § 152.266.

(B) *Application submittal.* An application for a residential open space development shall include all of the information required for a special land use permit in § 152.241(A) including a preliminary site plan. The application shall also include a parallel plan showing how the site would be conventionally developed based upon the existing zoning, without a special land use permit (see § 152.353(A)).

(C) *Unified control.* The residential open space development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of single ownership or control in the form of draft or

recorded agreements, contracts, covenants and/or deed restrictions that indicate the development will be completed in its entirety as proposed.

(D) *Common open space guarantee.* The property owner shall guarantee, to the satisfaction of the Planning Commission, that all common open space shall be provided, used and maintained in the manner approved by the village. Documents shall be submitted that bind all successors and future owners in fee title to common open space commitments made as part of the approved special land use permit.

(E) *Recording of action.* The applicant shall record an affidavit with the Register of Deeds containing the full legal description of the project site, specifying the date of final approval by the Village Council and declaring that all improvements will be carried out in accordance with the approved site plan. In addition, all deed restrictions and easements shall be duly filed with the County Register of Deeds and copies of recorded documents shall be submitted to the village.

(F) *Land use permit.* Following final site plan approval, including proof of compliance with division (D) above, and final approval of engineering plans by the applicable village, county and state agencies, a land use permit for the development may be issued by the Zoning Administrator. It shall be the responsibility of the applicant to obtain all other necessary development permits.

(G) *Initiation of construction.* If construction has not commenced within 24 months of final approval, all village approvals shall become null and void. The applicant may apply in writing to the Planning Commission for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.

(H) *Phased development.* Final approvals may be granted on each phase of a multi-phased development, if each phase contains the necessary components to ensure protection of natural resources and the health, safety and welfare of the residents and users of the residential open space development and the residents of the surrounding area.

(I) *Continuing adherence to plan.* Any property owner who fails to maintain an approved site plan shall be deemed in violation of this chapter and shall be subject to the penalties established in §§ 152.020 *et seq.*

(J) *Performance guarantee.* The Village Council or Qualified Village Agent may require that a performance guarantee, in accordance with § 152.026, be deposited with the village to insure the completion of improvements.

(K) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

COMMON OPEN SPACE.

(a) A usable and recognizable portion of a development site that is permanently protected from any use other than the following:

1. Public conservation or recreation; and
2. Common private conservation or recreation.

(b) **COMMON OPEN SPACE** shall not include:

1. Required front, side or rear yards on individual residential lots;
2. State regulated wetlands;
3. Storm water management facilities including floodways, county drainage easements and detention and retention ponds; and
4. Road or utility easements.

RESIDENTIAL OPEN SPACE DEVELOPMENT. One or more lots developed as a single entity with residential uses clustered on no more than 70% of the net site area with the remaining 30% permanently set aside as common open space.

(L) *Review Process.* The application for a residential open space development shall require review and approval of both the applicable special use application and site plan application and in some cases may also require a rezoning request for some or all of the property involved. At the request of the applicant, or at the direction of the Planning Commission or the Village Council, these applications may be considered concurrently. Review of the proposed residential open space development plan by the Planning Commission and Village Council shall require the procedures for both site plan and special use reviews and shall be acted on as follows:

(1) *Planning Commission action.* The review of the final residential open space development plan shall be noticed for public hearing in the same manner as a rezoning before the Planning Commission, and otherwise acted upon by the Planning Commission, as provided by law.

(a) *Approval.* Upon finding that the final plan meets the criteria and standards set forth in the Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242 and 152.388 , the Planning Commission may recommend approval of the plans, with or without conditions.

(b) *Tabling.* Upon finding that the final plan does not meet the criteria and standards set forth in Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242, and 152.388 , but could meet such criteria if revised, the Planning Commission may table action until a revised final plan is resubmitted.

(c) *Denial.*

1. Upon finding that the final plan does not meet the criteria and standards set forth in Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242, and 152.388, the Planning Commission shall deny the final plans.

2. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the project, including, without limitation, recommendations with respect to matters on which the Village Council must exercise discretion.

(2) *Village Council action.* The final plan shall be noticed for public hearing as a rezoning before the Village Council, and otherwise acted upon by the Village Council, as provided by law.

(a) Upon receiving a recommendation from the Planning Commission, the Village Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the Village Council shall approve, approve with conditions, table or deny the final plan.

(b) Within a reasonable time following the hearing, the Village Council, or its designee, shall prepare a report stating the Village Council's conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

(c) Prior to approval of a final plan, the Village Council may require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be approved by the Village Attorney, and the Village Council, and signed by both the village and the applicant.

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

§ 152.352 PERMITTED USES.

The following uses may be permitted through the special land use permit approval process, at the discretion of the Planning Commission:

(A) Any permitted use or special land use listed in the district in which the development is located;

(B) Two-family dwellings and multiple-family dwellings;

(C) Common open space in compliance with the provisions of this subchapter; and

(D) Accessory structures.

(Ord. 37, passed 8-28-2005)

§ 152.353 DENSITY.

(A) *Base density.* The number of dwelling units shall not exceed the number allowed in the residential district in which the development will be located, except as provided for by division (B) below. To establish the number of dwelling units allowed, the applicant shall submit a conventional plan in conformance with the following:

- (1) The applicable residential district;
- (2) All other provisions of this chapter; and

(3) Other applicable federal, state, county and village regulations including, but not limited to, those governing roads, water supply, sewage treatment, wetlands and floodplains. Detailed engineering is not required. The Planning Commission shall review the submitted conventional plan and, based on this plan, determine the number of dwelling units allowable for the proposed residential open space development.

(B) *Density bonus.* The Planning Commission may recommend and the Village Council may approve a density bonus of up to 150% of the base density allowed under division (A) above. The total number of dwelling units may be increased by 10% for any five of the following:

- (1) Permanent protection of more than 30% of the net site area as common open space;
- (2) Significant preservation of natural resources including vegetation, shorelines, unregulated wetlands and steep slopes;
- (3) Dedication of usable common open space to a public or non-profit entity;
- (4) Significant reduction of impervious surface cover, including road length;
- (5) Interconnection of roads, pedestrian or bicycling paths and/or common open space/recreational areas;
- (6) Preservation of rural character along public road frontage; and
- (7) Superior architectural and/or site design, including diversity or originality in lot layout and individual building design.

(Ord. 37, passed 8-28-2005)

§ 152.354 SITE DEVELOPMENT STANDARDS.

(A) *Base Zoning District.* Unless specifically waived or modified by the Village Council, all requirements of this chapter and the zoning district in which the site is located shall remain in effect, except for lot area, lot coverage and yard regulations.

(B) *Design flexibility.* To encourage flexibility and creativity consistent with the common open space community concept, the Village Council may grant specific

departures from the requirements of this chapter for lot area, lot coverage and yards as part of the special land use approval process. Any modification shall be approved through a finding by the Village Council that the deviation will result in a higher quality of development than would be possible based on the conventional standards. Regulatory modifications are not subject to appeal or to variance approval by the Zoning Board of Appeals (see §§ 152.442(B), 152.444 and 152.445).

(C) *Landscaped buffer area.* The outside boundary of the development site shall be surrounded by a landscaped buffer area in compliance with § 152.329.

(D) *Access.*

(1) All vehicular access to the site shall be directly from an arterial road or collector road.

(2) Dedicated pedestrian and bicycle pathways shall be provided along each interior road and throughout the site. These pathways, which may include sidewalks, shall connect to adjacent sites to the maximum degree possible.

(E) *Internal roads.* Construction of private roads as a means of providing interior circulation is encouraged. Private roads within a residential open space development are exempted from the design requirements of the Village Technical Standards, if all of the following findings are made by the Planning Commission:

(1) The roads are adequate for emergency vehicle access, as verified in writing by the Putnam Township Fire Marshal and Pinckney Police Department;

(2) A deed restriction is placed on the project site that perpetually vests free simple of the land area in the parties adjoining the road and prohibits future transfer to the public; and

(3) An acceptable maintenance plan is provided, including a means of guaranteeing maintenance assessments from the affected property owners.

(F) *Common open space.*

(1) A minimum of 30% of the net site area shall be maintained as dedicated common open space held in collective ownership.

(2) The total area of dedicated common open space shall be equal to or exceed the total lot area by which all individual residential lots are reduced below the district standard.

(3) Common open space areas shall be located on the same site as the residential open space development and shall be readily accessible by all residents of the development.

(4) Common open space areas shall be of adequate size and configuration to accommodate the intended use, and shall not include narrow or irregular pieces of land (for example, remnants from the layout of lots, roads and parking areas).

(5) The dedicated common open space shall forever remain common open space, subject only to uses approved by the village and shown on the approved site plan. Further division of common open space or its use for other than approved recreation, conservation or agricultural purposes shall be strictly prohibited.

(6) The dedicated common open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:

(a) Recorded deed restrictions;

(b) Covenants that run perpetually with the land; or

(c) A conservation easement established per the State of Michigan Conservation and Historic Preservation Easement Subpart Part 21, Natural Resources and Environmental Protection Act, Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 *et seq.*, as amended (M.C.L.A. §§ 324.2140 *et seq.*)

(7) The conveyance shall assure that the common open space will be protected from all forms of development, except as shown on the approved site plan and shall never be changed to another use. Furthermore, the conveyance shall:

(a) Indicate the allowable use(s) of the dedicated common open space;

(b) Require the dedicated common open space to be adequately maintained by parties with an ownership interest in the common open space;

(c) Provide detailed standards for scheduled maintenance of the common open space; and

(d) Provide for maintenance to be undertaken by the Village of Pinckney in the event that the dedicated common open space is inadequately maintained, or is determined by the village to be a public nuisance, with a means of assessing all related costs upon the property owners.

(8) Any structure(s) accessory to an approved recreation, conservation or agricultural use may be erected within the dedicated common open space, subject to the approval of the Planning Commission. The accessory structures shall not exceed, in aggregate, 10% of the required common open space.

(9) National Recreation and Park Association Standards, standards established by a sports governing body or standards obtained from another credible source shall be

used to determine the exact spatial and dimensional requirements needed for a specific type of recreation area or facility.

(10) The developer shall be required to improve recreation areas so that they are usable for the intended activity, including necessary facilities and equipment. The proposed improvements, including facilities and equipment, shall be acceptable to the village.

(G) *Water and sewage.* The development shall be served by public or community water and sewage treatment facilities, constructed and maintained in accordance with all applicable state and county statutes and ordinances.

(Ord. 37, passed 8-28-2005; Ord. 139, passed 9-11-2017) Penalty, see § 152.999

ENVIRONMENTAL PERFORMANCE STANDARDS

§ 152.370 PURPOSE.

It is the purpose of this subchapter to preserve the environmental health, safety and welfare of the Village of Pinckney, its residents and business owners. No land use otherwise allowed by this chapter shall be permitted within any district that does not conform to the following minimum environmental standards.

(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

§ 152.371 ENVIRONMENTAL PERFORMANCE STANDARDS.

(A) *Compliance required.* All land uses shall comply with the environmental performance standards established herein unless any federal, state, county or village law, ordinance or regulation establishes a more restrictive standard, in which event the more restrictive standard shall apply.

(B) *Glare and exterior lighting.* For the purposes of this section, public streetlights shall be considered an essential public service, as defined in § 152.267.

(1) Exterior lighting shall be located and maintained to prevent the reflection or glare of light in a manner that creates a visual nuisance or safety hazard.

(2) All outdoor lighting shall be fully shielded and directed away from, and no light source shall be visible from, adjacent properties, roads and public rights-of-way.

(3) Reasonable lighting for safety and security purposes shall be encouraged, subject to the limitations set forth herein.

(4) Lighting shall not exceed one-half foot candles at a residential lot line or one foot candles at a nonresidential lot line.

(5) Light intensity shall not exceed ten foot candles in any given area on the site. The Planning Commission, at its discretion, may allow for an increased level of

lighting if it can be demonstrated that the lighting is necessary for safety and security purposes.

(6) Pole mounted light fixtures shall not exceed 20 feet in height. On portions of a site adjacent to a residential district or use, light fixtures shall not exceed 15 feet in height.

(7) The design and/or screening of the development shall insure that glare from vehicle headlights shall not be directed towards any adjacent property, particularly residential property.

(8) No glare from any activity (such as arc welding or acetylene torch cutting) shall be visible from any point beyond the property upon which the use is being conducted.

(9) Reflective materials on building facades and/or rooftops shall not create a nuisance or safety hazard.

(10) Any site plan review required by §§ 152.385*et seq.* shall also include submittal of the following:

- (a) A lighting plan showing light fixture locations and types;
- (b) Lighting equipment specifications, including construction drawings and data sheets; and
- (c) A photometric plan showing horizontal light levels in a point-by-point format with contour lines.

(C) *Noise.*

(1) Noise levels as recorded at the lot line shall not exceed 60 decibels between the hours of 6:00 a.m. and 9:00 p.m. and shall not exceed 45 decibels between the hours of 9:00 p.m. and 6:00 a.m.

(2) Objectionable sounds of an intermittent nature or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses. This shall particularly apply to commercial activities adjacent to a residential district or use.

(3) These limits shall not apply to noise resulting from public safety signals or warning devices.

(D) *Vibration.* No activity or use shall create ground-transmitted vibrations that are recurring and perceptible at any property line.

(E) *Airborne emissions.*

(1) *Air pollution.* It shall be unlawful for any person, firm or corporation to permit the emission of any smoke, dust or other air contaminant in violation of applicable air quality standards adopted by the Federal Clean Air Act and the Michigan Department of Environmental Quality.

(2) *Odors.* Any condition or activity resulting in the emission of a noxious odor that is perceptible at any point along the property line shall be prohibited.

(3) *Gases.* Any condition or activity resulting in the emission of a gas that is explosive, injurious to people or destructive to property is prohibited.

(F) *Electromagnetic interference.* Any interference with normal radio, telephone or television reception across property lines shall be prohibited.

(G) *Material use, storage and disposal.*

(1) It shall be unlawful to pollute or otherwise impair the air, water, soil or any other natural resource within the Village of Pinckney as a result of the following activities:

(a) The use, storage and/or disposal of a hazardous substance; and

(b) The storage and/or disposal of solid, liquid, gaseous and/or sanitary waste.

(2) Any person, firm, corporation or other legal entity engaged in any of the above activities shall comply with all applicable federal, state and village regulations, including obtaining all necessary permits and/or licenses.

(3) No solid waste shall be stored or disposed of in such a manner as to create a nuisance, visual eye-sore or safety or environmental hazard.

(4) No operation that produces hazardous waste shall commence without prior notice to the Zoning Administrator. Notice shall be provided at least three weeks before the operation is commenced.

(H) *Nonresidential uses involving hazardous and polluting materials.* Nonresidential sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, lakes, streams, rivers or wetlands. Hazardous substances and polluting materials as used in this section shall mean hazardous chemicals as defined by the Michigan Department of Community Health and the Michigan Department of Labor and Economic Growth, flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division, critical materials, polluting materials and hazardous waste as defined by the Michigan Department of Environmental Quality, hazardous substances as defined by the United States Environmental Protection Agency and hazardous materials as defined by the United States Department of Transportation.

(1) Secondary containment for above ground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

(2) General purpose floor drains shall be allowed only if they are authorized to be connected to a public sewer system, an on-site holding tank or a system authorized through a state groundwater discharge permit. Proof of authorization must be provided to the Village before a general purpose floor drain is installed.

(3) State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges shall be allowed without required permits and approvals.

(4) File with the local Fire Department a floor plan describing, in full detail, the location and identification of hazardous or polluting substances within the first three months of the commencement of business. The floor plan shall be updated with the local Fire Department on a yearly basis.

(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

SITE PLAN REVIEW

§ 152.385 PURPOSE.

The purpose of this subchapter is to regulate the physical layout of land uses, structures and improvements, in order to specifically address potential development impacts on a site and surrounding property, including impacts on: natural resources, pedestrian and vehicular traffic, infrastructure and services, adjacent lots, the local economy, the social and cultural environment, public health, safety and welfare and the character of future development.

(Ord. 37, passed 8-28-2005)

§ 152.386 PLOT PLAN APPROVAL.

(A) *Administrative authority.* The Zoning Administrator shall:

(1) Have the authority to approve a plot plan for the following:

(a) Any change in the use of an existing lot or structure to another permitted use that does not require site plan approval under § 152.387. The use change will be subject to all other applicable zoning provisions, such as parking and landscaping;

(b) Any construction or alteration of a structure that does not require site plan approval under § 152.387, including a single-family dwelling, addition to a single

family dwelling, or customary accessory structure, located on a single-family residential lot; and

(c) Provision of additional parking, loading/unloading spaces, and landscape improvements as required by ordinance;

(2) Notify the Planning Commission at the next available, regularly scheduled Planning Commission meeting of all plot plans that have been approved by the Zoning Administrator. When referred by the Zoning Administrator, the Planning Commission may determine that a plot plan must be reviewed as a regular site plan in accordance with the requirements of this chapter. The Zoning Administrator may also refer a plot plan eligible for administrative recommendation to Village Council; and

(3) Be authorized to employ the Village Planner, Engineer or other experts to assist in the review of the plot plan submitted under this section.

(B) *Application information.* All applications for plot plan review shall include the following:

(1) A village application form for a land use permit;

(2) The established fee as determined by the Village Fee Schedule; and

(3) A plot plan including the information required for a preliminary site plan in § 152.389 (D) items #1 through #11. The applicant shall submit one copy of the plot plan on either a 24-inch by 36-inch sheet, an 11-inch by 17-inch sheet, or an 8 1/2 - inch by 11-inch sheet as determined by the Zoning Administrator unless referred to the Planning Commission or Village Council by the Zoning Administrator, in which case the applicant shall submit seven copies and an electronic copy.

(C) *Review process.*

(1) A complete plot plan and land use permit application shall be submitted to the Zoning Administrator prior to any site preparation (including clearing and grading) or construction and prior to application for a building permit from the building official.

(2) The Zoning Administrator shall review the plot plan application for completeness and verify its compliance with the provisions of this chapter.

(3) The site shall be staked showing the property corners (prior to commencement of work)

(4) The site shall be staked for all structures to be constructed (prior to commencement of work)

(5) Upon approval, the Zoning Administrator shall issue a land use permit authorizing the commencement of work. (See also § 152.023)

(Ord. 37, passed 8-28-2005)

§ 152.387 SITE PLAN APPROVAL.

(A) Site plan review (preliminary and final site plans) by the Planning Commission shall be required for the following:

(1) Site plan review and approval is required for existing uses or structures where an alteration to the existing use or structure would result in any of the following conditions:

(a) Relocation of a structure, an increase of the floor area of at least 10% or 500 square feet, whichever is less, or a reduction in floor area;

(b) A use or structure is on a lot abutting a residential district or use;

(c) A requirement of a variance from the provisions of this chapter;

(d) Resurfacing of an off-street parking lot where construction activities would alter drainage properties, or the addition or replacement of the base or sub-grade; and

(e) Any change in use, or a development that could affect compliance with the standards set forth in this chapter.

(2) Site condominium projects; and

(3) Any use requiring a special land use permit.

(B) Preliminary site plans shall be approved by the Planning Commission.

(C) Upon approval of a preliminary site plan by the Planning Commission, the applicant may submit a final site plan in accordance with the requirements of this chapter. Final site plans shall be approved by the Planning Commission, except in the case of a final site plan for a residential open space development, condominium project, or other planned development for which Village Council shall approve or deny, following a review and recommendation by the Planning Commission.

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

§ 152.388 GENERAL APPLICATION STANDARDS.

(A) *Compliance required.* No grading, filling, removal of trees or other vegetation, or construction of improvements shall commence for any development that requires site plan approval until the final site plan and land use permit have been approved by the village.

(B) *Application information.* All applications for site plan review shall include the following:

(1) *Fee.* The required application and escrow fees, as established by the Village Council in the Village Fee Schedule. No part of the application fee shall be refundable.

(2) *Application form.* Three completed copies of the village application form, which shall be signed by the property owner(s) and contain the following information:

(a) The name, address and telephone number of the applicant(s) and property owners(s);

(b) If the applicant is not the property owner(s), a notarized statement signed by the property owner(s) that the applicant is acting on the owner's behalf; and

(c) The legal description, tax identification number and address of the property.

(3) *Site plan.* A site plan in compliance with § 152.389 (preliminary) or § 152.391 (final), as applicable and conforming to Village Technical Standards.

(a) The applicant shall submit four individually folded copies of the site plan on 24-inch by 36-inch sheets and one digital copy. See Village Zoning Administrator for format details.

(b) The site plan shall be drawn to scale of not less than one inch (1") equals twenty feet (20') (1"=20') for property under three (3) acres and not more than one inch (1") equals fifty feet (50')(1"=50') for sites three (3) acres or more.

(c) Upon acceptance of the above referenced site plan, as complete for review by the Zoning Administrator, Village Planner, Village Engineer, Department of Public Works and Fire Marshal, the applicant shall submit at least ten additional copies of the site plan on 24-inch by 36-inch sheets.

(4) *Proposed waivers.* The preliminary and final site plan shall clearly indicate any proposed reductions in off-street parking, loading and/or landscaping standards, to be modified by the Planning Commission during site plan review.

(5) *Additional information for final site plan review.* Other items required for final site plan review are as follows:

(a) An Impact Assessment Report as required by § 152.392, below, including a completed Environmental Permit Checklist and Hazardous Substances Reporting Form, if applicable, supplied by the Zoning Administrator.

(i) The Zoning Administrator or Planning Commission may waive or modify the Impact Assessment Report requirements, or accept an Impact Assessment Report previously submitted relative to the site and proposed development, at its discretion;

(b) Copies of any deed restrictions, easements, protective covenants, master deed or association bylaws affecting the site; and

(c) Proof that the final site plan has been submitted for review to all other agencies that regulate the proposed development including, but not limited to: the County Road Commission, Health Department, Building Department and Drain Commissioner and the Michigan Department of Transportation and Department of Environmental Quality.

(C) *Submission.* A complete application must be submitted to the Zoning Administrator at least 14 business days prior to the Planning Commission meeting at which the proposal will first be considered

(D) *Application flexibility.* If deemed unnecessary to determine site plan compliance with the provisions of this chapter, the Zoning Administrator and Planning Commission may waive the submittal of information required in the following (sections):

- (1) Section 152.388 (B) (general site plan);
- (2) Section 152.389 (D) (preliminary site plan);
- (3) Section 152.391 (final site plan); and
- (4) Section 152.392 (Impact Assessment Report).

(E) *Concurrent preliminary and final site plan review.* If requested by the petitioner, preliminary and final site plan review may be conducted concurrently.

(Ord. 37, passed 8-28-2005; Ord. 72, passed 4-24-2006; Ord. 82, passed 5-12-2008; Ord. 139, passed 9-11-2017)

§ 152.389 PRELIMINARY SITE PLAN APPLICATION.

(A) *Purpose.* The purpose of preliminary site plan review is to confirm general compliance with the Village Zoning Ordinance, conformance with Village Technical Standards, and suggest changes, if necessary, prior to final site plan review.

(B) *Pre-planning meeting.* For all development other than an individual single family home, the proprietor and/or his/her authorized Agent may at his /her own discretion request a planning meeting with Village representatives to discuss project details prior to submittal of a preliminary site plan. The proprietor or his/her authorized Agent assumes all costs associated with meeting attendees in accordance with the fee schedule

(C) *Preliminary site plan application and submittal.* Preliminary site plan application and submittal shall be made in accordance with the General Application Standards in Section 152.388.

(D) *Preliminary site plan.* Preliminary site plans shall contain the following information:

- (1) Name, address and phone number of applicant(s) and property owner(s);
- (2) Scale, north arrow, date of original drawing and date of each revision;
- (3) Address, parcel identification number(s), legal description(s), and zoning district(s) of the site;
- (4) Gross site area in acres and square feet;
- (5) Location and length of all lot and/or property lines. All lot and/or property lines are to be shown in dimension including building setback lines (front, rear and side) and existing easements. A copy of title commitment or policy must be included;
- (6) Significant natural features such as steep slopes, existing trees, floodplains, wetlands, lakes, ponds, rivers or creeks including ordinary high water mark(s);
- (7) Location and dimensions of the following, both existing and proposed (clearly labeled existing or proposed):
 - (a) Structures;
 - (b) Sidewalks, curb cuts, driveways, parking areas and off-street parking spaces;
 - (c) Landscaping, greenbelts, separation berms, fences and walls;
 - (d) Signs;
 - (e) On-site wells and septic systems or public water and sewer hookups, as applicable;
 - (f) Outdoor waste, material and/or equipment storage areas;
 - (g) Dry wells;

- (h) Open space recreation areas;
- (i) Exterior lighting;
- (j) Loading/Unloading areas; and
- (k) Curbing.

(8) Location and dimensions of all roads providing access and/or adjacent to the site (clearly labeled with the road name);

(9) Statistical data which shall include:

- (a) The number of structures;
- (b) The number of sub-units per structure;
- (c) The size of each unit;
- (d) The total area involved;
- (e) Percentage of lot coverage

(10) Principal building height;

(11) Existing grades and any topographical alterations or changes in natural terrain including drainage patterns shall also be shown;

(12) The vehicular and pedestrian circulation features within and adjacent to the development site;

(13) A topographic survey shall be signed and sealed by a Land Surveyor registered in the State of Michigan and be prepared in the State Plane Coordinate System using NAVD 88 as the vertical datum. Topographic survey shall extend two hundred fifty feet (250') beyond the property lines locating all features. Soil boring locations shall be collected using survey grade equipment calibrated to the State Plane Coordinate System and shown on the survey. Elevations shall be provided by a Land Surveyor registered in the State of Michigan and be depicted on the soil boring logs. The soil boring logs shall show both the depth and the elevation of soil strata and groundwater.

(14) An area wide plan showing the following:

- (a) The property lines of all adjacent parcels and other affected parcels;
- (b) The location and height of all structures within two hundred fifty feet (250') of the property boundary lines of the property being developed;

(c) Existing sanitary sewers, storm sewers, water mains, watercourse centerlines, and natural features;

(d) Proposed utilities and their connection to existing utilities in plain view and clearly labeled, including rim elevations, invert elevations, pipe sizes, pipe directions and pipe lengths between structures;

(e) Enough information regarding existing and proposed sanitary sewer must be supplied to show that the proposed sanitary sewer would adequately service the required area. The sanitary sewer service area shall be determined by the Village engineer or qualified Village Agent;

(f) Outline of proposed detention and/or retention basins and proposed outflow location;

(g) Zoning, parcel identification numbers, and owner's name of each parcel for all properties shown on the plan;

(h) Existing contours and off-site drainage area delineations;

(15) Wetland Compliance. Verify wetland compliance, if applicable, with the Village of Pinckney Wetland Ordinance.

(E) *Additional information for special use permits.* The detail of the specific uses of the project under consideration for a special use permit must be included and may become part of the permit. Alterations of the plans and concepts made after approval by the Planning Commission will constitute a change in the project and may require a complete renewal of the site plan process. The Village Zoning Administrator shall determine whether or not a change requires renewal of the site plan process.

(Ord. 37, passed 8-28-2005)

§ 152.390 PRELIMINARY SITE PLAN REVIEW.

(A) *Review for completeness.* The Zoning Administrator shall review the preliminary site plan application and determine if the application is complete and all of the necessary information has been provided in accordance with section 152.388 General Application.

(1) *Preliminary site plan revisions.* Any revisions that are required during the preliminary site plan review process will require the following:

(a) Preliminary site plan revisions submittal.

(i) Four (4) 24" x 36" hard copy revised preliminary design drawings and one (1) electronic copy in pdf format

(ii) Revised plans shall include and address all comments from the Village Planner and other qualified Village Agent reviews.

(iii) Payment of the plan review fees pursuant to the Village fee schedule.

(B) *Distribution.* Upon receipt of a complete application, the Zoning Administrator shall transmit the site plan and all accompanying materials to the Planning Commission and any other required parties prior to its next regular meeting. Transmittals shall not be made until all required information is submitted and the necessary fees have been paid in full. The Zoning Administrator shall also schedule consideration of the site plan as an item on the agenda at the next regular meeting of the Planning Commission.

(C) *Planning Commission action.* At the first regular meeting at which a preliminary site plan is considered, the Planning Commission shall review the application and relevant issues. The Planning Commission shall then approve, approve with conditions or deny the preliminary site plan. The basis for the decision and any approval conditions shall be specified in the resolution and the meeting minutes and communicated to the applicant in writing. If no action is taken because more information is required from the applicant, the Planning Commission shall table the agenda item to a date certain, which shall be specified in the meeting minutes.

(D) *Special land uses.* In accordance with § 152.387, the Planning Commission shall approve, approve with conditions or deny a preliminary site plan submitted for a special land use permit after the required public hearing is conducted.

(E) *Effect of approval.* Approval of a preliminary site plan by the Planning Commission or Village Council, as the case may be, shall indicate its general acceptance of the proposed use, layout of buildings, roads and drives, off-street parking areas, other facilities and the overall character of the proposed development. Upon approval of a preliminary site plan, the applicant may submit a final site plan to the village in accordance with the requirements of § 152.391.

(F) *Expiration of approval.* Approval of a preliminary site plan shall be valid for one calendar year and shall then expire and be of no effect unless an application for final site plan approval is submitted to the Zoning Administrator within that time period. The applicant may extend preliminary site plan approval for one additional year upon written request to the Zoning Administrator and approval by the Planning Commission prior to the original expiration date. The Planning Commission may

grant further extensions of preliminary site plan approval in accordance with the procedures noted herein upon a showing of good cause.

(Ord. 37, passed 8-28-2005; Ord. 83, passed 10-27-2008; Ord. 91, passed 10-12-2009; Ord. 139, passed 9-11-2017)

§ 152.391 FINAL SITE PLAN APPLICATION.

(A) *Purpose.* The purpose of final site plan review is to confirm compliance with all items and provisions of this chapter and conformance with Village Technical Standards. An Impact Assessment Report may also be required (see § 152.392) at the discretion of the Planning Commission and/or Village Council.

(B) *Final site plan application and submittal.* Final site plan application and submittal shall be made in accordance with the General Application Standards in Section 152.388, and:

(1) Final site plans shall be prepared by one of the following professionals registered in the state of Michigan: architect, civil engineer, landscape architect, or land surveyor and each set of the plans shall be signed and sealed by the engineer who has supervised the work.

(2) Final engineering drawings for all site improvements such as water and utility lines, sanitary sewer and storm sewer systems, roads, drives and parking lots, retention ponds and other ponds or lakes, and retaining walls shall be approved by the Village Engineer.

(C) *Final site plan.* Final site plans shall contain the following information:

(1) *General information:*

(a) Name, address, phone number and seal of the professional registered in the State of Michigan responsible for preparing the plan;

(b) Scale, north arrow, date the plan was prepared and the date of each revision;

(c) Address, parcel identification number(s), legal description(s), and zoning district(s) of the site;

(d) Gross site area and net site area in acres and square feet;

(e) The location and length of all lot lines. Lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a Land Surveyor registered in the State of Michigan and shall correlate with the legal description;

(f) The relationship of the site to all surrounding lots within 250 feet (250'), including land uses, zoning districts, lot lines, roads, driveways, easements, structures and natural features;

(g) General description of deed restrictions, if any;

(h) Detailed development phases;

(i) Notation of performance guarantees to be provided including amounts, types and terms; and

(j) Notation of any variances that have been or must be secured.

(k) All plans shall include a location map showing the surrounding area.

(l) The cover sheet shall have an index of all sheets and the individual sheets shall have proper matching lines or other key to provide reasonable continuity and orientation.

(m) The drawings shall contain sufficient detail to properly show the proposed information and the methods of construction.

(2) *Natural features.*

(a) Pre-development topography with contour lines at a minimum of one-foot intervals, and ground elevations of all existing buildings, drives and/or off-street parking lots;

(b) The direction of pre-development drainage flow, and the location of existing drainage courses, including lakes, ponds, rivers and streams and all elevations;

(c) Soil characteristics of the site, to at least the level of detail provided by the USDA Soil Conservation Service, Soil Survey of Livingston County, Michigan; and

(d) Existing natural features such as trees, wooded areas, wetlands, streams, rivers, ponds, lakes and floodplains including clear indication of natural features to remain and to be removed:

1. Trees measuring at least eight inches in diameter at breast height shall be clearly labeled. Groups of trees not proposed for removal may be shown by an approximate outline of the total canopy;

2. Wetland areas shall be delineated by a professional hydrologist, geologist, biologist, landscape architect or engineer trained in wetland delineation; and

3. The ordinary high water mark of a stream, river, lake or pond shall be verified by a Land Surveyor registered in the State of Michigan or any professional trained in wetland delineation listed above.

4. The property owner is responsible for clearly marking wetlands and ordinary high water marks on the ground by flagging or other means.

(3) *Grading plan.* A grading plan shall be provided in compliance with the Village Technical Standards.

(a) A grading plan showing finished contours at one-foot intervals, correlated with existing contours so as to clearly indicate cut and fill required.

(b) Location, dimensions and materials of retaining walls, fill materials, typical vertical sections and restoration of adjacent properties, where applicable.

(c) All finished contours must be connected to existing contour lines at or before the property lines.

(d) The areas to be left undisturbed during construction shall be so indicated on the site plan and shall be identified on the ground by use of snow fencing or silt fencing so as to be obvious to construction personnel.

(4) *Landscape plan.* A landscape plan shall be provided in compliance with § [152.327](#).

(5) *Structures.* The location, area, height in feet and stories and use of all structures on the site, as well as:

(a) Setbacks from lot lines, existing and proposed public and private easements and rights-of-way, wetlands and waterways;

(b) Typical layout, elevation and floor area for each type of building;

(c) Distances between structures;

(d) Total percentage of lot coverage;

(e) Elevation drawings that illustrate building design, size, height, facade, windows and doors, construction materials and foundation plantings;

(f) For residential development, density calculations, number and types of dwelling units and floor area per dwelling unit;

(g) For nonresidential development, the number of offices and employees and typical floor plans and elevations; and

(h) The location, height and construction materials of all fences and walls, including elevation drawings.

(6) *Roads and access.* The location and dimensions of: curb cuts, public and private roads, drives, alleys, access easements, bicycle paths and sidewalks adjacent to and/or serving the development including the following as applicable:

- (a) Centerline, right-of-way width and right-of-way expansion;
- (b) Surface material and width;
- (c) Acceleration, deceleration and passing lanes;
- (d) Surface elevations and grades of entries and exits;
- (e) Distance of curb cuts from intersections, angle of intersections and vision clearance area;
- (f) Curve radii;
- (g) Road names;
- (h) A description of expected traffic volumes based upon national reference documents, such as the most recent volume of the Institute of Transportation Engineers Trip Generation Manual; and
- (i) Proof of approval by the Village Engineer or qualified Village Agent, Livingston County Road Commission and/or Michigan Department of Transportation, as applicable.

(7) *Parking*. The location and dimensions of vehicle parking lots, individual parking spaces and loading areas adjacent to and/or serving the development including:

- (a) Total number of parking spaces listed in statistical data and shown on the site plan. If existing parking spaces will serve the proposed use, spaces must be clearly labeled “existing” and “proposed”;
- (b) Angle of parking spaces;
- (c) Clearly marked handicap accessible parking spaces;
- (d) Surface material;
- (e) Landscaped islands, if any; and
- (f) Loading spaces.

(8) *Utilities*. Existing and proposed essential public services and utilities including:

- (a) *On-site wells, septic tanks and drain fields*. If on-site water and sewer facilities are to be used, a letter of approval of same, or a copy of the permit from the Livingston County Health Department shall be submitted prior to final site plan approval.

(b) *Connections to public sewer and water supply.* For sites served by sanitary sewer, calculations for pre- and post-development flows are required. Expected sewage rates shall be as provided in Ord. 52.29. This should include sanitary pump stations if applicable. Connections to the water main shall be included.

(c) *Stormwater drainage facilities.* Storm water drainage facilities including roadside swales, retention and detention ponds clearly indicating side slopes, culverts, catch basins, size calculations, post-development drainage flow patterns and points of discharge. All storm sewer, detention, and retention basin design criteria shall be in accordance with the Livingston County Drain Commissioner's "Procedures and Design Criteria for Stormwater Management Systems and Soil Erosion and Sedimentation Control Programs" latest revisions thereof. A letter of approval of the proposed drainage system from the Livingston County Drain Commissioner shall be submitted prior to final site plan approval. A maintenance agreement for entire stormwater system must be included.

(d) *Water, sanitary, storm utility details.* The following shall be shown on sanitary sewer, storm sewer and water main plans and profiles drawings as applicable:

(i) Length of run, class and size of all proposed utilities, slope of all sanitary sewer and storm sewer pipe between manholes.

(ii) Top of casting elevations of all manholes, inlets, and/or catch basins etc. shall be shown in both plan and profile.

(iii) Porous backfill, special bedding and tunnel sections where applicable.

(iv) Invert elevations for all sanitary and storm sewer lines, for both existing and proposed sewers, shall be shown in both plan and profile.

(v) Adjacent existing or proposed utilities plotted where parallel.

(vi) Other utilities crossing under or over proposed sewers or water mains.

(vii) Existing ground profile and proposed finished grade profile, including stationing, over all storm sewer, sanitary sewer, water mains, and finished grade of all proposed hydrants and valves.

(viii) Construction method (including but not limited to open cut, bore and jack, and directional drill).

(e) *Hookups.* Utility hookups (i.e. gas and electric).

(f) *Surface equipment.* Location of hydrants, electrical and telephone boxes, poles, towers and other surface equipment, communications towers, above ground and underground storage tanks.

(g) Drywell and/or utilization of no salt generation softeners.

(9) *Soil Erosion Control.* All work within the Village requiring soil erosion and sedimentation control shall comply with the Livingston County “Procedures and Design Criteria for Stormwater Management Systems and Soil Erosion and Sedimentation Control Programs”, latest revision.

(10) *Signs.* The location, height, area, illumination and content of all signs.

(11) *Lighting.* The location and specifications of exterior lighting fixtures and a photometric lighting plan.

(12) *Waste storage.* The size, location and description of any interior or exterior areas for storing, using, loading or unloading hazardous or polluting materials. A listing of types and quantities of hazardous and polluting materials that will be used or stored on-site.

(13) *Proposed Easements*

(D) Impact Assessment Report if required.

(E) The proprietor or his/her authorized agent shall prepare all applicable regulatory permit applications and secure signatures from the Village as necessary prior to forwarding on the appropriate agencies. The typical required permits are as follows:

(1) *Watermains.* In addition to approval by the Village Engineer or qualified Village Agent, watermains require the approval of the MDEQ and issuance of a construction permit by this State agency. The proprietor or his/her authorized agent shall secure a permit from MDEQ with plans signed and sealed by a civil engineer registered in the State of Michigan responsible for preparation of the plans. In addition, a tabulation of watermains by streets and easements which include their size, location, type, and length shall be prepared by the proprietor or his/her authorized agent. A minimum of 14 copies of the computations shall be submitted to the Village with the final site plan submittal.

(2) *Sanitary Sewers.* In addition to approval by the Village Engineer or qualified Village Agent, sanitary sewer plans require the approval of the MDEQ and issuance of a construction permit by this State agency. The Proprietor or his/her Agent shall secure a permit from MDEQ with plans signed and sealed by a civil engineer registered in the State of Michigan responsible for the preparation of said plans. In addition, a tabulation of sanitary sewers by streets and easements which includes their

size, location, type and length along with design flow computations for the proposed sewers and a tabulation of the capacities of the proposed sewers and the existing outfall sewer shall be submitted by the Proprietor or his/her authorized Agent. Fourteen (14) copies of the computations shall be submitted to the Village with the final site plan submittal.

(3) *Road Plans, Storm Sewers, Retention Basins and/or Detention Basins, Paving, Grading and Soil Erosion Control and Drywell Plans.* In addition to approval by the Village Engineer or qualified Village Agent the above plans may require approval from Livingston County and/or MDOT. The Proprietor or his/her authorized Agent shall secure required permits on plans sealed by a civil engineer registered in the State of Michigan responsible for the preparation of said plans. In addition, all related design computations (traffic, volumes, storm flows, etc.) for the proposed plans and a tabulation of the capacities, if applicable, shall be submitted by the Proprietor or his/her authorized Agent.

(Ord. 37, passed 8-28-2005; Ord. 72, passed 4-24-2006; Ord. 82, passed 5-12-2008; Ord. 98, passed 3-28-2011; Ord. 139, passed 9-11-2017)

§ 152.392 IMPACT ASSESSMENT REPORT.

(A) At the discretion of the Planning Commission, an Impact Assessment Report may be required to be prepared at the applicant's expense and submitted with the application for final site plan review.

(B) The Impact Assessment Report shall contain a combination of text, graphics and approval letters from regulatory agencies sufficient to demonstrate compliance with the criteria below:

(1) *Zoning.* The final site plan shall conform to the purpose and standards of the zoning district in which it is located.

(2) *Surrounding uses.* The proposed use and site design shall not be injurious to the surrounding neighborhood or impede the normal and orderly development or use of surrounding property. The site plan shall be harmonious, efficient and coordinated in relation to topography, size and type of land use and the character and improvement of adjacent properties.

(3) *Phasing.* Every individual development phase shall be designed to function independently in a safe, convenient and efficient manner without being dependent upon subsequent development phases and/or improvements.

(4) *Natural features.* The development shall protect natural features to the maximum extent possible including woodlands, wetlands, lakes, ponds, rivers, streams, wildlife habitat, steep slopes and groundwater recharge areas. The development shall preserve and incorporate the features into the site design. No

grading, excavation, fill, clearing of topsoil, clearing of trees or other disturbance of the natural environment shall occur outside of those areas approved for the placement of physical improvements. Topography; the development shall conform to existing topography to the degree possible. The amount of cutting and filling shall be minimized and shall not destroy the character of the subject property or adversely affect surrounding properties.

(5) *Soils.* The soil and subsoil conditions shall be suitable for excavation and on-site septic systems, if any. Soils and slopes not suitable for development will be protected. The proposed development will not cause soil erosion or sedimentation problems. Adequate measures will be taken to control soil erosion and sedimentation during grading and construction operations and until permanent ground cover is established. These measures shall be based on the latest standards published by the County Drain Commissioner and/or USDA Soil Conservation Service.

(6) *Drainage.* The final drainage plan shall conform to the natural drainage pattern as much as possible. The development shall not substantially reduce the existing storm water infiltration or storage capacity, thereby increasing the frequency or volume of flooding at other locations. The drainage design shall not perceptively increase the pollution, volume or intensity of runoff onto adjacent properties or receiving waterways.

(7) *Environmental performance.* The proposed development shall not result in pollution, noise, odor, light, dust, dirt, smoke or other external effects that adversely affect neighboring properties. Development that includes the use and/or storage of hazardous or polluting materials shall be designed to prevent spills and discharge of polluting materials to the ground or nearby water bodies. A completed Environmental Checklist and Hazardous Substances Reporting Form, supplied by the village, may be required.

(8) *Public services, facilities and utilities.* Adequate services and utilities shall be available or provided, located and constructed with sufficient capacity and durability to properly service the development. The expected number of residents, employees, visitors and/or patrons shall not strain public schools, police and fire protection, water supplies, sanitary sewer facilities and/or other public facilities and services beyond existing and planned capacity. Electric, telephone and cable distribution lines shall be underground and conform to the current Standard Rules and Regulations of the Michigan Public Service Commission.

(9) *Structures.* The layout, size, bulk, height and architectural design of all structures shall be harmonious in relationship to other structures on the site and in the general vicinity. The layout and design of structures shall enhance the ease and efficiency of use, and the architectural and visual character of the village. Signs; the size, location, design and illumination of signs shall be harmonious with natural

features, uses, structures and signs on surrounding property and traffic safety. Signs shall be located and designed to avoid creating distraction or visual clutter.

(10) *Traffic*. Traffic within the site, as well as to and from the site, shall not create a safety hazard or place demands upon roads in excess of existing or planned capacity. The site plan shall provide for the proper expansion of public roads serving the site, where necessary, at the developer's expense. The relationship between roads, sidewalks, service drives, driveways, parking spaces and loading areas shall be convenient, safe and designed to complement the arrangement of existing and planned roads, alleys, drives, parking areas and pedestrian and bicycle pathways. All structures shall be fully accessible to emergency vehicles.

(a) *Pedestrian and bicycle traffic*. There shall be a pedestrian circulation system that is separate from the vehicular circulation system. Safe and adequate pedestrian and bicycle access shall be provided between major activity areas, employment and service centers, schools, parks and residential areas. Sidewalks shall be provided unless determined by the Planning Commission to be unnecessary because pedestrian circulation is otherwise provided for.

(b) *Parking*. The layout of parking and loading areas shall not adversely affect the flow of traffic within the site or to and from the adjacent roads and properties.

(c) *Traffic impact study*. A detailed traffic impact study shall be required for any site over two acres or for any project expected to generate 100 or more vehicle trips on adjacent roads during the peak hour of traffic. The traffic study shall include the following:

1. Description of existing daily and peak hour traffic on the adjacent roads (based on current Livingston County Road Commission data or a similar source) and a description of any sight distance limitations along the site's right-of-way frontage;

2. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated (based on the current *Institute of Transportation Engineers Trip Generation Manual*);

3. Description of impact on special transportation modes, including school buses, trucks and bicycles;

4. Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site driveways and nearby intersections. Rationale for the distribution shall be provided;

5. Capacity analysis at the proposed driveway(s) using the procedures outlined in the most recent edition of the *Highway Capacity Manual* published by the Transportation Research Board. Capacity analysis shall be provided for all road intersections where the expected traffic will comprise at least 5% of the existing

intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the village staff, Livingston County Road Commission or Michigan Department of Transportation;

6. Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding; and

7. A map illustrating the location and design of proposed access, including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet, and other data to demonstrate that the driveway(s) will provide safe and efficient traffic operation.

(11) *Landscaping and screening.* The pre-development landscape shall be preserved in its natural state to the degree possible by minimizing clearing and grading. Post development grade changes shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site, to screen unsightly, noisy or other harsh elements and to provide visual relief from large monotonous features such as parking lots and building facades. Plant species that are hardy and native to Michigan shall be used to the maximum degree possible. Screening; waste and material storage, mechanical, service, parking and loading areas, utility structures and similar features shall be located, buffered and/or screened so as to be unobtrusive and not create a nuisance, negative visual impression or health or safety hazard on the subject property or neighboring properties. Trash containers shall be enclosed on all sides by a structure aesthetically compatible with the development and surrounding property.

(12) *Additional information.* The Planning Commission may require the submittal of other data deemed reasonably necessary for adequate review, such as an independent traffic study, market analysis, environmental inventory and assessment, demand on public facilities and services, impact on historic or cultural resources, displacement of people or other uses as a result of the proposed development, effect on the village tax base and adjacent property values.

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

§ 152.393 FINAL SITE PLAN REVIEW.

(A) *Review for completeness.* The Zoning Administrator shall review the final site plan application and determine if the application is complete and all of the necessary information has been provided in accordance with section 152.388 General Application. This shall also include waiver, zoning changes and/or ZBA requests, if any.

(1) *Final site plan revisions submittal.* Any revisions that are required during the final site plan review process will require the following:

(a). Four (4) 24"x36" hard copy revised site plan design drawings and one (1) electronic copy in pdf format.

(b). Revised plan shall include and address all comments from the Village Engineer or qualified Village Agent reviews.

(c). Revised plans shall also address comments of all other applicable regulatory agencies.

(d) Payment of associated fees pursuant to the Village Fee Schedule.

(B) *Distribution.* Upon receipt of a complete application, the Zoning Administrator shall transmit the site plan and all accompanying materials to the Village Planner, Village Engineer, DPW, Fire Marshal and the Planning Commission prior to its next regular meeting. Transmittals shall not be made until all required information is submitted and the necessary fees have been paid in full. The Zoning Administrator shall also schedule consideration of the site plan as an item on the agenda at the next regular meeting of the Planning Commission.

(1) Applicant must provide proof that plans were submitted to all other agencies that regulate the proposed development including, but not limited to: County Road Commission, Health Department, Building Department, Drain Commissioner, Michigan Department of Transportation and Department of Environmental Quality.

(C) *Reports from Village Planner and Village Engineer.* The Village Planner and Village Engineer shall review the application to determine compliance with the Zoning Ordinance and Village of Pinckney Technical Standards and submit a written report addressing all issues that must be resolved to the Planning Commission.

(D) *Planning Commission action.* At the first regular meeting at which a final site plan is considered, the Planning Commission shall review the issues identified in the preliminary site plan review, if any, and reports prepared by the Village Planner and Engineer, as well as any other relevant issues. The Planning Commission shall approve, approve with conditions or deny the final site plan. The basis for the approval and any approval conditions shall be specified in the resolution and the meeting minutes, and provided in writing to the Village Council and the applicant. If no action is taken because more information is required from the applicant, the Planning Commission shall table the agenda item to a date certain, which shall be specified in the meeting minutes.

(1) *Denial.* If a final site plan is denied, written notice thereof, together with the reason, shall be sent to the applicant.

(2) *Approval with conditions.* If a final site plan is approved with conditions, the applicant shall submit four copies of the revised site plan with the date of revision and/or other necessary proof of compliance with the conditions to the Zoning Administrator.

(3) *Approval.* If a final site plan is approved, the Zoning Administrator shall issue a land use permit to the applicant.

(E) *Effect of approval.* Approval of a final site plan by the Planning Commission shall indicate that the proposal is in compliance with the Village Zoning Ordinance and any conditions imposed thereunder.

(F) *Final plan distribution.* After the Planning Commission has taken final action on a site plan and all necessary steps have been completed, the Zoning Administrator shall mark three copies of the plans approved or denied, as appropriate, with the date that action was taken. One marked copy shall be returned to the applicant and the other two copies shall be kept on file in the Village Hall. Copies of the Village stamped plans shall be the only plans used during construction.

(G) *Expiration of approval.* Approval of a final site plan shall be valid for one calendar year, and shall then expire and be of no effect unless a building permit, when required, is applied for and granted within that time period. Approval shall expire and be of no effect 545 days following date of approval by the Planning Commission, unless construction has begun and is being diligently pursued in accordance with the approved site plan. The applicant may extend final site plan approval for one additional year upon written request to the Zoning Administrator and approval by the Planning Commission, prior to the original expiration date. The Planning Commission may grant further extensions of final site plan approval in accordance with the procedures noted herein upon a showing of good cause.

(H) *Revocation of approval.* Final site plan approval shall be revoked if construction of the development is not in conformance with the approved plans. The Zoning Administrator shall give the applicant written notice of intention to revoke the land use permit at least ten business days prior to review of the proposed revocation by the Planning Commission. After conclusion of the review, the Planning Commission may revoke its approval of the development if it determines that a violation in fact exists and has not been remedied prior to the hearing. Enforcement proceedings shall also apply per §§ 152.022(B) and 152.999.

(I) *Appeals.* The decision of the Planning Commission with regard to the site plan may be appealed to the Zoning Board of Appeals, upon written request by the property owner or proprietor. In the absence of an appeal being filed with the village

within 20 business days after the Planning Commission renders a decision, the decision shall become and remain final.

(Ord. 37, passed 8-28-2005; Ord. 83, passed 10-27-2008; Ord. 91, passed 10-12-2009; Ord. 139, passed 9-11-2017)

§ 152.394 AMENDMENT TO APPROVED PLOT PLAN OR SITE PLAN.

(A) *Approval of plans.* Approved plot plans and site plans shall become part of the record of approval, and subsequent actions relating to the authorized activity shall be consistent with the approved plot plan or site plan, unless a change conforming to this chapter receives the mutual agreement of the landowner and village approval authority.

(B) *Request.* A property owner or the owner's designated agent may request a change in an approved site plan. A change in an approved site plan that results in a major change as defined in this section, shall require a plan amendment. Amendments shall follow the procedures and conditions required for original plan submittal and review. A change that results in a minor change, as defined in this section, shall not require a revision to the plan.

(C) *Content of request.* A request to change an approved site plan shall be made in writing to the Zoning Administrator. The request shall state clearly the reasons for the change. The reasons may be based upon considerations such as changing economic conditions, potential improvements in layout or design features, unforeseen difficulties or advantages mutually affecting the interests of the village and the applicant or developer, such as technical difficulties, site conditions, state or federal projects and installations and statutory revisions.

(D) *Finding.* The Zoning Administrator, upon finding the request reasonable and valid, shall notify the applicant in writing whether the proposed change is major or minor. If the change is deemed major, the applicant shall pay an appropriate fee determined by the Council and the plan amendment process shall follow the procedures and conditions required for original site plan submittal and review. Any major amendment to an approved site plan must be approved by the Planning Commission.

(E) *Major changes.* Changes considered major (i.e., those for which an amendment is required) include one or more of the following:

(1) A change in the original concept, character or use of the development deemed by the Zoning Administrator to have a potentially negative impact on natural features or surrounding properties;

(2) Any change to a condition of approval imposed by the Planning Commission or Village Council uses shall comply with § 152.282(E)(1);

- (3) A change in the type, or increase in the number of dwelling units;
- (4) An increase in nonresidential floor area of at least 10% or 500 square feet, whichever is less;
- (5) A change in a structure location of more than 20 feet;
- (6) A change in the character, layout, alignment or function of any access drive or interior road;
- (7) An increase or loss of five or more off-street parking or loading spaces;
- (8) A change in the provision of water, sewage disposal and/or treatment, electricity or other essential public service;
- (9) A reduction in the amount of land area set aside for common open space or the relocation of the area(s);
- (10) Changes in the final governing agreements, provisions, covenants, master deeds or bylaws; and
- (11) Any other change deemed a major change by the Zoning Administrator or Planning Commission.

(F) *Minor changes.* If the Zoning Administrator rules that a proposed change to a site plan is a minor change as defined by this section, the Zoning Administrator may approve the change and it shall be considered approved by the Planning Commission. If a change is approved, the Zoning Administrator shall notify in writing the Planning Commission, Village Council and other applicable departments. As minor changes on the site plan drawings are approved by the Zoning Administrator, each shall be signed and dated by the applicant or developer and the owner(s) of the subject property and the Zoning Administrator, prior to changes being effective. Minor changes shall be defined as any change not defined as a major change under division (E) above, and shall include but not be limited to the following:

- (1) A decrease in nonresidential floor area or the number of dwelling units;
- (2) The replacement of plant material in the landscape plan with a comparable type and size of planting; and
- (3) Changes required by another village, county, state or federal regulatory agency that do not result in a major change.

(G) *Zoning.* Amended site plans shall conform to all regulations of the zoning district in which the project is proposed.

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

§ 152.395 MODIFICATION DURING CONSTRUCTION.

All structures and improvements shall conform to the approved site plan including engineering drawings approved by the Village Engineer. If the applicant makes any changes to the development in relation to the approved site plan, the applicant must cease and desist construction. It shall be the responsibility of the applicant to notify the Village, through the Zoning Administrator of the changes. Upon investigation, the applicant shall be required to correct the changes so as to conform to the approved site plan.

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

§ 152.396 CONSTRUCTION OBSERVATION AND INSPECTIONS.

(A) *Inspections.* The Zoning Administrator, Village Engineer and County building official shall be responsible for inspecting structures and improvements for conformance with the approved site plan. All building construction, site and sub-grade improvements such as utilities, sub-base installations for drives and parking lots and similar improvements shall be inspected and approved by the county Building Department and Health Department, in coordination with the Zoning Administrator, who shall obtain inspection assistance from the Village Engineer, Fire Chief and/or professional consultants where appropriate.

(B) *Construction observation and other fees.*

(1) *Livingston County Fees.* In addition to the fees required by the Village of Pinckney, the Livingston County Building Department and Drain Commissioner's Office are responsible for collection of fees associated with construction and building review. This includes footings, compaction, insulation, backfill, rough, wallboard, soil erosion and sediment control, tap fees and final approvals.

(2) *Water and Sewer Capital Connection Charges.* Water and sewer capital connection charges are to be paid prior to issuance of a land use permit at the rate set by the fee schedule.

(3) *Construction Observation Fees (Escrow Account).* The Proprietor shall be responsible for construction observation fees as set forth in the fee schedule. This includes establishing an escrow account as required.

(a) The Proprietor shall be responsible for all costs associated with inspection, construction engineering, and construction administration for the project.

(b) The Proprietor shall also be responsible for construction observation fees for the Village Engineer or qualified Village Agent to insure its conformance with the site plan approval and the Village's standards.

(c) The Proprietor's Engineer must provide a construction cost estimate to the Village Engineer or qualified Village Agent for approval. The construction cost estimate shall be related to only sanitary sewer, water, road, sidewalk, parking, curbing and storm system improvements. Once the cost estimate is approved, the Construction Observation escrow account shall be initially based on the construction cost estimate and the Contractor's schedule as per this Section § 152.396 and in § 152.025

(d) The Proprietor or his/her authorized Agent shall deposit with the Village Clerk and/or Treasurer at least 5 days prior to the pre-construction meeting the required construction observation fee deposit based on the approved construction cost estimate and computed in accordance with the fee schedule.

(i) The fee shall cover the cost of construction observation and/or any administrative engineering time incurred by the Village Engineer or qualified Village Agent in association with the project.

(ii) All monies not used from the deposit shall be returned to the Proprietor at project completion.

(iii) The extent of inspection and field engineering required will be determined by the Village Engineer or qualified Village Agent.

(iv) The base escrow amounts are derived from typical construction activities that demonstrate **efficient** construction activities, **no major changes** in design during construction, and no need for **re-inspection**.

(4) Inspection fees will be invoiced monthly against the inspection deposit based upon the established hourly rate for the Village Engineer or qualified Village Agent. The Proprietor will be notified in the event the deposit has been depleted and additional funds are required. Prompt attention to re-establishing this deposit will avoid project stop work orders. Review of material testing reports, "as-built" record drawings, and data input of constructed utilities into the Village GIS system shall also be invoiced against the inspection account. The account balance upon completion of the project and acceptance of the record plans will be returned to the Proprietor.

(5) Testing, as required by the Village Technical Standards, shall be provided by the proprietor and conform to the following:

(a) The testing firm must be qualified and approved by the Village Engineer or qualified Village Agent.

(b) The Proprietor will pay the qualified/certified-testing firm directly.

(Ord. 37, passed 8-28-2005)

§ 152.397 AS-BUILT DRAWINGS.

(A) The applicant shall provide as-built drawings of all utilities and all appurtenances that were installed on a site for which a final site plan was approved and as provided for in the Village Technical Standards. The drawings shall be submitted to and approved by the Village Engineer prior to the release of any performance guarantee or part thereof covering the installation.

(B) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type and location of pipes, location and size of manholes and catch basins, location and size of valves, fire hydrants, tees and crosses, depth and slopes of retention basins and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.

(C) The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as as-built drawings in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

(Ord. 37, passed 8-28-2005)

NONCONFORMING LOTS, USES AND STRUCTURES

§ 152.415 PURPOSE.

The purpose of this subchapter is to regulate existing lots, uses and structures that were lawful before this chapter was adopted, but which have become nonconforming under the terms of this chapter and its amendments. It is the intent of this chapter to permit the legally established non-conformities to remain until they are discontinued or removed, but not to encourage their continuance and to bring them into conformity as circumstances allow without unreasonably interfering with established property rights.

(Ord. 37, passed 8-28-2005)

§ 152.416 GENERAL PROVISIONS.

(A) It shall be the responsibility of the owner of a nonconforming lot, use or structure to prove to the Zoning Administrator that the lot, use or structure was

lawfully established, existed on the effective date of adoption or amendment of this chapter and has existed continuously.

(B) Nonconforming uses and structures are hereby declared to be incompatible with the uses and structures permitted within the various zoning districts. Nonconforming uses and structures shall not be enlarged, expanded, extended or increased, except as provided for herein and shall not be used as grounds for adding other uses and/or structures that are prohibited.

(C) Nonconforming uses shall comply with current Zoning Ordinance requirements (such as landscaping, screening, parking, environmental performance and general standards) to the maximum extent possible.

(Ord. 37, passed 8-28-2005)

§ 152.417 NONCONFORMING LOTS.

A legal nonconforming lot, as defined herein, which does not meet the minimum standards of the zoning district in which it is located for lot area or lot width may be developed, provided that the use, access, height, yard, setback, landscaped buffer, off-street parking and other requirements of the district are met and, provided further, that the lot meets all of the current requirements of the Livingston County Health Department.

(Ord. 37, passed 8-28-2005)

§ 152.418 NONCONFORMING USES.

Any lawful nonconforming use may be continued, subject to the following provisions:

(A) *Expansion.* A nonconforming use shall not be expanded, enlarged, extended or increased, so as to occupy a greater area of land or more floor area within a structure than was occupied by the use on the effective date of this chapter or its amendment.

(B) *Relocation.* A nonconforming use shall not be moved, in whole or in part, to any other structure, or to any other portion of the lot or site upon which it was located on the effective date of this chapter or its amendment.

(C) *Discontinuance.* If a nonconforming use is discontinued, it shall not thereafter be reestablished, and any subsequent use of the land shall comply with the allowable uses in the district in which it is located. A nonconforming use shall be considered discontinued if the customary use ceases for any reason for a period of 12 months or more.

(D) *Change of use.* A nonconforming use shall not be changed to any other use except to a use permitted in the district in which the subject property is located.

(E) *Accessory structures.* New accessory structures associated with a nonconforming use shall be reviewed and approved by the Planning Commission at a regular public meeting.

(Ord. 37, passed 8-28-2005) Penalty, see § 152.999

§ 152.419 NONCONFORMING STRUCTURES.

Any lawful nonconforming structure may be continued subject to the following provisions:

(A) *Alteration.* A nonconforming structure may not be enlarged or altered in any way that increases its nonconformity, except porches, decks, patios, fire escapes and similar minor appurtenances may be attached to existing structures.

(B) *Relocation.* If a nonconforming structure is moved, in whole or in part, any distance for any reason it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(C) *Maintenance.* Nothing in this chapter shall prohibit the repair or routine maintenance of a lawful nonconforming structure to correct deterioration, obsolescence, depreciation and/or wear.

(D) *Replacement.* A nonconforming structure that has been partially destroyed may be rebuilt provided:

(1) The building footprint and height of the replacement structure do not increase the level of nonconformity;

(2) The cost of restoration does not exceed the state equalized value of the structure at the time of damage; and

(3) The reconstruction is completed within one year of the time of damage.

(E) *Signs.* Every permanent sign that lawfully existed at the time of the enactment of this chapter, but which does not conform to a height, size, area, location or other requirement of this chapter, is hereby deemed to be legally nonconforming. This status shall not be granted to any temporary sign.

(1) Nonconforming signs may not be altered, enlarged or replaced; however, nonconforming signs may be reduced in size and/or maintained and repaired so as to continue the useful life of the sign.

(2) The copy of the sign may not be amended or changed, unless specifically designed to be changed periodically as in reader board signs, without bringing the use into compliance with the requirements of this chapter.

(3) Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt.

(4) Any sign advertising a business that is no longer conducted for a period of one year or more shall be removed by the owner of the building, structure or lot upon which the sign is located within 30 days of receipt of written notice by the Zoning Administrator.

(5) A sign accessory to a nonconforming use may be erected in the village in accordance with the current sign requirements of §§ 152.300*et seq.*

(Ord. 37, passed 8-28-2005)

§ 152.420 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership or management of a nonconforming use and/or nonconforming structure, provided that there is no change in the use and/or structure.

(Ord. 37, passed 8-28-2005)

§ 152.421 SPECIAL LAND USES.

Any use for which a special land use permit is required, as provided in this chapter, shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in the district.

(Ord. 37, passed 8-28-2005)

§ 152.422 PURCHASE OR CONDEMNATION.

In order to eliminate nonconforming uses and nonconforming structures that constitute a nuisance or are detrimental to the public health, safety and/or welfare, the village may acquire private property by purchase, condemnation or otherwise for the purpose of discontinuing the use and/or removing the structure.

(Ord. 37, passed 8-28-2005)

§ 152.423 PRIOR CONSTRUCTION APPROVAL.

(A) Nothing in this subchapter shall prohibit the completion of construction and use of a nonconforming structure for which, prior to the effective date of adoption or amendment of this chapter, a building permit was obtained and actual construction was lawfully commenced on the site. Further, actual construction must have commenced within three months after the issuance of the permit and must thereafter be diligently carried on to completion according to the approved plans, without any period of suspension or abandonment of work in excess of three months, and the

entire structure shall have been completed according to the approved plans within two years after the issuance of the building permit.

(B) For the purposes of this section, the commencement of actual construction means work of a substantial nature by way of site preparation. The actual use must be apparent and manifested by a tangible change in the land, as opposed to merely intended or contemplated work by the property owner. In this regard, preliminary operations, such as the ordering of plans, surveying, grading, clearing of trees and debris and the removal of old structures are insufficient. The test in each case is not how much money may have been spent in reliance upon prior zoning regulations but, whether there has been any tangible change in the land itself by excavation and construction, such as placing of construction materials in permanent position and fastened in a permanent manner.

(Ord. 37, passed 8-28-2005)

ZONING BOARD OF APPEALS

§ 152.440 AUTHORITY.

There is hereby established a Zoning Board of Appeals, the membership, powers and duties of which are prescribed in Act 110 of the Public Acts of 2006, being M.C.L.A. §§ 125.3101 *et seq.*, as amended. The Board shall have the power to interpret, vary and determine the application of the Zoning Ordinance so that the purposes and intent of the chapter are met and substantial justice is maintained.

(Ord. 37, passed 8-28-2005)

§ 152.441 MEMBERSHIP, REMOVAL, TERMS.

(A) The Village Council shall act as the Zoning Board of Appeals in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (M.C.L.A. §§ 125.3101 *et seq.*).

(B) The Village President shall serve as the Chairperson of the Zoning Board of Appeals and the President Pro Tem shall serve as the Zoning Board of Appeal's Vice-Chairperson.

(Ord. 37, passed 8-28-2005; Ord. 87 ZBA, passed 3-23-2009)

§ 152.442 POWERS AND DUTIES.

The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it by Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*, as amended, in specific cases and subject to appropriate conditions and safeguards, shall have the following duties:

(A) *Appeals.* The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance. The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by the Zoning Administrator or other official or body duly charged with the enforcement of the Zoning Ordinance. This shall include appeals of decisions related to a site plan or special land use, but excluding for a residential open space development, condominium project, or other planned development.

(B) *Variances.* The Zoning Board of Appeals shall hear and decide requests for variances from the requirements of this chapter where there is practical difficulty or unnecessary hardship imposed on the applicant in carrying out the strict letter of this chapter, in accordance with § 152.444. The Zoning Board of Appeals may grant non-use variances relating to the construction, structural changes or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other non-use-related standard in the Zoning Ordinance. The Zoning Board of Appeals may grant variances from uses of land subject to a vote of two-thirds of the members of the Zoning Board of Appeals to approve a use variance.

(C) *Interpretation and other duties.* The Zoning Board of Appeals shall also have the power to act on any other matters where this chapter provides for administrative review, interpretation, variance or exception, including the following.

(1) *Land uses.* Interpretation of permitted uses and special land uses in a zoning district, to determine if a specific use is included within a more general land use category. In making this determination, the Zoning Board of Appeals shall consider the following:

(a) The similarity and compatibility of the use in question to those uses listed in the zoning district;

(b) The conformance of the use in question to the stated goals of the district, the larger Zoning Ordinance and the Village Master Plan; and

(c) Whether or not the use in question is specifically listed in any other zoning district.

(2) *Zoning map.* The Zoning Board of Appeals shall hear and decide questions regarding the interpretation of the village zoning map.

(3) *Records.* The Zoning Board of Appeals shall keep a record of all decisions interpreting this chapter, including zoning map and land use interpretations listed above. The Zoning Ordinance shall be amended to incorporate these decisions as appropriate.

(D) *Limitations.* The Zoning Board of Appeals, notwithstanding any terms herein to the contrary, shall not have the power to change the zoning district classification of any property, to review a proposed zoning or re-zoning of any property, review decisions related to approval or denial of a for a residential open space development, condominium project, or other planned development, to make any change in the terms or intent of this chapter, prohibit a use that is permitted in this chapter or determine the validity of this chapter. The ZBA shall not have the power to reverse or modify the Village Council decision to approve or deny a for a residential open space development, condominium project, or other planned development; to grant variances to any a for a residential open space development, condominium project, or other planned development standards or as to any conditions established by the Village Council in its approval for a residential open space development, condominium project, or other planned development; or any conditional re-zoning under § 152.262(N).

(Ord. 37, passed 8-28-2005; Ord. 87 ZBA, passed 3-23-2009; Ord. 139, passed 9-11-2017)

§ 152.443 PROCEDURES.

(A) *Application.* Any request for action by the Zoning Board of Appeals shall be submitted in writing to the Zoning Administrator on a standard village form. The applications shall be accompanied by the necessary review fee and all relevant plans, studies and other information, which shall be made a part of the public record.

(B) *Appeals.* An appeal may be taken by a person aggrieved, or by an officer, department, board or bureau of the village.

(1) An appeal of a determination by the Zoning Administrator or other duly authorized enforcing agent or body shall be made within 30 days of the date of permit approval or denial.

(2) The Zoning Administrator shall transmit to the Zoning Board of Appeals all documents, or direct copies thereof, constituting the record from which the appealed action was taken.

(3) An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this chapter; except that the Zoning Administrator may certify to the Zoning Board of Appeals, after the notice of the appeal has been filed, that for reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order, which may be granted by the Zoning Board of Appeals or on application to the Circuit Court when due cause can be shown.

(4) If an appeal or variance request to the Zoning Board of Appeals involves a lot, structure or a use for which site plan approval is required by this Code, the applicant or appellant shall first apply for preliminary site plan approval as set forth in § 152.389 herein. The Planning Commission shall review the site plan and shall determine the layout and other features required to obtain approval of the site plan. The Planning Commission shall then transmit a copy of the site plan and the Commission's findings thereon to the Zoning Board of Appeals. The Board shall, upon deciding on the appeal or variance request, return the plan and its decision to the Planning Commission for Commission action on the site plan.

(C) *Meetings.* All meetings of the Zoning Board of Appeals shall be open to the public and shall fully comply with the Open Meetings Act, Public Act 267 of 1976, being M.C.L.A. §§ 15.261 through 15.275, as amended. Meetings shall be held at the call of the Chairperson and at the other times as the Zoning Board of Appeals shall specify in its rules and procedures. The Zoning Board of Appeals shall not conduct business unless a majority of the Zoning Board of Appeals is present. The business of the Zoning Board of Appeals shall be conducted in accordance with its adopted by-laws. The Village Attorney shall act as legal counsel for the Zoning Board of Appeals and shall be present at all meetings upon request of the Zoning Board of Appeals.

(D) *Public notice.* The Zoning Board of Appeals shall fix a reasonable time for a public hearing of an appeal or variance and shall notify the applicant of the time and place of the hearing. Notice of the public hearing shall be given in accordance with the provisions of § 152.022. Upon the hearing, a party may appear in person, by agent or by attorney.

(E) *Minutes.* Minutes of all proceedings shall be recorded, which shall be filed in the office of the Clerk of the Village Council. The minutes shall contain evidence and data relevant to each case considered, together with the separate votes of the members and the final disposition of each case.

(F) *Action.* A concurring vote of the majority of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the Zoning Administrator or other administrative official or body, to decide in favor of an applicant on any matter upon which the Zoning Board of Appeals is required to pass under this chapter, or to grant a variance from the Zoning Ordinance, except a concurring vote of two-thirds of the Zoning Board of Appeals shall be required to grant a use variance as provided for under § 152.444. A member of the Village Council who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or Village Council. However, the member may consider and vote on other unrelated matters involving the same property, including any variance requests which are solely within the Zoning Board of Appeals jurisdiction.

(G) *Decision.* The Zoning Board of Appeals shall return a decision upon each case within 60 days of application, unless additional time is agreed to by the applicant.

(1) The Zoning Board of Appeals may impose reasonable conditions upon an affirmative decision. The conditions may include those necessary to prevent negative impacts on public infrastructure, natural resources, adjacent properties, social and economic well-being and public health, safety and welfare.

(2) A decision of the Zoning Board of Appeals shall not become final until ten days from the date of the decision. Any appeal from a decision of the Zoning Board of Appeals to the circuit court shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the Chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision.

(3) If no decision is made regarding an appeal at the advertised public hearing, disposition of the case must be set to a certain date 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 under division (D) above.

(Ord. 37, passed 8-28-2005; Ord. 87 ZBA, passed 3-23-2009; Ord. 139, passed 9-11-2017)

§ 152.444 VARIANCES.

(A) Where owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance would involve practical difficulties or cause unnecessary hardship within the meaning of this chapter, the Zoning Board of Appeals shall have the power upon appeal in specific cases to authorize such variation or modification of the provisions of the Zoning Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this chapter and so that public safety and welfare be secured and substantial justice done.

(B) No such variance or modification of the provisions of the Zoning Ordinance shall be granted unless it appears that all of the following facts and conditions exist:

(1) The alleged practical difficulties, hardships or both, are exceptional and peculiar to the subject property or intended use of the property, that do not apply generally to other properties or class of uses in the same district;

(2) Failure to grant the variance will deprive the property owner of his or her reasonable use as enjoyed by other property owners in the same district and vicinity. This shall include substantially more than mere inconvenience and/or inability to attain a higher financial return;

(3) Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by failure to grant the variance and the rights of others whose property would be affected by approval of the variance;

(4) The variance will be consistent with the purpose and intent of this chapter, will not adversely affect the purpose or objectives of the master plan of the village, will not be contrary to the public interest, will not injure the public or private rights of others and will not diminish the value of surrounding properties;

(5) The conditions and circumstances on which the variance request is based have not been self-created by the applicant or predecessors in title; and

(6) The variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and the same zoning district, and shall be the minimum variance that will make possible a reasonable use of the land or structure.

(Ord. 37, passed 8-28-2005; Ord. 87 ZBA, passed 3-23-2009)

§ 152.445 RULES FOR GRANTING VARIANCES.

The following rules shall be applied in the granting of variances.

(A) In granting a variance, the Zoning Board of Appeals shall specify, in writing, to the applicant the conditions of approval that will, in its judgment, ensure the purpose and intent of this chapter are met. The breach of any conditions shall automatically invalidate the permit granted.

(B) The Zoning Board of Appeals may, upon review and public hearing, and unless good cause can be shown, declare a variance null and void if construction authorized by the variance has not commenced within one year after the date of approval and been pursued diligently to completion.

(C) No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one year from the date of last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

(D) In authorizing any variance, the Zoning Board of Appeals may require that a performance bond be furnished to insure compliance with the requirements, specifications and conditions imposed (see § 152.026).

(Ord. 37, passed 8-28-2005; Ord. 87 ZBA, passed 3-23-2009)

AMENDMENT

§ 152.460 AMENDMENT PROCEDURE.

The Village Council may, from time to time on its own motion, on recommendation of the Planning Commission or on petition, after public notice, hearing and report by the Planning Commission as provided by law, amend, supplement or change the boundaries or regulations herein, or subsequently established herein, pursuant to the authority and procedure established in Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 *et seq.*, as amended.

(A) Before the Village Council shall adopt any amendment to this chapter or the maps adopted hereunder, the Planning Commission shall hold at least one public hearing.

(B) Not less than 15-days' notice of the time and place of the public hearing shall first be published in a paper of general circulation in the village. Not less than 15-days' notice of the time and place of the public hearing shall first be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the affected area that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted to an interested person at the time and place specified in the notice.

(C) If an individual property, or several adjacent properties are proposed for re-zoning, notice of the proposed re-zoning and hearing shall be given by mail to the owners of the property in question and to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the boundary of the property in question, at least 15 days before the hearing.

(D) A summary of the comments submitted at the public hearing shall be transmitted with the report of the Planning Commission to the Village Council. The Village Council may hold additional public hearings if it considers it necessary. After receipt of the Planning Commission's report, the Village Council may adopt the proposed amendment, with or without modification or refer the proposed amendment again to the Planning Commission for further consideration.

(E) Upon presentation of a protest petition meeting the requirements hereinafter set forth, an amendment to the Zoning Ordinance that is the object of the petition shall be passed only by a two-thirds vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment and shall be signed by one of the following:

(1) The owners of at least 20% of the area of land included in the proposed change; and

(2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating this 20% land area requirement.

(F) Following adoption of this Zoning Ordinance and subsequent amendments by the Village Council, one notice of adoption shall be published in a newspaper of general circulation in the village within 15 days after adoption. The notice of adoption shall contain the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: “A zoning ordinance regulating the development and use of land has been adopted by the Village Council of the Village of Pinckney;”

(2) In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected or the text of the amendment;

(3) The effective date of the ordinance; and

(4) The place and time where a copy of the ordinance may be purchased or inspected.

(Ord. 37, passed 8-28-2005)

§ 152.461 MAP AMENDMENT CRITERIA.

In considering any petition for an amendment to the official zoning map, the Planning Commission and Village Council shall consider the following criteria in making its findings, recommendations and decision:

(A) Consistency with the goals, policies and future land use map of the Village of Pinckney Comprehensive Plan, including any subarea or corridor studies. If conditions have significantly changed since the Comprehensive Plan was adopted, the consistency with recent development trends in the area;

(B) Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district;

(C) The ability of the site to be reasonably developed with one of the uses permitted under the current zoning;

(D) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature or use, traffic impacts, aesthetics, infrastructure and potential influence on property values and local economy;

(E) The capacity of village infrastructure and services to accommodate the uses permitted in the requested district without compromising public health, safety or welfare;

(F) The apparent demand for the types of uses permitted in the requested zoning district in the village in relation to the amount of land in the village currently zoned to accommodate the demand;

(G) Where a re-zoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district; and

(H) The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.

(Ord. 37, passed 8-28-2005)

§ 152.999 PENALTY.

(A) Any structure erected, altered, razed or converted or any land use carried out in violation of this Zoning Ordinance is hereby declared to be a nuisance per se.

(B) Any owner and/or agent in charge of a structure or land use that violates any provision of this chapter is responsible for a municipal civil infraction set forth in Chapter 131 of this code, subject to payment of a civil fine as specified in village's Municipal Civil Infraction Ordinance, plus costs and other sanctions for each infraction. Repeat offenses shall be subject to increased fines. Each act of violation and every day upon which the violation occurs shall constitute a separate offense.

(C) The owner or occupant of any structure or premises, or part thereof, where any condition in violation of this chapter shall exist, and any person who has assisted knowingly in the commission of the violation shall each be guilty of a separate offense and upon conviction thereof shall be liable for the fines set forth in this section.

(D) Any person, firm or corporation found guilty of violating a provision of this chapter shall become liable to the village for any expense, loss or damage incurred by the village as a result of the violation including, but not limited to, actual attorney, filing and witness fees.

(E) Nothing herein contained shall prevent the Village of Pinckney from taking the other lawful action as is necessary to prevent or remedy any violation.

(F) The penalties provided for herein are cumulative and in addition to any other remedies provided by law.

(Ord. 37, passed 8-28-2005; Ord. 117, passed 3-11-2013)

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