

§ 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:~~ Should have a minimum floor plan in accordance with Livingston County and the state of Michigan regulations.

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

(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.

(4) On-ground and above-ground pools greater than 30 inches in height up to 48 inches must have a code approved barrier around them and meet the requirements of the Livingston County Building Department.

(5) All other on-ground and above-ground pools which are 48 inches or greater in height have alternative methods for complying with the barrier requirements as implemented by the Livingston County Building Department.

(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; Ord. 154, passed 1-11-2021)  
Penalty, see § 152.999