



City of Brighton Zoning Ordinance

Effective October 20, 2017

Amended through March 13, 2020

(Intentionally Blank)

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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

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1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

3.2 A-1 Class A Residential

A. INTENT

User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Single-family dwellings^{§4.1}
2. Home occupations^{§4.1}
3. Family day care homes^{§4.33}
4. State licensed residential facilities^{§4.2}
5. Accessory buildings^{§4.3} or uses^{§4.3} customarily incidental to any of the above permitted uses^{§5.16}

C. SPECIAL LAND USES

1. Places of worship and accessory uses where assembly and/or non-single-family housing occurs^{§4.2}
2. Private schools having no rooms regularly used for housing or sleeping purposes^{§4.3}
3. Parks, playgrounds, libraries, museums and community buildings owned or operated by public agencies^{§4.4}
4. Golf courses, except miniature courses and driving tees operated for commercial use^{§4.5}
5. Group day care homes^{§4.34}

D. DEVELOPMENT STANDARDS

Lot Size
Minimum lot area^{§4.2}: 15,000 sq. ft.
Minimum lot width^{§4.2}: 90 ft.

Lot Coverage^{§4.3}
Maximum lot coverage: 25%

Setbacks^{§4.3}
Minimum front yard setback: 40 ft
Maximum front yard setback: 70 ft
Minimum rear yard setback: 40 ft
Minimum side yard setback: 10 ft

Building Height^{§4.3}
Maximum building height: 2 1/2 stories not to exceed 35 ft.

Floor Area^{§4.3}
Minimum floor area:
Ground level: 1,000 sq. ft.
Total living area: 1,500 sq. ft.

Note to District Standards:
Section 3.32.B. 1, 2, 3, 4, 5, 6, 7, 8, 14, 15

*Or 20 percent of the depth of the lot, whichever amount is larger.

How to calculate height?
2 1/2 stories
Not to exceed 35 ft.

SELECTED REFERENCES

3. Zoning Districts <ul style="list-style-type: none"> Open Space Preservation Option §3.23 Planned Unit Development §3.22 	4. Use Standards <ul style="list-style-type: none"> One Family Attached Dwelling Units §4.35 Temporary or Garage Dwellings §4.37 Public Buildings §4.35 Domestic Employee Dwellings §4.39 Removal of Soil, Sand... §4.40 Disposal and Dumping... §4.41 	5. Site Standards <ul style="list-style-type: none"> Refuse Disposal §5.2 Stormwater Management Systems §5.3 Exterior Lighting §5.4 On-Street Parking and Loading Regulations §5.6 Landscaping Regulations §5.7 Slope §5.9 Front Yard Restriction §5.10 Fences §5.11 Principal Buildings §5.12 Open Storage of Obnoxious Matter §5.13
5. Site Standards (Continued) <ul style="list-style-type: none"> Public Improvements §5.14 Regulated Wetlands and... §5.15 Accessory Buildings and Uses §5.16 	6. Development Procedures <ul style="list-style-type: none"> Site Plan Review §5.1 Special Land Use Approval §5.2 	

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3-5 City of Brighton Zoning Ordinance clearzoning®

Link to *How to Use This Ordinance*.

Link to *Zoning Map*.

Notes provide relevant district information recommended for review.

Link to *Table of Contents*.

Selected References list other sections or Ordinances that may pertain to a development in the district.








Pages are numbered sequentially within each Article.



How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:


- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 98-2.1 Construction of Language](#).

Digital User Note:

What is a link?


A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.


 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?


All **blue text** is linked to either another page within the Zoning Ordinance, a separate City ordinance or document, or an external website.

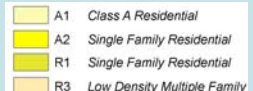
In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

 **Article tabs** located on the side of each page are linked to the Contents page of each Article.

 **Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map

 **Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

 **‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.

 **Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.

How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 98-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 98-3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	A-1	A-2	R-1	R-1-O	R-3	R-4	R-5	R-T	SHD
Accessory buildings or uses	P	P	P	P	P		P		P
Ancillary services									P
Art galleries								S	
Bed and Breakfast and Tourist Homes					P				
Collectors shops, such as stamps and coins								S	
Community buildings, public	S	S	S	S					
Craft establishments								S	
Day care homes, family	P	P	P	P	P				
Day care homes, group	S	S	S	S	S			S	
Dwelling, Multiple-family					P	P	P		P
Dwelling, Single-family	P	P	P	P				P	P
Dwelling, Single-family detached					P	P			
Dwelling, Single-family duplex								S	
Golf courses, except miniature courses and driving tees	S	S	S	S					
Home Occupations	P	P	P	P	P	P	P	P	
Libraries, private								S	
Libraries, public	S	S	S	S				S	
Museums, private									
Museums, public	S	S	S	S					
Office, business								S	
Offices, municipal								S	
Offices, professional								S	
Parks and playgrounds, public	S	S	S	S					
Photographic studio								S	
Places of worship								S	
Places of worship and accessory uses where assembly and / or non-single family housing occurs	S	S	S	S	S	P			
Residential facilities							P	S	

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How to Use This Ordinance

4. USE MATRIX (Continued)

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	A-1	A-2	R-1	R-1-O	R-3	R-4	R-5	R-T	SHD
Schools, private - having no rooms regularly used for housing or sleeping	S	S	S	S					
Special care residential facilities						P			
State licensed residential facilities	P	P	P	P	P				
Undertaking establishments, including mortuary and funeral homes, excepting crematory services								S	
Wireless communication facilities					S	S	S		S

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How to Use This Ordinance

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	C-1	C-2	C-3	C-4	DBD	O-R	O-S	I-A	I-B	LIB	RM
Academy, dance or music	P	P		P							
Accessory buildings or uses	P	P		P		P	S	P/S	P/S		P
Adult entertainment business	S										
Antique shops			P								
Apartments; efficiency type											
Arcades					S						
Art galleries			P								
Assembly (limited to finished objects), light											P
Automobile repair station, automobile or other machinery assembly plants; painting and varnishing shops, and undercoating shops when completely enclosed								P			
Automobile sales or storage lot, used		P									
Automobile salesroom		P									
Banks and other financial institutions	P	P					P				
Banks, credit unions, savings and loan associations, and similar uses; drive-in facilities as an accessory use only	P	P					S				
Banquet hall					S						
Barbershop or beauty parlor	P	P	P	P							
Bingo hall					S						
Bookstores			P								
Building material storage and sales								P	P		
Buildings exceeding 41 feet in height					S						

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How to Use This Ordinance

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 98-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 98-3.1, the latter will control.

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	C-1	C-2	C-3	C-4	DBD	O-R	O-S	I-A	I-B	LIB	RM
Carnival, outdoor circus, or migratory amusement enterprise	P	P									
Catering establishments	P	P									
Collectors shops, such as stamps and coins			P								
Commercial					P						
Community buildings, public					P						
Craft establishments			P								
Data processing and computer centers						P					
Day care facilities		P									
Distribution facilities											P
Dry cleaning plants								P	P		
Dwellings, efficiency-type manager's apartment								S	P		
Dwelling, Single-family			P								
Dwelling, single-family existing							P				
Dying and cleaning works		P									
Education, research, design and technical training and experimental product development when conducted wholly within a completely enclosed building						P					
Experimental product development											P
Florists			P								
Fraternities, sororities, private clubs and lodges	P	P		P							
Garage, public	P	P									
Health clubs and personal recreational facilities	P	P		P							
Hearing supplies and services			P								

Continued on next page



How to Use This Ordinance

4. USE MATRIX

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	C-1	C-2	C-3	C-4	DBD	O-R	O-S	I-A	I-B	LIB	RM
Home Occupations			P		P						
Hospitals, sanitariums and convalescent homes							S				
Hotels and motels		S			S						
Ice Arenas								P	P		
Industrial uses, heavy									S		
Industrial uses, light						P		P	P	P	
Laboratories, experimental, film, or testing								P	P		P
Laundry					S						
Laundry, not more than 10 employees on premises		P									
Libraries, private			S								
Libraries, public			S								
Lumber and planing mills								S	P		
Lumber yards, retail		P									
Machining (non-production), light											P
Manufacturing									P		P
Metal plating, buffing and polishing								S			
Mixed use development					P						
Mortuary establishments				P			S				
Motorized vehicle service and sales facilities	P	P									
Motorized vehicle service facility					S						
Museums, private	P	P	S								
Museums, public			S								
Nursery, floral, landscape, garden, and swimming pool sales; enclosed sales and display areas only		P		P							

Continued on next page



How to Use This Ordinance

4. USE MATRIX

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	C-1	C-2	C-3	C-4	DBD	O-R	O-S	I-A	I-B	LIB	RM
Offices; business	P	P	P	P		P	P				
Offices, medical and clinics		P		P	P	P	P				
Offices, municipal			S	P		P	S				
Offices, professional	P	P	P	P	P	P	S				
Offices; contractor or builders including storage equipment yard								P	P		
Optical supplies and services			P								
Outdoor storage for materials, equipment or finished products											A
Painting and decorating shops	P	P		P							
Parking lots, public or private		P		P			S				
Parking structures						S					
Parks and playgrounds, public							S				
Personal service establishments	P	P	P				A				
Pet daycare facilities	P	P	P								
Philanthropic institutions					P						
Photographic gallery	P	P									
Photographic services			P								
Places of worship	P	P	S	P	P		S				
Planned unit development											P
Pool/billiards establishments					S						
Printing and reproduction services	P	P									
Printing, reproduction and art services	P			P							
Proto-type engineering/manufacturing											P
Publicly owned buildings, as well as public service facilities, telephone exchange buildings, and public utility offices, but not including open storage yards, transformer stations, or gas regulator stations		P		P			P				

Continued on next page



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 98-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 98-3.1, the latter will control.

P = Principal Permitted Use

S = Special Land Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	C-1	C-2	C-3	C-4	DBD	O-R	O-S	I-A	I-B	LIB	RM
Radio broadcasting and telecasting stations, studios and offices		P									
Recreation or amusement buildings	P	P						P	P		
Rental space for storage of vehicles								P	P		
Repair shops; jewelry, watch and clock			P								
Residential dwellings, ground or first floor					S						
Residential dwellings, second and third floor					P						
Residential facilities			S								
Restaurant	P	P			P						
Retail business	P	P		P	P						
Sales or showrooms	P	P		P							
Schools, business or commercial	P	P									
Schools, business, commercial, or technical	P	P		P							
Schools, private - having no rooms regularly used for housing or sleeping											
Service establishments	P	P		P							
Signs and billboards		P									
Student and instructor housing						P					
Studios for creative professional, visual, electronic or communication work or teaching, including the decorative arts, photography, music, drama or broadcasting						P					
Tailors, dress making apparel, alteration or leasing services			P								
Tattoo studio					S						

Continued on next page



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 98-3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 98-3.1, the latter will control.

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Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	C-1	C-2	C-3	C-4	DBD	O-R	O-S	I-A	I-B	LIB	RM
Tattoo studio					S						
Temporary uses					P						
Tennis houses								P	P		
Theatre					S						
Theatre, except-open air drive-in	P	P									
Tinsmithing shop		P									
Tobacco specialty retail stores, cigar bars, and hookah lounges/bars/ establishments		P									
Undertaking establishments, including mortuary and funeral homes, excepting crematory services		S	S								
Veterinary hospitals, clinics, and kennels			S								
Veterinary hospitals and clinics (not open kennels)	P	P		P	S						
Warehouse, storage, transfer, electric and gas service buildings and yards when completely enclosed								P	P		
Warehousing											P
Warehousing and wholesale establishments								P	P		
Wireless communication facilities	S	S	S	S	S	S	S	P	P	S	S



How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
A-1 Class A Residential	15,000 sq. ft.	90	40 min. / 70 max.	10	40
A-2 Single-Family Residential	8,700 sq. ft.	66	30 min. / 50 max.	7 one side 20 total	35
R-1 Single-Family Residential	8,700 sq. ft.	66	25 min. / 50 max.	<u>Single-family</u> 5 one side 16 total <u>Two-family</u> 10 one side 20 total	35
R-1-0 Single-Family Residential	8,700 sq. ft.	66	25 min. / 50 max.	<u>Single-family</u> 5 one side 16 total <u>Two-family</u> 10 one side 20 total	35
R-3 Low Density Multiple-Family	<u>Less than 4 Units</u> 15,000 sq. ft. <u>Four units</u> 32,000 sq. ft.	<u>Less than 4 Units</u> 66 <u>Four units</u> 80	35 min. / 50 max.	<u>1-story</u> 25 <u>More than 1-Story</u> 30	<u>1-story</u> 25 <u>More than 1-Story</u> 30
R-4 Medium Density Multiple-Family	Section 98-3.35	Section 98-3.35	35 min. / 50 max.	<u>1-story</u> 30 <u>More than 1-Story</u> 40	<u>1-story</u> 30 <u>More than 1-Story</u> 40
R-5 Uptown Multiple-Family	Section 98-3.7.1	Section 98-3.7.1	Section 98-3.7.1	Section 98-3.7.1	Section 98-3.7.1
R-T Residential Transitional	None Specified	66	25 min. / 50 max.	5 one side 20 total	30
SHD Senior Housing District	3 Acres	200	35 min.	40	40
C-1 Community Shopping Center	Section 98-3.38	Section 98-3.38	50 min.	50	50

Continued on next page



How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below.

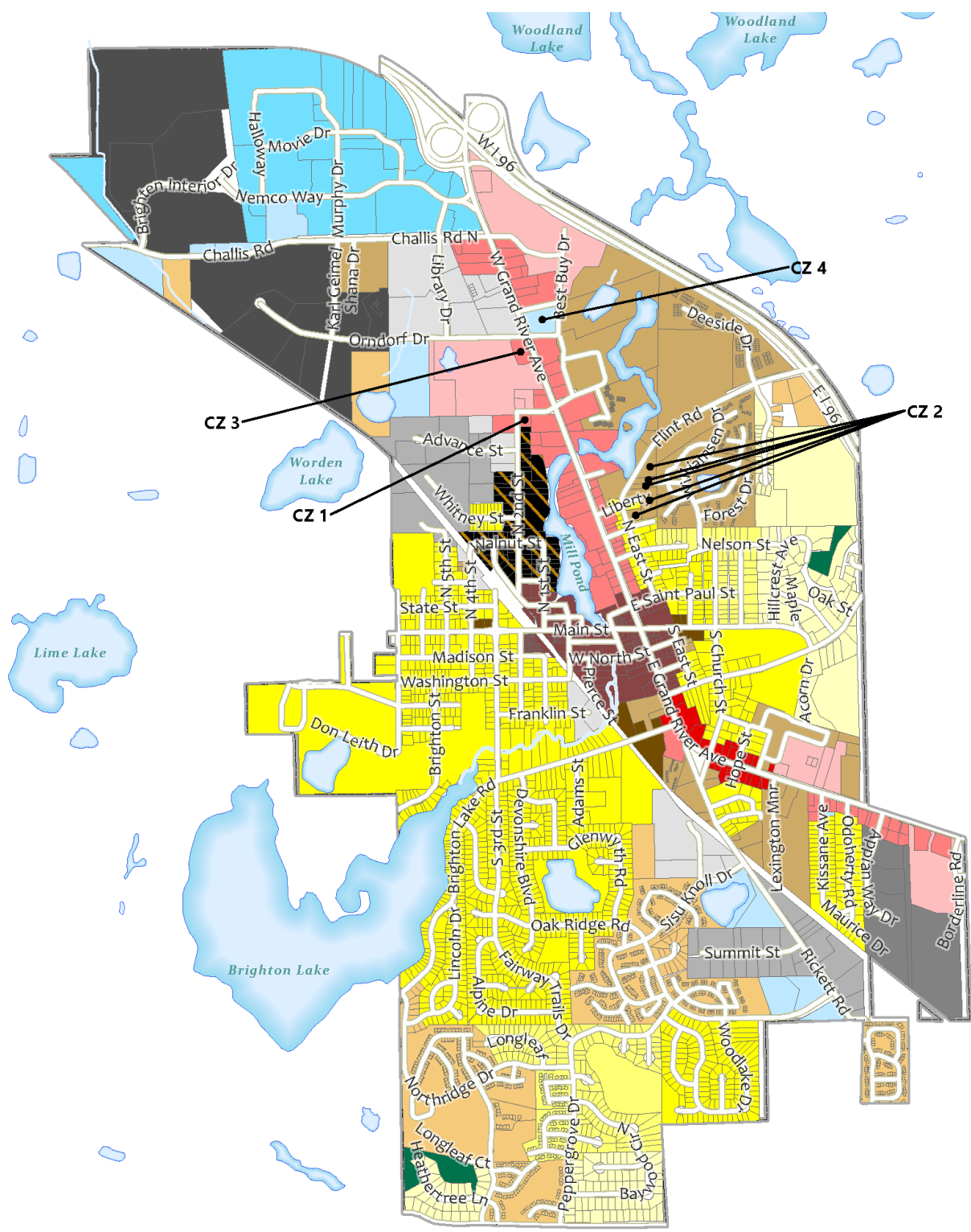
District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
C-2 General Business	2,000 sq. ft.	66	0 min.	<u>Interior</u> 0 <u>Abutting Residential</u> 10	<u>Abutting Nonresidential</u> 0 <u>Abutting Residential</u> 20
C-3 Limited Business	None Specified	66	25 min. / 50 max.	5 one side 16 total	35
C-4 Limited Intensity Business/Office	None Specified	66	25 min.	15	25
DBD Downtown Business District	2,200 sq. ft	22	Section 98-3.42	0	0
O-R Office/Research/Limited Manufacturing	8 Acres	None Specified	100 min. / 150 max.	50	100
O-S Office Service	None Specified	66 ft.	25 min. / 50 max.	15	25
I-A Light Industrial	None Specified	None Specified	30	30	20
I-B Intermediate Industrial	None Specified	None Specified	50	25	<u>Abutting Nonresidential</u> 25 <u>Abutting Residential</u> 50
LIP Light Industrial Park	None Specified	None Specified	20	20	20
RM Research/Manufacturing	None Specified	None Specified	50	50	40



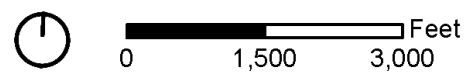
Zoning Map



Digital User Note:
Click on a district heading in the map legend to go directly to the corresponding district regulations.



Conditional Zoned (CZ) Parcels		
CZ #	Parcel ID	Effective Date
1	18-30-100-031	7/22/2005
2	18-30-400-076, 18-30-400-074, 18-30-400-073, 18-30-400-072, 18-30-400-071	11/18/2005
3	18-30-100-087	02/01/2008
4	18-30-100-006	10/30/2014



Source: Michigan Geographic Framework v17a, City of Brighton
Map Created: February 16, 2021
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- A-1 Class A Residential
- A-2 Single-Family Residential
- R-1 Single-Family Residential
- R-1-O Single-Family Residential
- R-3 Low Density Multiple-Family
- R-4 Medium Density Multiple-Family
- R-5 Uptown Multiple-Family
- SHD Senior Housing District
- R-T Residential Transitional
- C-1 Community Shopping Center
- C-2 General Business
- C-3 Limited Business
- C-4 Limited Intensity Business/Office
- DBD Downtown Business District
- O-R Office Research
- O-S Office Service
- I-A Light Industrial
- I-B Intermediate Industrial
- LIP Light Industrial Park
- R/M Research Manufacturing
- Park

Zoning Map

City of Brighton
Livingston County, Michigan



Updated Through
3/13/20

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Chapter 98

Article 1.0

Purpose and Introduction

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Chapter 98

Article 1.0 Purpose and Introduction

98-1.1 Purpose, Title _____ 1-3

98-1.2 Preamble _____ 1-3

98-1.3 Interpretation and Purpose _____ 1-3



98-1.0 Purpose and Introduction

98-1.1 PURPOSE, TITLE

1. An Ordinance, enacted under Act 110 of 2006 (MCL 125.3101 et seq.), as amended, and Act 33 of 2008 (MCL 125.3801 et seq.), as amended, governing the City. The purpose of this Chapter is to regulate and restrict the locations and use of buildings, structures and land for trade, industry, residence, public utilities and transportation and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and determine the size of yards, courts, and open spaces; to regulate and to limit the density of population; and for such purposes to divide the City into districts and establish the boundaries thereof. It is the further purpose of this Chapter to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a board of appeals; and to impose penalties for the violation of this Chapter.
2. This Chapter shall be known and may be cited as the Zoning Ordinance of the City.

98-1.2 PREAMBLE

Pursuant to the authority conferred by state law in such cases made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate uses of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with an adopted comprehensive plan.

98-1.3 INTERPRETATION AND PURPOSE

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the protection of the public health, morals, safety, comfort, convenience and welfare. Whenever the requirements of this Chapter impose requirements of lower heights of buildings, or a less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are imposed or required by existing provisions of law or ordinance, the provisions of this Chapter shall govern. Where, however, the provisions of the state housing code or other ordinances or regulations of this City impose requirements for lower heights of buildings or less percentage of lot may be occupied, or require wider or larger courts or deeper yards than are required by this Chapter, the provisions of the state housing code or other ordinance or regulations shall govern.

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Chapter 98

Article 2.0 Definitions

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Chapter 98

Article 2.0 Definitions

98-2.1	Construction of Language _____	2-5
98-2.2	Definitions _____	2-5

Administrative officer Adult entertainment business* Agriculture Aisle Alley Alterations Apartment Applicant Arcades Assessed valuation Assessment Attic Auto repair garage Automotive service center Barrier curb Basement Berm Bicycle lane Bicycle path Bikeway Board of appeals Boardinghouse Bond* Buffer Buildable area Building Building, accessory Building height Building inspector Building line Building (restriction) line or setback Building principal Cabaret Caliper Carport (shelter) Cartway Cellar Channel Channelization	Child daycare facility Cigar Cigar bars Clear glass Clinic Club Cluster development Commercial use Commission Common open space Community impact statement Concept plan Condemnation* Conditional use Condominium Condominium act Condominium common elements, general Condominium common elements, limited Condominium documents Condominium lot Condominium master deed Condominium site Condominium unit Congregate care home Convalescent home Conventional development Cooperative (apartment) housing Cornice expression line Counsel, legal Court (atrium) Covenant (deed restriction) Cul-de-sac Curb Day Care Home, Family Day Care Home, Group Dedication Density	Detention basin Developer Development Development area Display, outside District Divided street Downtown Business District Definitions* Drainage Drainage system Drive-in Driveway Duplex Dwelling Dwelling, attached single-family Dwelling, multiple-family Dwelling, multiple-family high-rise Dwelling, multiple-family low-rise Dwelling, single-family Dwelling, two-family (duplex) Dwelling unit Dwelling unit (efficiency apartment) Easement* Eminent domain Encroachment Engineer Entrance ramp Erection Erosion Escrow Essential services Excavation Exit ramp Family Farm
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*Multiple terms are defined in this ordinance.



Fee simple	Kennel	Nursery (plant material)
Fence	Laboratory	Nursing/congregate care/ convalescent or rest home
Fence, obscuring	Landfill	Occupancy
Filling	Landscaping	Occupancy load
Final approval	Leasehold	Occupied
Final plat	Legal description	Off-site
Firearm	Light standard	Open front store
Floodplain	Livestock	Open space
Floodway	Loading space	Option
Floor area	Lot	Ordinary high water mark
Floor area, gross	Lot area	Overflow parking lots
Floor area, usable	Lot, corner	Overhang
Footprint	Lot coverage	Parking
Frontage	Lot depth	Parking lane
Frontage block	Lot, double frontage	Parking lot
Frontage height	Lot, interior	Parking, off-street
Garage (community)	Lot lines*	Parking, on-street
Garage (private)	Lot of record	Parking space
Garage (public)	Lot, through	Parking structure
Garbage	Lot width	Performance guarantee
Gasoline filling station (gas station)	Low Impact Development (LID)	Personal services
Gasoline service stations	Maintenance guarantee	Pervious surface
General development plan	Mall	Pet daycare facility
Grade	Marihuana, also known as Marijuana, also known as Cannabis	Planned commercial or retail center
Greenbelt	Marihuana	Planned unit development (PUD)
Ground cover	collective or cooperative	Planning Commission
Gutter	Marihuana dispensary or dispensary	Plat
Historic district	Marginal access street	Plat (of survey)
Historic site	Master plan	Plate height
Home occupation	Master right-of-way plan	Power of attorney
Hookah lounges/bars/ establishments	Median	Preapplication conference
Hospital	Medical use of marihuana	Preliminary approval
Hotel	Metes and bounds	Preliminary subdivision plat
Housing for the elderly	Mezzanine	Prescription
Impervious surface	Minor subdivision	Principal use
Impoundment	Mobile home	Public open space
Improvement	Mobile home park (trailer court)	Public records
Indemnity agreement	Motel (motor court)	Public service
Individual sewage disposal system	Mountable curb	Public utility
Industrial use	Moving lane	Quitclaim
Industry, heavy	Mulch	Refuse
Industry, light	Multiplex	Regulated Watercourses
Interval ownership	Nonconforming building	Regulated Wetlands
Island,	Nonconforming use	
Junkyard	Nuisance	*Multiple terms are defined in this ordinance.

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- Residential density
- Residential street (access)
- Residential street (collector)
- Residential subcollector
- Rest home
- Restaurants*
- Restriction
- Retaining wall
- Retention basin
- Right-of-way
- Riparian
- Roadside stands/markets
- Rubbish
- Satellite dish antenna
- Screen
- Sedimentation
- Septic system
- Setback
- Sewer
- Shade tree
- Shadow (building)
- Shopping center
- Shoulder
- Sidewalk (area)
- Sight triangle
- Sign
- Site plan
- Smoking paraphernalia
- Soil excavation
- Special exception
- Stabilized turf/earth
- Stable (private)
- State licensed residential facility*
- Storage (new vehicles)
- Storage (outside)
- Stormwater detention
- Stormwater management systems
- Stormwater retention
- Story
- Story (half)
- Street
- Street furniture
- Street hardware
- Street line
- Street loop
- Structural alterations
- Structure
- Stub street
- Subdivision
- Survey
- Telecommunication facility
- Temporary building
- Tents
- Thoroughfares (major)
- Thoroughfares (secondary)
- Time share ownership
- Tobacco product
- Tobacco specialty retail stores
- Topsoil
- Tourist home (bed and breakfast)
- Trailer
- Trailer coach (mobile home)
- Trailer court/trailer camp
- Transitional parking lots
- Travel trailer
- Travel trailer park (overnight camping facility)
- Trip
- Tuck-under parking
- USCGS (also USC&G and USC&GS)
- Use
- Use (accessory)
- Use, not otherwise allowed in a specific use district
- Use (principal)
- Utility room
- Variance
- Vehicle
- Vehicle (motorized)
- Vehicle (recreational)
- Veterinarian clinic
- Walls, obscuring
- Wireless communication facilities*
- Watercourse
- Wetlands
- Yards*
- Zoning variance

*Multiple terms are defined in this ordinance.



98-2.0 Definitions

98-2.1 CONSTRUCTION OF LANGUAGE

1. For the purpose of this Chapter the definitions contained in this Section shall apply to the terms used in all the presently adopted Articles and all future Articles contained in the Zoning Ordinance of the City. Where definitions are contained in the presently adopted Articles of this Chapter which are in conflict with the interpretation contained in this Section, the terms contained herein shall establish the prevailing interpretation.
2. All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes the word "structure, or any part thereof," and the word "dwelling" includes "residence," the word "person" includes "corporation," "copartnership," "association," as well as any "individual;" the word "shall" is mandatory and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel;" the words "used" or "occupied" include the words "intended," "designed" or "arranged to be occupied."
3. Terms not herein defined shall have the meaning customarily assigned to them. Upon any discrepancy, conflict of meaning, apparent ambiguity or duplication of definition found within this Section the Planning Commission shall have the authority to define or resolve such discrepancy through the action of a simple majority of its members. In the absence of such assent the meaning of words or terms shall be determined from the latest edition of the unabridged edition of the Merriam-Webster Dictionary.

98-2.2 DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Administrative officer means the governmental officer, normally the City Manager, charged with administering development regulations in the City.

Adult entertainment business means a business having as a principal activity one or a combination of more than one of the following activities: the sale of adult materials, operation of an adult motion picture theater, operation of an adult minimotion picture theater, operation of an adult cabaret, or operation of an adult personal service business.

The following terms are defined as they relate to adult entertainment businesses:

1. **Adult books** means books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
2. **Adult bookstore** means an establishment wherein more than 20 percent of its stock in trade is comprised of books, magazines, and other periodicals having as dominant theme matter, depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.
3. **Adult cabaret** means a nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which has as an activity:
 - A. Performances by persons who appear nude or semi-nude;
 - B. Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities"; or
 - C. Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis on exhibition or description of "specified sexual activities" or "specified anatomical areas".
4. **Adult materials** means one or a combination of more than one of the following types of materials: adult books and adult novelties.

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- 5. **Adult mini-motion picture theater** means an enclosed building having as an activity the presentation of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
- 6. **Adult motion picture theater** means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- 7. **Adult novelties** means devices of simulated human genitals or devices designed for sexual stimulation.
- 8. **Adult personal service business** means a business having as an activity a person of one sex providing services to individuals of the same or opposite sex, on an individual or group basis in a closed room. It includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, [individual theatrical performances].
- 9. **Partially nude** means having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.
- 10. **Principal activity means** a use accounting for more than 20 percent of a business' stock in trade, display space, floor space, live entertainment time, or movie display time per month.
- 11. **Specified anatomical areas means:**
 - A. Less than completely and opaquely covered:
 - i. Human genitals, pubic region;
 - ii. Buttock;
 - iii. The nipple and/or areola of the female breast.
 - B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

- 12. **Specified sexual activities** means:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy; and
 - C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Agriculture means the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income when conducted on at least one acre (.0405 hectares) or more.

Aisle means the traveled way by which cars enter and depart parking spaces.

Alley means a public or private way of less than 30 feet (9.1440 meters) in width affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations means any change, addition or modification to a building or structure involving any type of occupancy, or any change in the structural members of a building such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as altered or reconstructed.

Apartment means a room or suite of rooms in a two-family or multiple occupancy dwelling, or where a living unit is established over a nonresidential use, intended or designed for use as a residence by a single family, including bath and kitchen accommodations.

Applicant means any individual, copartnership, corporation or other duly empowered and qualified entity submitting an application for an action of the Planning Commission and City Council.



Arcades means any place of business or amusement, or any place of business or amusement located within a building or any portion thereof in which more than three token, coin or otherwise operated mechanical and/or electrical amusement devices are installed, whether or not intended as a principal use or accessory use of that building or structure.

Assessed valuation means the valuation placed upon land by the appropriate governing body for purposes of taxation. This valuation does not necessarily correspond to the market valuation.

Assessment means a special tax imposed on owners of land by governing bodies for the purpose of paying for improvements (sewer lines, sidewalks, street paving, etc.) which benefits the land of such owners.

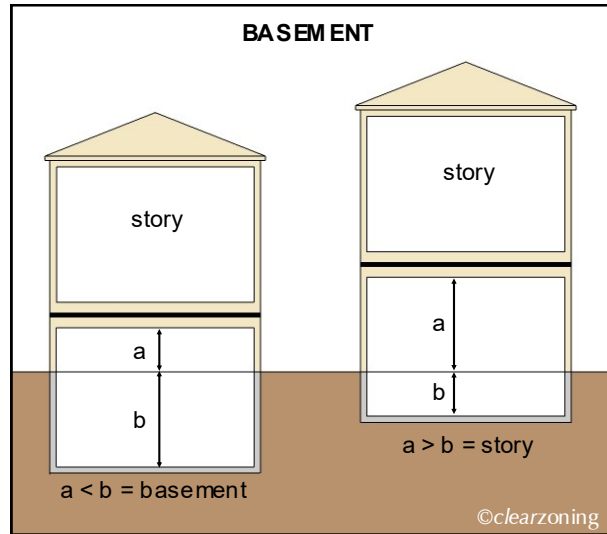
Attic means the space between the ceiling beams of the top habitable floor and the roof of any structure, no part of which has a vertical dimension of more than seven feet (2.14 meters).

Auto repair garage means a place where the following activities may be carried out: vehicle body or chassis and frame repair, engine rebuilding, repair and or replacement, undercoating, painting, wheel and tire repair, sales, and recapping, upholstery work and auto glass work, electric and electronic diagnosis, repair and replacement and transmission and drive train repairs.

Automotive service center means a place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering directly sale of motor fuels to users of motor vehicles, and only when the location of such Automotive service center is architecturally designed and located on the site so as to become an integral part of the interior of a larger planned shopping center or mall complex.

Barrier curb means a steep-faced curb intended to limit encroachments of vehicles and storm water (see Curb).

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling.



Bern means a mound of soil and/or other normal landscaping material graded, shaped and improved with plant material in such a fashion as to be utilized for purposes of visual screening.

Bicycle lane means a lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

Bicycle path means a pathway usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

Bikeway means a pathway designed for use of bicycles.

Board of appeals means the Zoning Board of Appeals of the City.

Boardinghouse means a dwelling where meals, or lodging and meals, are provided for compensation to three or more persons by prearrangement for definite periods. A boardinghouse shall be distinguished from a hotel.

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Bond means:

1. An insurance agreement under which one party becomes surety to pay, within stated limits, the financial loss caused to another by specified acts or defaults of a third party.
2. An interest bearing security evidencing a long term debt, issued by a government or corporation, and sometimes secured by a lien on property.

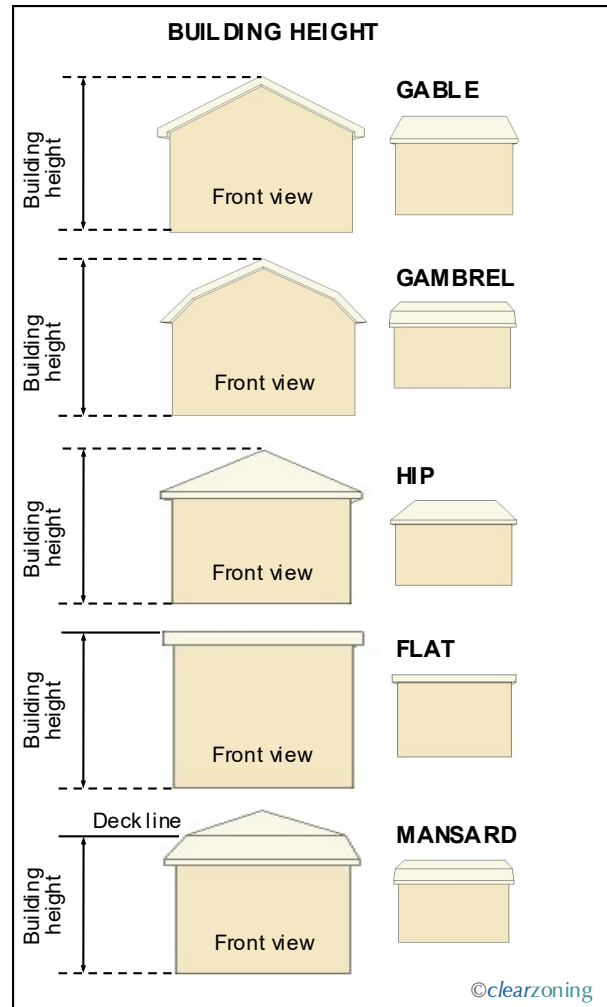
Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Buildable area means the buildable area of a lot or parcel in the horizontal space remaining after yard, parking, or any other requirements of this Chapter have been met.

Building means a structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for such purposes.

Building accessory, means a building subordinate to the main or principal building on the lot and used for the purposes customarily incidental to those of the main building.

Building height means the vertical distance measured from the established or stipulated grade on the perimeter of a building to the highest point of the roof surface for flat or sloping, gable, hip or shed roofs, and to the deck line of mansard roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall unless otherwise required. ↘



Building inspector means the building inspector or such similar official designated by the council.

Building line means a line formed by the face of the building or the defined extension of a building or structure, and for the purpose of this Chapter, a building line is the same as a front setback line.

Building (restriction) line or setback means a line fixed at a certain distance from the front and/or sides of a lot or at a certain distance from a road or street, which line marks the boundary of the area within which no part of any building may project. This line may be established by a filed plat of subdivision, by restrictive covenants in deeds or leases, by building codes, or by Zoning Ordinances.

Building principal means a building or structure in which is conducted the principal use of the lot or site on which it is situated.



Cabaret means any place wherein food and/or any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a yearly license to sell such beverages by the glass and which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

Caliper means the diameter of a tree trunk measured in inches, 24 inches above ground level for trees up to four inches in diameter and 36 inches above ground level for trees over four inches in diameter.

Carport (shelter) means a structure intended to provide a roof under which various vehicles can be parked or stored for short periods of time. A carport differs from a garage in its absence of fully enclosing walls and access door.

Cartway means the actual road surface area from curblineline to curblineline, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surfaced width.

Cellar means that portion of a building partially or wholly underground, having half or more than half of its clear height below the grade plane. A cellar shall be nonhabitable (see Basement).

Channel means the bed and banks of a natural stream which convey the constant or intermittent flow of the waterway.

Channelization means the straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly.

Child daycare facility means a facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care facility" or "day care facility" does not include a Sunday school conducted by a religious institution, or a facility operated by a religious organization where children are cared for during short periods of time, while persons responsible for such children are attending religious services.

Cigar means any roll of tobacco weighing 3 or more pounds per 1,000, which roll has a wrapper or cover consisting only of tobacco as defined by Public Act 368 of 1978 (as amended).

Cigar bars means an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere. The use generates 10% or more of its total gross annual income from the on-site sale of cigars and the rental of on-site humidors as defined by Public Act 368 of 1978 (as amended).

Clear glass means glazing shall be clear with a visible light transmittance of not less than 40% (0.40) on ground floors for residential uses and 60% (0.60) on all floors for non-residential uses, per glass manufacturer specifications.

(Amended by Ord. No. 582, Pt. 1, 8-2-2018)

Clinic means a place for the care, diagnosis and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for overnight inpatient care.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

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Cluster development means a development concept in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, and usually in such a manner that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

Commercial use relates to the use of property in connection with, or for, the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.

Commission means the Planning Commission of the City.

Common open space means land or water bodies within or related to a development, not individually owned or dedicated for public use, which are designed, controlled by and intended for the common use or enjoyment of the residents of the development. It may include accessory structures and improvements.

Community impact statement means an informational document, the purpose of which is to provide the City with detailed information about the effect which a proposed rezoning or a proposed development project may have on the environment and peace, health, safety and welfare of the community; to list ways in which any adverse effects of such a rezoning or proposed project might be minimized.

Concept plan means a preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Condemnation means:

1. The lawful taking of private land for public use by a government under its right of eminent domain.
2. A declaration by a governmental agency that a building is unfit for use.

Conditional use means a use specified in this Chapter as permissible in a specific use district only after special conditions are met.

Condominium means a system of real estate ownership wherein there is separate ownership of dwelling units, offices, or other spaces in a multiunit project with each separate unit ownership being coupled to an undivided share in the entire project site less all of the individual units.

Condominium act means Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended.

Condominium common elements, general means the common elements other than the limited common elements.

Condominium common elements, limited means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium documents means the master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

Condominium lot means the condominium unit, including the condominium unit and the contiguous limited common element surrounding the condominium unit, and shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended.

Condominium master deed means 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, and all other information required by Section 8 of the Condominium Act.



Condominium site means a condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located where each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Condominium unit means the portion of a condominium project designed and intended for separate ownership and use by a single family, as described in the master deed.

Congregate care home, see Nursing home.

Convalescent home, see Nursing home.

Conventional development means development other than planned development.

Cooperative (apartment) housing means an apartment building which is owned by a corporation and in which tenancy in an apartment unit is obtained by purchase of the pertinent number of shares of the stock of the corporation and where the owner of such shares is entitled to occupy a specific apartment in the building.

Cornice expression line means an architectural feature on buildings that acts as an upper termination for the overall composition of the building.

(Amended by Ord. No. 582, Pt. 1, 8-2-2018)

Counsel, legal means the properly designated member of the Michigan Bar, who serves as legal counsel to the City Council.

Court (atrium) means an open, unoccupied space other than a yard and bounded on at least two sides by a building. A court extending to the front lot line or front yard, or the rear lot line or rear yard, is an outer court. Any other court is an inner court. A completely enclosed space without roof.

Covenant (deed restriction) means an agreement between the parties in a deed whereby one party promises either:

1. The performance or nonperformance of certain acts with respect to the land;
2. That a given state of things with respect to the land are so; e.g., covenant that the land will be used only for residential purposes.

Cul-de-sac means a local street with only one outlet and having the other end widened for the reversal of traffic movement.

Curb means a vertical or sloping edge of a roadway (see also Barrier curb and Mountable curb).

Day Care Home, Family means a private single family home in which one (1) to six (6) minor children are received for care and supervision for the time period set forth in this Ordinance, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year. Overnight care shall not be provided.

Day Care Home, Group means a private single family home in which more than six (6) but less than thirteen (13) minor children are received for care and supervision for the time period set forth in this Ordinance, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption, for more than four (4) weeks during a calendar year. Overnight care shall not be provided.

Dedication means an act conveying property or interest thereto to a public agency or purpose. The granting of land in fee, by the owner for some public use and its acceptance for such use by the authorized public officials.

Density means the number of dwelling units per gross acre of land to be developed.

Detention basin means a manmade or natural water collection facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, through natural or manmade outlets.

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Developer means the legal or beneficial owner of a lot, site or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development means the construction of a new use or building, or structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for a new use or building.

Development area means a tract of land of five acres (2.0250 hectares) or more which may be subsequently subdivided into parcels of less than five acres (2.0250 hectares). The development area may be owned by or controlled by one or more parties who are acting with the single or collective purpose of developing the contiguous parcels in accordance with the provisions of a single zoning district.

Display, outside means the outdoor collection or placement of immediately usable goods which are available for sale, lease, or rental and which are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

District means a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

Divided street means a street having an island or other barrier separating its moving lanes.

Downtown Business District Definitions:

1. **Artisan Manufacturing, Limited** means the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage and distribution of such products. All limited artisan manufacturing uses shall have a storefront for sales, and the size and impact of the use shall be consistent with other retail and offices uses in the district. Typical artisan manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; printmaking; household appliances; glass blowing, leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.
2. **Build-to zone** means an area of a specified depth, parallel to and touching a specified lot line or other setback line, within which the building façade shall be placed and may vary within the zone, as specified in the district, in order to encourage design flexibility.
3. **Community assembly, cultural, educational and service uses:** Premises used principally for 1) education, cultural performances, and gatherings administered by nonprofit cultural, educational, and religious organizations; and 2) local, state, and/or federal government, administration, provision of public services, education, cultural performances, and gatherings.
4. **Commercial use:** Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.
5. **Facade:** The vertical exterior surface of a building that faces a street or open space.
6. **Mixed use:** A combination of two principal permitted uses in the district located on a single lot. If one or more of the uses is a special land use, special land use approval will be required for those uses so designated.
7. **Multiple-Family Stacked Flats** means a building type of three or more attached structures and with two or more floors. Units may be stacked vertically or horizontally. Units that are exclusively on one floor will be stacked with at least one unit above. Each unit may have its own external street facing entrance or there may be a common entrance facing the street or a courtyard that connects to other units using internal hallways and pathways.



- 8. **New building:** A planned building proposed for a site, to be constructed atop a foundation, resulting in a minimum vertical dimension of at least one story, and with grade level access.
- 9. **Office:** A building or portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, or medical services.
- 10. **Retail use:** Businesses that supply commodities on the premises, including, but not limited to clothing shops, home furnishings, shoe shops, pharmacy shops, flower shops, stationary shops, downtown personal services, and gift shops. Also included are restaurants but not included are drive-in restaurants.
- 11. **Storefront:** The portion of the building at the first story that faces a street.

Drainage means the removal of surface water or groundwater from land by drains, grading, or other means.

Drainage system means the system through and by which water flows from the land or paved surfaces, including all pipes, watercourses, waterbodies and wetlands.

Drive-in means a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than or as well as within a building or structure.

Driveway means a paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Duplex, see Dwelling, two-family.

Dwelling means any house, building, tent, shelter, trailer, or vehicle, or portion thereof, which is designed or converted for use exclusively for residential purposes.

Dwelling, attached single-family means a building or structure for more than one dwelling unit, where each dwelling unit is separated from the abutting dwelling unit by a party wall extending up from the ground the full height of the building.

Dwelling, multiple-family means a building, or portion thereof, designed exclusively for occupancy by three or more families, in separate units, and living independently of each other (see also Apartment).

Dwelling, multiple-family high-rise means a multiple-family dwelling of four or more stories in height.

Dwelling, multiple-family low-rise means a multiple-family dwelling not more than three stories in height.

Dwelling, single-family means a building, structure, mobile home or prefabricated, premanufactured or precut structure designed exclusively for and occupied exclusively by one family.

Dwelling, two-family (duplex) means a building designed or constructed exclusively for occupancy by two families, in separate units, and living independently of each other.

Dwelling unit means a building, or portion thereof, designed for occupancy by one family for residential purposes including cooking and sleeping facilities.

Dwelling unit (efficiency apartment) means a dwelling unit usually consisting of not more than one room in addition to kitchen and sanitary facilities and containing not less than 425 square feet (39.5250 square meters) of usable floor area.

Easement means:

- 1. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasipublic purpose and within which the owner of the property shall not erect any permanent structures.
- 2. A privilege or right of use or enjoyment which one person may have in the lands of another; for example, a right of way to install, operate, and maintain utility lines.



Eminent domain means the right of a government to appropriate private property for public use by making reasonable payment to the owner of such property.

Encroachment means the intrusion of any improvement partly or entirely on the land of another.

Engineer means the properly designated professional engineer of the City.

Entrance ramp means a roadway connecting a feeder road with a limited access freeway and used for access on to such limited access freeway.

Erection means the physical operations on any premises required for the moving or construction including new construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Erosion means the detachment and movement of soil or rock fragments, or the wearing away of the land surface by uncontrolled natural water, wind, ice, or gravity action.

Escrow means a deed, a bond, money, or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition. Money, securities, documents, or other property deposited with a third party to be held by the third party (called the escrow agent) until the happening of a future event and then to be delivered to the designated party. In some states nearly all real estate transactions are closed through the use of escrow.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system collection, communication (excluding any wireless cellular and personal communications service (PCS) telecommunication tower), supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare.

Excavation means any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Exit ramp means a roadway connecting a limited access freeway with a feeder road and used for access from such limited access freeway to a feeder road.

Family means an individual or group of two or more persons related by blood, marriage, social contract or adoption (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Chapter.

Farm means a parcel or parcels of contiguous unplatted land of not less than five acres (2.0250 hectares) which is directly farmed or used in the normal pursuits of agriculture by one farmer, and which may include establishments operating as greenhouses, nurseries, orchards, chicken hatcheries, or apiaries. But establishments operating as fish hatcheries, stockyards, recreational parks, stone quarries, gravel pits, breeding or raising furbearing animals or game, or keeping more than the normal number of dogs or livestock usually kept on a farm shall not be considered farms hereunder as to the particular part or portion of the premises used or engaged in the operation of such enterprises.

Fee simple means an estate in which the owner is entitled to the entire property, with unconditional power of disposition during the owner's life, and which descends to the heirs upon the owner's death if the owner dies without a will.

Fence means a barrier of fabric, wood, metal or plastic material of definite height and location to serve the purpose of carrying out the requirements of this Chapter.

Fence, obscuring means a barrier of definite height and location to serve as an obscuring screen in carrying out the requirements of this Chapter.



Filling means the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Final approval means the official action of the Planning commission and or the City Council taken on a previously approved subdivision or site plan, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee.

Final plat means the final map of all or a portion of a subdivision which is presented for final approval.

Firearm means any instrument which is capable of hurling a missile by means of exploding or burning powder.

Floodplain means the land adjacent to a body of water which has been or may be hereafter covered by flood waters which has the same boundaries as the 100-year base flood level as delineated on the flood insurance rate map of the City prepared by the United States Department of Housing and Urban Development and the profiles prepared by the Federal Insurance Administration in conjunction with said map or as may be designated or determined by the state department of natural resources. The relatively flat area or lowlands adjoining the channel of a watercourse or a body of water, which may be covered by flood water when high amounts of precipitation are experienced. Determinants of a floodplain are as follows:

1. Contiguous areas paralleling major rivers or streams that constitute, at their maximum edge, the highest flood levels experienced in a period of 100 years.
2. Principal estuary courses of wetland areas that are part of a river or stream flow system.
3. Contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.
 - A. Regulatory floodplain means the channel of a river or other watercourse and the adjacent land areas designated by the profiles in the flood insurance study, for the City, as prepared by the Federal Insurance Administration which must be reserved in order to discharge the base flood, or that flood which has a one

percent chance of being equaled or exceeded in any given year.

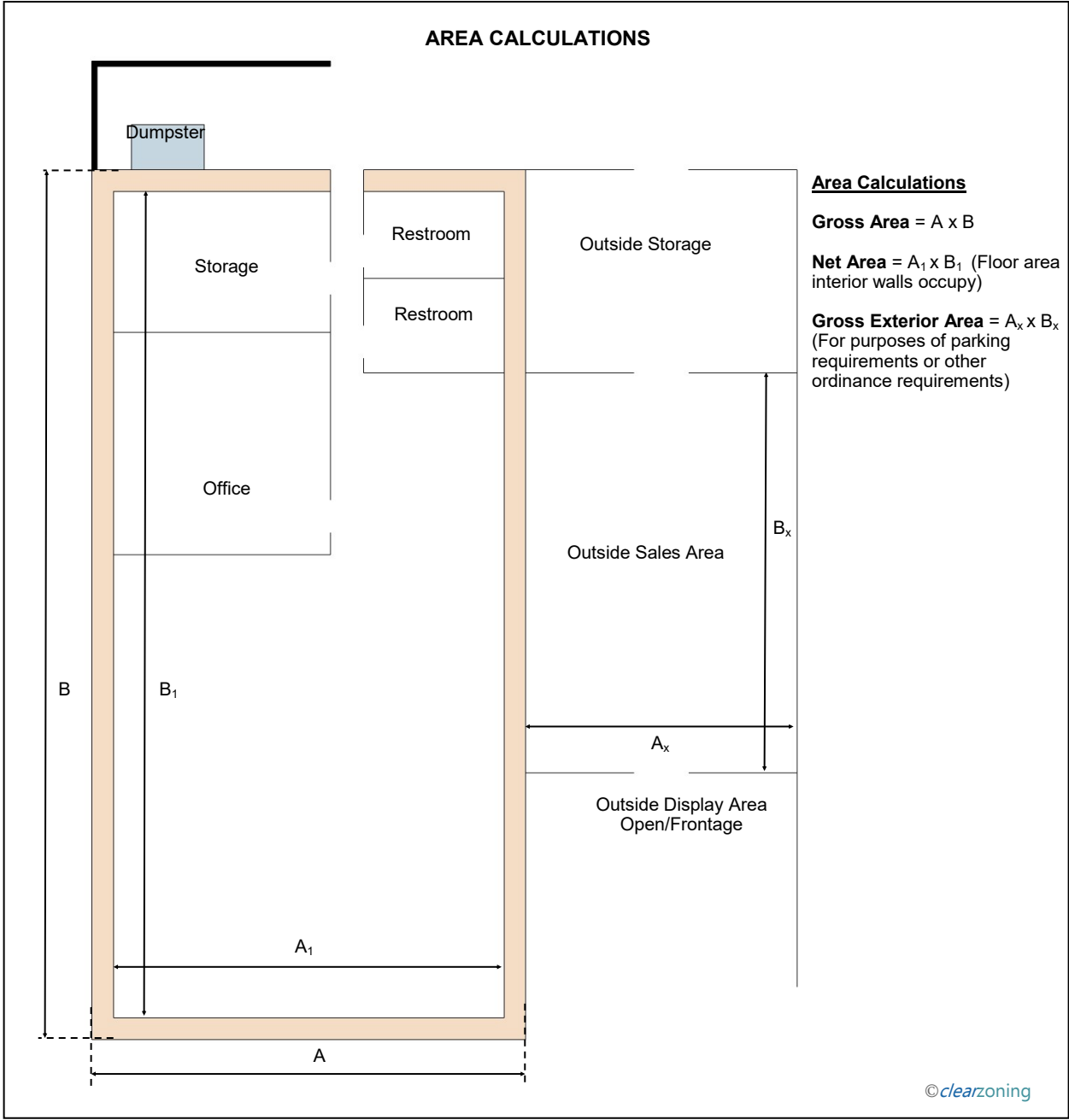
- B. Floodplain fringe means that portion of the floodplain outside of the regulatory floodplain (100-year flood) and designated as zone “B” (100- 500-year flood) on the flood insurance rate maps and the flood insurance study or as may be designated or determined by the state department of natural resources.

Floodway means the channels and area adjacent to the channels necessary to carry and discharge floodwater. Floodway channel limits shall be the ordinary high-water mark boundaries of the channel.

Floor area means the sum of the horizontal areas of each story of a dwelling unit and shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of unoccupied basements, unfinished attics, attached garages, breezeways, common halls and stairways in two-family or multiple-family structures, and enclosed and unenclosed porches.

1. Bi-level means a house with two levels and no basement, the first floor being partially below grade such that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor.
2. Quad-level means a house similar to a tri-level but with the addition of a fourth level. The third level is usually located directly above the first and the fourth level is usually located directly above the second. The first level shall be counted as either a story or a basement, depending on its location in relation to the average grade (see Basement).
3. Tri-level means a house with three levels, the first level being located partially below grade, the second level being located at or slightly above grade, and the third level being located one-half level up from the second level and directly over the first level. The first level shall be counted as either a story or a basement depending on its location in relation to the average grade (see Basement).





Floor area, gross means, for purposes of computing parking requirements for any uses within a building, the actual area tabulated from the outside walls to outside walls or enclosure of the building or structure. This shall include all interior spaces, even those used for storage, service, mechanical, or circulation functions, irrespective of public use or access to such spaces. For the purposes of computing parking for those exterior uses not enclosed within a building, the actual area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients, shall

be measured to determine necessary parking spaces. ✎

Floor area, usable means, for the purposes of this definition, all ground and nonground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities shall be excluded from this computation of usable floor area.



Footprint means the outline at the outer extremity of a building or structure and all of its extensions, attachments, porches, decks or improvements which occur on a plane parallel with the finished grade and at a distance of 12 inches above such final grade. (See **Shadow (building)** for graphic).

Frontage means that portion of any property abutting a principal street; a corner lot and a through lot having frontage on both abutting streets.

Frontage block means all land fronting on both sides of a street between the nearest streets intersecting such streets.

Frontage height means the plate height of the front building façade.

(Amended by Ord. No. 582, Pt. 1, 8-2-2018)

Garage (community) means a completely enclosed structure, or a series of structures, for the storage of motor vehicles, having no public shop or services in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two or more owners or occupants of property in the vicinity.

Garage (private) means a private garage, a completely enclosed structure for the storage principally of private passenger motor vehicles, or for the private use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees.

Garage (public) means any building or premises, except those defined as private or community garages, used for the storage, care, repair or refinishing of motor vehicles, except that a structure or room used solely for the display and sale of such vehicles, in which they are not operated under their own power, and in connection with which there is no repair, maintenance or refinishing service or storage of vehicles other than those displayed, shall not be considered as a garage for the purposes of this Chapter.

Garbage means any putrescible solid and semisolid animal or vegetable wastes resulting from the production, handling, preparation, cooking, service or consumption of food or food materials.

Gasoline filling station (gas station) means a place for only the dispensing, sale or offering for sale of motor fuel and related automotive accessories directly to users of motor vehicles.

Gasoline service stations means a place for the dispensing, sale or offering for sale of motor fuel and lubricant directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles within an enclosed building.

General development plan means a plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.

Grade means a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level as indicated below. If the ground is not entirely level, the grade shall be determined as stipulated by the requirements of specific Sections of this Chapter.

1. For buildings having walls facing or adjoining one street only, the grade shall be the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one street, the grade shall be the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
3. For buildings having no walls adjoining the streets, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than ten feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the administrative officer.

Greenbelt means a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Chapter.

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Ground cover means a planting of low-growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away and the growth of unwanted plants.

Gutter means a shallow channel usually set along a curb or the paved edge of a road for purposes of catching and carrying off storm water.

Historic district means an area related by historical events or themes, by visual continuity or character, or by some other special feature that helps give it a unique historical identity. May be designated a historic district by local, state, or federal government and given official status and protection.

Historic site means a structure or place of historical significance which may be designated as such by local, state, or federal government.

Home occupation means an occupation conducted entirely within a dwelling unit by the resident(s) thereof, provided that the home occupation is clearly incidental and secondary to the use of the dwelling unit for residential purposes. "Primary caregivers," as defined by the Michigan Medical Marihuana Act, PA 2008 shall be permitted as home occupations, provided that the standards of [Section 98-4.1](#) are met.

Hookah lounges/bars/establishments see Tobacco specialty retail store.

Hospital means a building or structure in which sick or injured persons are given extended medical and/or surgical treatment and which is operated under license by the health department of the state, and is primarily used for inpatient services, including such related facilities as laboratories, outpatient departments, central service facilities, and staff offices.

Hotel means a building, or part of a building, or a group of buildings, containing rental units designed for, and/or occupied primarily by, transients. The term shall include, but not be limited to, any such building or building group designated as motor lodge, motor inn, motel, or any other title intended to identify it as providing lodging for compensation (see Motel or Motor court).

Housing for the elderly means an installation other than a hospital, hotel or nursing home which provides dwelling units for persons where at least one occupant per unit shall be at least 55 years of age at the time of occupancy with the exception that units occupied by the physically handicapped must have at least one occupant 50 years of age or older.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Impoundment means a body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

Improvement means any manmade immovable item which becomes part of, placed upon, or is affixed to, real estate.

Indemnity agreement means an agreement by the maker of the document to repay the addressee of the agreement up to the limit stated for any loss due to the contingency stated on the agreement.

Individual sewage disposal system means a septic tank, seepage tile sewage disposal system, or any other county or state approved sewage treatment device serving a single unit.

Industrial use means any land or building occupied or used for manufacturing, storage or industrial processing purposes.

Industry, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Examples include but are not limited to the production of the following: large-scale food and beverage operations, lumber, milling, and planing facilities; aggregate, concrete, and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical



Industry, light means a use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining). Examples of assembling include but are not limited to the production of the following: clothes; furniture (where wood is milled off site); pharmaceuticals; hardware; toys; mechanical components; electric or electronic components; small vehicle assembly; and computer software. Examples of packaging include facilities for bottling beverages, canning and wrapping foods, and boxing electronic components. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc., such that any external effects are not greater at the property lines than surrounding uses.

Interval ownership means a form of time share ownership (see Time share ownership).

Island, means in street design, a raised area, usually curbed, placed to guide traffic and to separate driving lanes. It may be used for landscaping, signing, or lighting.

Junkyard means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and other metals, plastic goods, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel means any lot or premises on which more than three dogs or three cats, or three other of one kind of household pet are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred as a source of income or sold.

Laboratory means a place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landfill means any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse.

Landscaping means the treatment of the ground surface with live materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other growing horticultural materials. In addition, the combination or design may include other decorative surfacing such as wood chips, crushed stone, or mulch materials not to exceed 20 percent of the total for any landscape area. Structural features such as fountains, pools, statues, garden walls less than three feet (0.9144 meters) in height, and benches shall also be considered a part of landscaping but such objects alone shall not meet the requirements of landscaping.

Leasehold means the right to possession and use of land for a fixed period of time. The lease is the agreement which creates the right. The person who has the leasehold is the tenant or lessee. The person who grants the leasehold is the lessor or landlord.

Legal description means a property description which by law is sufficient to locate and identify the parcel of real property and can be recorded as such with the register of deeds.

Light standard means the pole, pylon or other freestanding structure on which one or more lights are mounted for purposes of illuminating an outdoor parking, landscape, recreational or other area.

Livestock means cattle, sheep, goats, horses and other useful animals normally kept or raised on a farm whether for sale and profit or not.

Loading space means an off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

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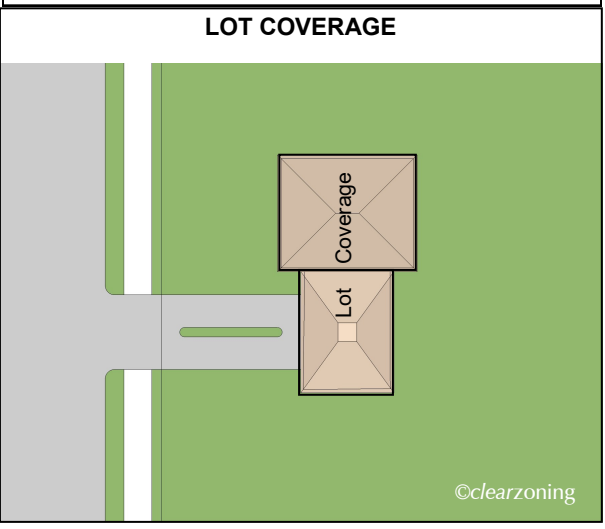
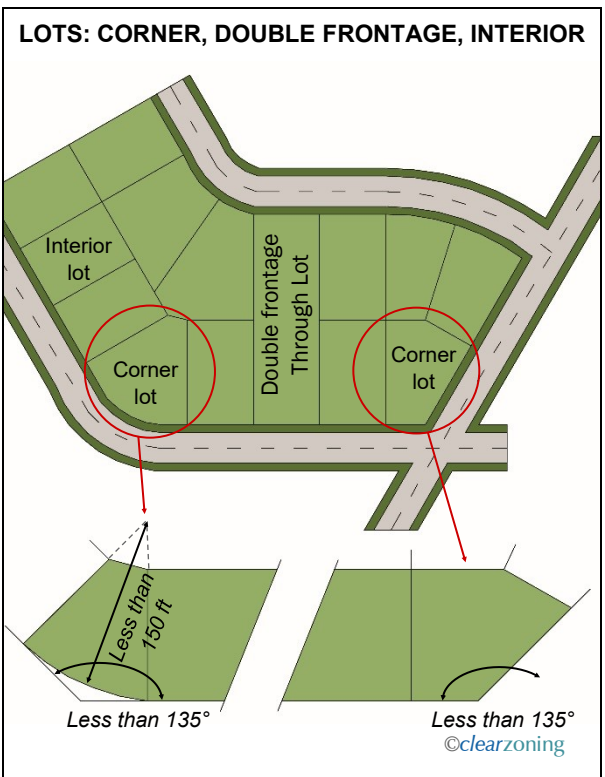
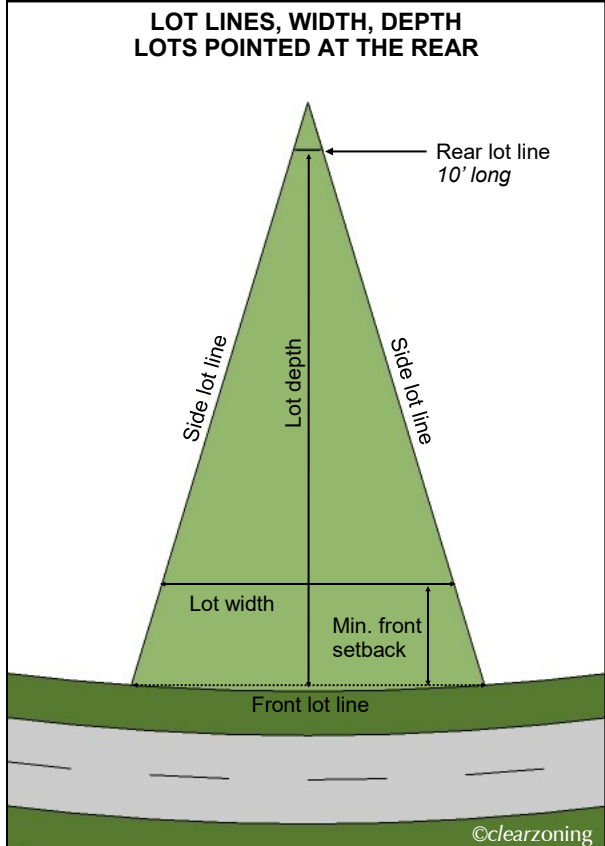
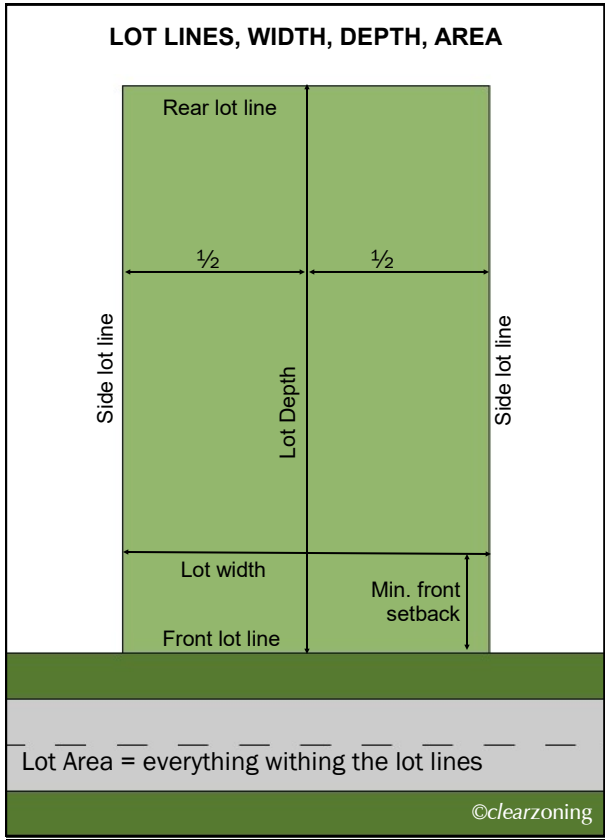
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Lot means the contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure.

Lot area means the total horizontal area within the lot lines of the lot.



Lot, corner, means a lot of which at least two adjacent sides abut a street, provided that such two sides intersect at an angle of not more than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection are not more than 135 degrees. In the case of a corner lot with a curved street line, the corner shall be considered to be that point of the street and lot line nearest to the point of intersection of the tangents herein described.

Lot coverage means the part or percent of the lot occupied by buildings, accessory buildings, and other structures.

Lot depth means the horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot, double frontage, means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, interior, means a lot other than a corner lot.

Lot lines mean the lines bounding a lot.

1. **Front lot line.** In the case of an interior lot, the front line shall be the line separating the lot from the street, except if the shape of the parcel, or some other reason, makes it impractical to use such line as the front line. In such case another line may be used as the front line upon approval by the board of appeals, if the placement of the structure and resulting yards are consistent with, and more easily blend with, the other buildings and development in the adjoining area. In the case of a corner lot, the front lot line is that line separating such lot from the street which is designated as the front street in the plat and/or in the application for a building permit. In the case of a double frontage lot the front lot line is that line separating such lot from that street which is designated as the front street in the plat, or by the board of appeals when no side street lot line is designated.

2. **Rear lot line.** The lot line opposite 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.

3. **Side lot line.** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by City or county officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, through, means a lot having front and rear lot lines abutting a street.

Lot width means the horizontal distance between the side lot lines measured at the two points where the building line, or setback, intersects the side lot lines.

Low Impact Development (LID) a type of development that uses a basic principle modeled after nature - to manage rainfall using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. LID provides a host of stormwater benefits, including groundwater recharge and cleaner streams.

Maintenance guarantee means any security which may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specified period of time.

Mall means a planned shopping complex of three or more individually operated stores typically under a single property ownership and/or management policy and which share a common site, parking area and covered central arcade or walkway which serves as the path of entrance to the individual stores.



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Marihuana, also known as Marijuana, also known as Cannabis has the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PAS 368, MCL 333.7106, as is referred to in Section 3(d) of The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marihuana collective or cooperative means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “collective” or “cooperative” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his or her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, Initiated Law, MCL 333.26423(d); Administrative Rules of the Michigan Department of Community Health; and the home occupation rules contained in the home occupation definition of this Section. A “marijuana collective or cooperative” shall not include the following uses that are in compliance with this Code and all laws and rules of the State of Michigan, and intended for on-site patient use only: a state-licensed health care facility, a state-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It shall be unlawful to establish or operate a profit or nonprofit medical marihuana collective or cooperative within the City of Brighton.

Marihuana dispensary or dispensary means any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his or her five or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; Administrative Rules of the Michigan Department of Community Health; and the home occupation rules contained in the home occupation definition of this Section. A marihuana dispensary shall not include the following uses that are in compliance with this Code and all laws and rules of the State of Michigan, and intended for on-site patient use only: a state-licensed health care facility, a state-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility. It shall be unlawful to establish or operate a profit or nonprofit medical marihuana dispensary within the City of Brighton.

Marginal access street means a service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic; may be designed as a residential access street or subcollector as anticipated daily traffic dictates.

Master plan means a comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Master right-of-way plan means the right-of-way and/or thoroughfare plan officially adopted by the City, the county and/or the intercounty highway commission.

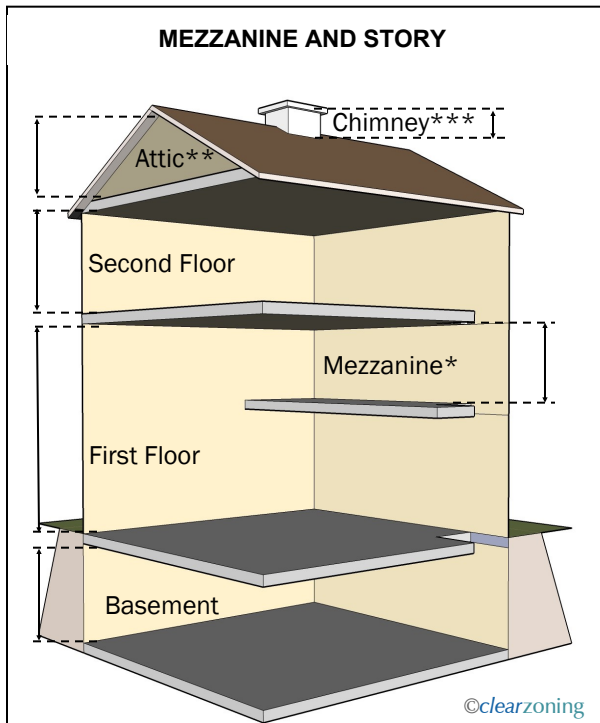
Median means that portion of a divided highway separating lanes of traffic proceeding in opposite directions.



Medical use of marihuana means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d).

Metes and bounds means a description of a parcel of land which incorporates the boundary lines by length and compass bearing or direction.

Mezzanine means an intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third of the floor area of such main story.



* Not to exceed 1/3 of floor area of the story within which it exists.
 ** Not to exceed 7 feet.
 *** Chimney or other roof line utility component not to exceed 10% of permissible building height.

Minor subdivision means a subdivision of land of not more than eight lots, provided that such subdivision does not involve a planned development, any new street, or the extension of a utility or other municipal facility.

Mobile home means a structure designed or used for residential occupancy built upon, or having, a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached or is supported by blocks or skirting.

Mobile home park (trailer court) means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are or may be located.

Motel (motor court) means a series of attached, semidetached or detached housing units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Mountable curb means a low curb with a flat slope designed to be crossed easily without vehicular risk or passenger discomfort.

Moving lane means any traffic lane where traffic movement is the primary if not sole function (compare with Parking lane).

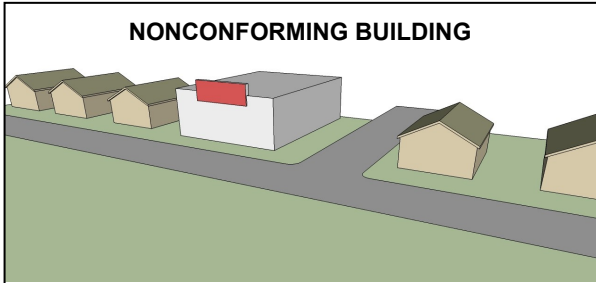
Mulch means a layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

Multiplex means a residential building, designed in a manner that reflects a single-family dwelling character, and containing between four and six attached dwelling units.

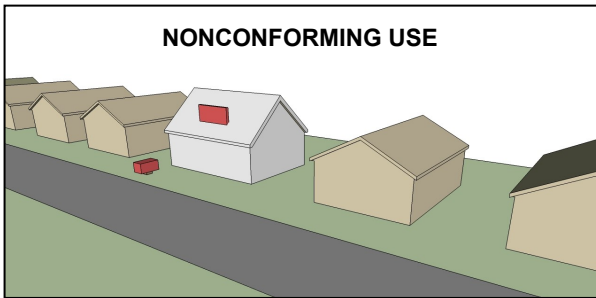
(Amended by Ord. No. 582, Pt. 1, 8-2-2018)



Nonconforming building means a building or portion thereof lawfully existing at the effective date of the Ordinance from which this Chapter was derived, or amendments thereto, that does not presently conform to the provisions of this Chapter and/or the use regulations of the district in which it is located.



Nonconforming use means a use which lawfully occupied a building or land at the time the Ordinance from which this Chapter was derived, or when amendments thereto, became effective, that does not conform to the present use regulations of the district in which it is located.



Nuisance means an offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

Nursery (plant material) means a space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables or harvest and cut Christmas trees.

Nursing/congregate care/convalescent or rest home means an installation other than a hospital, having as its primary function the rendering of nursing and medical care for extended periods of time to persons afflicted with illness, injury, or infirmity, or who otherwise seek the benefit of shared living services.

Occupancy means the primary and specific activity or function for which a building or structure, in whole or in part, may be employed. Use and occupancy may be identical under the terms and conditions of this Ordinance, although use implies a general function, whereas occupancy deals with a specific function.

Occupancy load means the number of individuals normally occupying a building or part thereof, or for which the existing facilities have been designed or constructed.

Occupied means being in actual or constructive possession of a structure or land.

Off-site means located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

Open front store means a business establishment other than a restaurant, bank, automobile service or repair station, so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter such building.

Open space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Option means the right, acquired for a consideration, to buy, sell, or lease land at a fixed price within a specified time.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and the action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. [As defined by the State of Michigan, MCL 324.30101(h)].

(Amended by Ord. No. 582, Pt. 1, 8-2-2018)

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and the action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. [As defined by the State of Michigan, MCL 324.30101(h)].

(Amended by Ord. No. 582, Pt. 1, 8-2-2018)

Overflow parking lots means parking lots that are designated to be used intermittently to meet the need for parking created by the temporary closing of other on-street or off-street parking facilities as a result of a special

Overhang means any portion of a building or structure which protrudes, extends or otherwise reaches beyond the outline of the building at a horizontal plane through the building 12 inches above the grade line.

Parking means the standing or placement of motor vehicles currently used to transport people, goods, or materials in the conduct of normal daily activities provided that such standing or placement is limited to periods of less than 48 hours.

Parking lane means a lane usually located on the sides of streets, designed to provide on-street parking for vehicular traffic.

Parking lot means an area utilized for the off-street parking of automobiles which is constructed according to the standards of this chapter or other City ordinances and is built on the surface of the ground.

Parking, off-street means a parking space provided in a parking lot, parking structure, or private driveway.

Parking, on-street means a parking space that is located on a dedicated street right-of-way.

Parking space means a parking space is hereby determined to be an area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Parking structure means an area utilized for the off-street parking of automobiles which is constructed according to the standards of this or other City ordinances and which may be one or more stories in height.

Performance guarantee means any security that may be accepted by the City as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

Personal Services means establishments providing services such as, but not limited to: barber shops, beauty salons and spas offering services by providers licensed with the State of Michigan; massage therapy; clothing rental; laundromat and dry cleaning pick-up stores; shoe repair; dressmaking, millinery and tailoring; photographer or artist studio; pet grooming; studios for instruction in music and dance; and similar uses as determined by the Planning Commission.

Pervious surface means a surface that permits full or partial absorption of stormwater.

Pet daycare facility means a facility other than a private residence, operated for the purpose of providing daily care and short-term boarding for normal household pets, providing that all boarding shall be down within the structure.

Planned commercial or retail center means two or more commercial uses which are contiguous, share common site services, and are developed under one ownership (see also Mall and Shopping center).

Planned unit development (PUD) means an area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate commercial or office uses, or both, and appurtenant common

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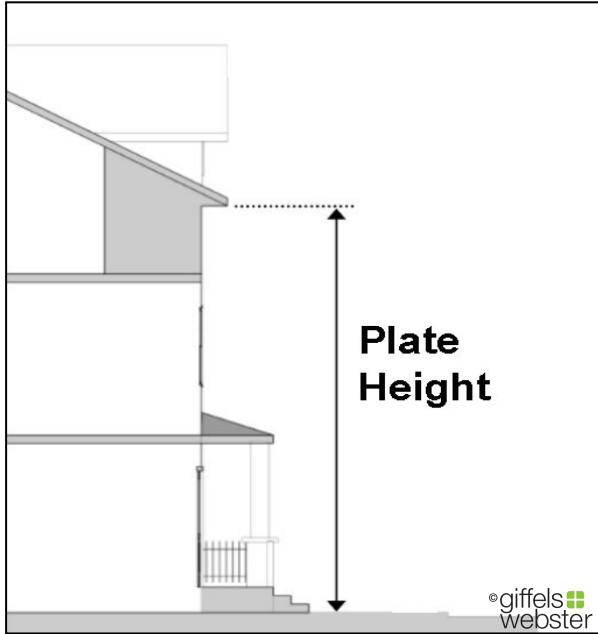
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Plate height means the distance, measured vertically plumb, between any point on the top of the uppermost wall plate of the exterior wall that bears the building's highest roof structure and the proposed grade directly below that point.



Power of attorney means an instrument in writing by which one person, the principal, authorizes another, the attorney in fact, to act in the specific actions described in the instrument.

Preapplication conference means an initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.

Preliminary approval means the conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

Preliminary subdivision plat means a map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

Prescription means the doctrine by which easements are acquired by long, continuous, and exclusive use and possession of property.

Principal use means a use as specified and listed in this chapter under each district as a principal use.

Public open space means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

Public records means records which by law imparts constructive notice of matters relating to land.

Public service means public service facilities within the context of this chapter shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public utility means any person, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Quitclaim means a deed which transfers whatever interest the maker of the deed may have in the particular parcel of land.

Refuse means any putrescible or nonputrescible solid waste, except human excreta, but including garbage, rubbish, ashes, street cleaning, dead animals, offal and solid agricultural, commercial, industrial hazardous and institutional wastes and construction waste resulting from the operation of a contractor.

Regulated Watercourses. The term "Regulated Watercourses" shall mean a regulated inland lake or stream in accordance with Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994, PA 451, as amended.

Regulated Wetlands. The term "Regulated Wetlands" shall mean a regulated wetland in accordance with Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994, PA 451, as amended.

Residential density means the number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development.

Residential street (access) means the lowest order of residential street. Provides frontage for access to private lots, and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed. Traffic volume should not exceed 250 ADT at any point of traffic concentration. The maximum number of housing units should front on this class of street.

Residential street (collector) means the highest order of residential street. Conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be limited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed 3,000 ADT.

Residential subcollector means middle order of residential streets. Provides frontage for access to lots and carries traffic to and from adjoining residential access streets. Traffic should have origin or destination in the immediate neighborhood. Traffic volume should not exceed 500 ADT at any point of traffic concentration.

Rest home (see Nursing home).

Restaurants means:

1. **Dining room** means a structure which is maintained, operated, and advertised or held out to the public as a place where food and beverages are served, and consumed, primarily within the structure. Such food and beverage are served primarily in non-disposable (reusable by the restaurant) containers.
2. **Drive-in restaurant** means an establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.

3. **Fast food restaurant** means a structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the building; outside, at facilities provided; or “carried out” for consumption off the premises.
4. **Carryout restaurant** means a structure which is maintained, operated, and/or advertised or held out to the public as a place where food, beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption exclusively off the premises.
5. **Bar/lounge** means a structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

Restriction means provision in deed or will or in a declaration of condition, reservations and restrictions which limits in some way the right to use land or convey its title. Examples are building setback lines and limitations to residential uses.

Retaining wall means a structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

Retention basin means a pond, pool, or basin used for the permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Riparian means pertaining to the banks of a watercourse. The owner of land adjacent to a watercourse is called a riparian owner and the rights of the riparian owner related to that watercourse are called riparian rights.

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Roadside stands/markets means a roadside stand or market is the temporary use of property or facilities for the selling of produce grown on the premises.

Rubbish means any nonputrescible solid waste excluding ashes, such as paper, cardboard, plastic, metal, or glass food containers, rags, waste metal, yard clippings, small pieces of wood, glass, excelsior, rubber, leather, crockery and other similar materials.

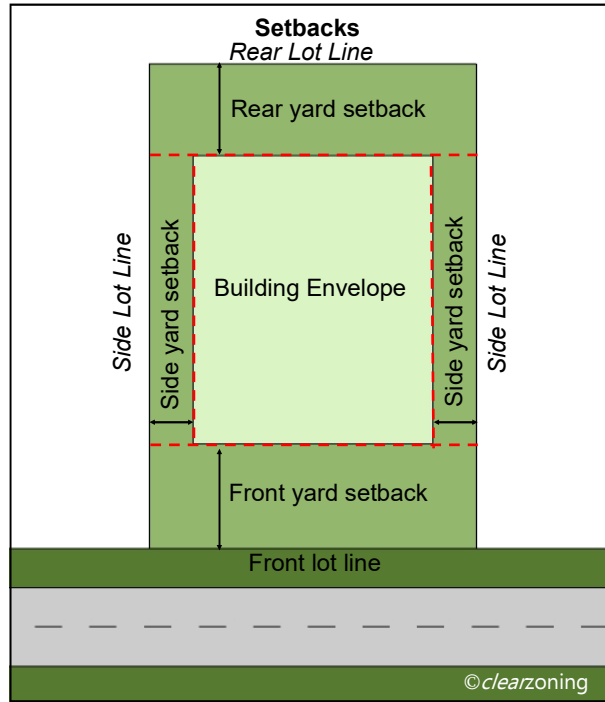
Satellite dish antenna means any earth station antenna of parabolic or spherical design for the reception or transmission of earth radio and/or television signals to/or from satellites or other orbiting facilities (see also Communication device).

Screen means a structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

Sedimentation means a deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.


Septic system means an underground system with a septic tank used for the decomposition of domestic wastes.

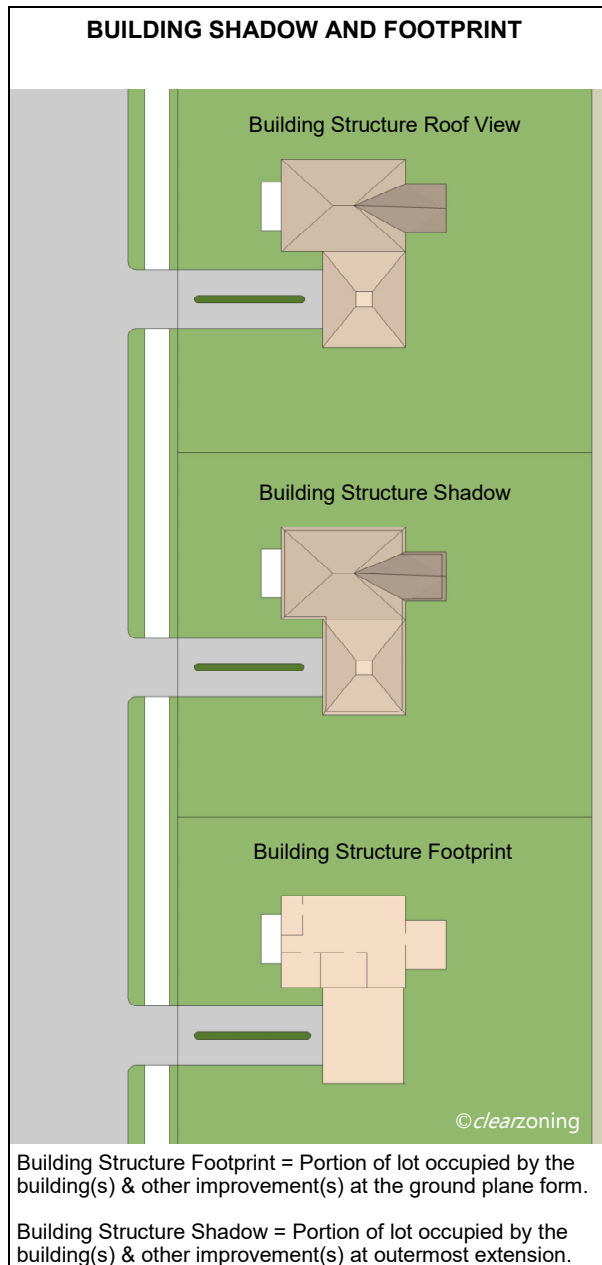
Setback means the distance required to comply with front, side or rear yard open space provisions of this chapter (see Building line)✕



Sewer means any pipe conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams.

Shade tree means a tree in a public place, street, special easement, or right-of-way adjoining a street.

Shadow (building) means the direct vertical projection of any and every element of a building or structure that would fall on the ground plane at the perimeter grade as seen from directly above the building or structure. 



Shopping center means a planned shopping complex of three or more individually operated stores, typically under a single property ownership and/or management policy, and which share a common site and parking area to which the stores have independent, individual direct outside access.

Shoulder means the graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curbline.

Sidewalk (area) means a paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

Sight triangle means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign means the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known (other than billboards) such as are used to show an individual firm, profession or business, and are visible to the general public. Accessory signs pertain to uses or activities conducted on the premises where the signs are located. (This definition is further described in a separate Chapter 66 - Signs of the Brighton Municipal Code).

Site plan means an accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Smoking paraphernalia means any equipment, apparatus, or furnishing that is used in or necessary for the activity of smoking as defined by Public Act 368 of 1978 (as amended).

Soil excavation means the excavation or removal of any kind of nature from a site of gravel, clay, sand, soil or other similar materials.

Special exception means a use permitted when the facts and conditions specified in this chapter, as those upon which the exception is permitted, are found to exist by the appropriate administrative officer or body.

Stabilized turf/earth means turf, or earth (soil), strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement.

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Stable (private) means a stable for the keeping of horses for the noncommercial use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial breeding.

State licensed residential facility means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care. Such facilities include the following:

1. **Adult foster care family home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
2. **Foster family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code are given care and supervision for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
3. **Foster family group home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code are provided care for 24 hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

Storage (new vehicles) means the standing or placement of new operable automobiles or trucks not previously used and most generally held as an inventory for sale (see also Garage).

Storage (outside) means the outdoor standing or placement of usable and potentially usable goods or equipment other than for display and not including waste or scrap materials. Outdoor storage shall constitute any exterior placement of goods or equipment not fully enclosed.

Stormwater detention means a provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm (see Detention basin).

Stormwater management systems means any vegetative, structural, or managerial practice used to treat, prevent, or reduce the volume of runoff water that impacts surface or groundwater.

Stormwater retention means a provision for storage of stormwater runoff (see Retention basin).

Story means that portion of a building, but not including a cellar or basement between one floor level and the ceiling next above it and which portion meets the requirements of the building code for a habitable room. (See Mezzanine for graphic)

Story (half) means an uppermost story lying under a sloping roof, the usable floor area of which, at a height of seven feet above the floor does not exceed two-thirds of the floor area in the story directly below, and the ceiling height for at least 200 square feet of the floor space is seven feet, six inches or more.

Street means any thoroughfare or way, other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designations.

Street furniture means manmade aboveground items that are usually found in street rights-of-way, including benches, kiosks, plants, canopies, shelters, and phone booths.

Street hardware means the mechanical and utility systems within a street right-of-way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, and parking meters.

Street line means a dividing line between a lot, tract or parcel of land and a contiguous street.

Street loop means a street that has its only ingress and egress at two points on the same subcollector or collector street.



Structural alterations means any change in the supporting members of a building such as bearing walls or bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except in such alterations as may be required for the safety of the building.

Structure means anything constructed or erected, the use of which requires location on the ground or attachments to something having location on the ground.

Stub street means a portion of a street for which an extension has been proposed and approved. May be permitted when development is phased over a period of time, but only if the street in its entirety has been approved in the preliminary plan.

Subdivision means a tract of land surveyed and divided into lots for purposes of sale as the location of homes or other buildings.

Survey (see Plat of survey).

Telecommunication facility means a facility that transmits or receives electromagnetic signal. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures supporting such equipment; equipment buildings; parking areas; and other accessory development.

Temporary building or use means a structure or use permitted by the City Council to exist during periods of construction of the main building or use for special events, which building and/or use is not alone, or a part of a temporary construction building or activity.

Tents means portable shelter of canvas, coarse cloth, plastic, etc., supported by one or more poles, but not including those used solely for children's recreational purposes.

Thoroughfares (major) means an arterial street which is intended to serve as a large volume trafficway for both the immediate City area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Thoroughfares (secondary) means an arterial street which is intended to serve as a trafficway serving primarily the immediate City area and serving to connect with major thoroughfares.

Time share ownership means a technique for dividing the title to a commercial property or a vacation home among many different owners, with each owner acquiring the right to occupy the premises during a specified portion of each year.

Tobacco product means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars.

Tobacco specialty retail stores means an establishment in which the primary purpose is the retail sale of tobacco products and smoking paraphernalia, and in which the sale of other products is incidental. Tobacco specialty retail store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. The use generates 75% or more of its total gross annual income from the on-site sale of tobacco products and smoking paraphernalia as defined by Public Act 368 of 1978 (as amended).

Topsoil means the original upper layer of soil material to an approximate depth of six inches which is usually darker and richer than the subsoil.

Tourist home (bed and breakfast) means any dwelling used or designed in such a manner that certain rooms other than those used by the family, and occupied as a dwelling unit are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Trailer means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, chocks, skids, jacks, horses or skirtings and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term trailer shall include camp car and house car.



Trailer coach means a vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Trailer court/trailer camp means any plot of ground upon which two or more trailer coaches are parked or where public parking space for two or more trailer coaches is provided with facilities for residential occupancy.

Transitional parking lot means a parking lot located on a site that 1) was previously occupied by a use excluding a parking lot and 2) that could otherwise be occupied by a new permitted use, where such use would fulfill all requirements of the City of Brighton Code of Ordinances

Travel trailer means a vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Travel trailer park (overnight camping facility) means a place utilized for the temporary storage of travel trailers for camping purposes, where there is no permanent storage of mobile homes for year round occupancy, and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

Trip means a single or one-way vehicle movement to or from a property or study area. Trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Tuck-under parking means ground floor parking in an individual structure on a parcel where the garage is tucked under the dwelling unit and accessed by an alley, drive or street (access locations may be restricted by zoning district or building type regulations).

(Amended by Ord. No. 582, Pt. 1, 8-2-2018)

USCGS (also USC&G and USC&GS) means the United States Coast and Geodetic Survey, the federal agency with authority over topographical land features.

Use means the general purpose for which land, a building or structure may be designed, arranged, constructed or intended to be used, or for which land, a building or structure may be occupied under the terms and conditions of this chapter.

Use, Accessory means a use subordinate to the principal use and for purposes clearly incidental to those of the principal use.

Use, not otherwise allowed in a specific use district means a use specified in this chapter as permissible in a district only after special conditions are met, and only after public hearing.

Use (principal) means the general use to which a building or structure is devoted and the primary purpose for which the premises are used (see Occupancy).

Utility room means a room used primarily for storage, for housing a heating unit, or for laundry purposes.

Variance (see Zoning variance).

Vehicle means a moveable device constructed with wheels, tracks or other means of providing portable support whose principal purpose is to transport persons or bulky objects and whose weight is 50 or more pounds.

Vehicle (motorized) means any vehicle, irrespective of weight, which is self-propelled by means of a propulsion mechanism mounted on and controlled directly from the vehicle.

Vehicle (recreational) means a vehicle which may or may not be self-propelled whose principal purpose is to serve as a portable seasonal shelter.

Veterinarian clinic means a place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

Walls, obscuring means an obscuring barrier of definite height and location constructed of wood, masonry, concrete or similar material.



Wireless communication facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority.

The following terms are defined as they relate to wireless communication facilities:

1. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. **Attached wireless communications facilities (antennae).** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
3. **Base Station.** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
 - A. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).

- C. Any structure other than a tower that, at the time the relevant application is filed with the City of Brighton under this Section, supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City of Brighton under this Section, does not support or house equipment described above.

4. **Collocation.** The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennae within the city.
5. **Eligible facilities request.** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - A. Collocation of new transmission equipment;
 - B. Removal of transmission equipment; or
 - C. Replacement of transmission equipment.
6. **Eligible support structure.** Any tower or base station as defined in this Section, provided that it is existing at the time the relevant application is filed with the City of Brighton under this Section.
7. **Existing.** A constructed tower or base station is existing for purposes of this Section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this Section.
8. **Site.** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.



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9. **Substantial Change.** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater
- B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- D. It entails any excavation or deployment outside the current site;
- E. It would defeat the concealment elements of the eligible support structure;
- F. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in this Section.

10. **Wireless communication support structures (towers).** Structures erected or modified to support wireless communication antennae. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Watercourse means any waterway or other body of water having well defined banks including rivers, streams, creeks, and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the official drainage map.

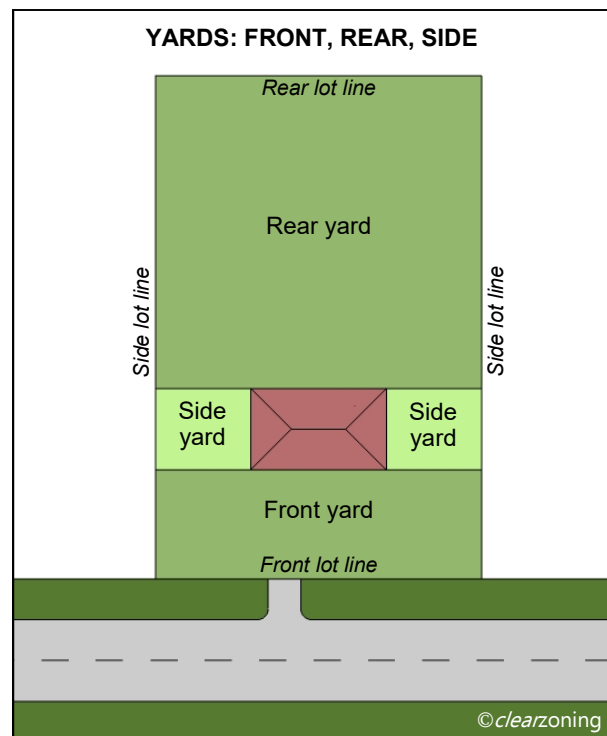
Wetlands means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. The definition applies to public and private lands regardless of zoning or ownership.



Yards means the open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and as defined herein:

1. **Front yard** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line, a proposed right-of-way as indicated on the Master Right-of-Way Plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building . ↗
2. **Rear yard** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a proposed right-of-way as indicated on the Master Right-of-Way Plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building. ↗

3. **Side yard** means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line or zoning district line, whichever is closer to the building, except for changes in the zoning districts involving only residential zoning districts, a proposed right-of-way as indicated on the Master Right-of-Way Plan, or a private road easement used for ingress and egress, whichever is closest to the building which is to be located on the property, and the nearest point of the main building . ↗



Zoning variance means a modification of the literal provisions of this chapter .



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Chapter 98

Article 3.0

Zoning Districts

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Chapter 98

Article 98-3.0 Zoning Districts


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98-98-3.0 Zoning Districts

98-3.1 DISTRICTS ESTABLISHED

In order to classify, regulate and restrict the location of trades, industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot areas, and to regulate and determine the areas of yard, courts and other open spaces within and surrounding such buildings, the City is divided into districts, which shall be known as:

 **Digital User Note:**
Click on a district heading to go directly to the corresponding district regulations.

A-1	Class A Residential
A-2	Single-Family Residential
R-1	Single-Family Residential
R-1-O	Single-Family Residential
R-3	Low Density Multiple-Family
R-4	Medium Density Multiple-Family
R-5	Uptown Multiple-Family
R-T	Residential Transitional
SHD	Senior Housing District
C-1	Community Shopping Center
C-2	General Business
C-3	Limited Business
C-4	Limited Intensity Business/Office
DBD	Downtown Business District
O-R	Office/Research/Limited Manufacturing
O-S	Office Service
I-A	Light Industrial
I-B	Intermediate Industrial
LIP	Light Industrial Park
R/M	Research/Manufacturing

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A. INTENT

Reserved for future use

i User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- 1. Single-family dwellings[ⓘ]
- 2. **Home occupations[ⓘ]** §98-4.1
- 3. **Family day care homes[ⓘ]** §98-4.33
- 4. **State licensed residential facilities[ⓘ]** §98-4.33
- 5. **Accessory buildings[ⓘ] or uses[ⓘ] customarily incidental to any of the above permitted uses** §98-5.16

C. SPECIAL LAND USES

- 1. **Places of worship and accessory uses where assembly and/or non-single-family housing occurs** §98-4.2
- 2. **Private schools having no rooms regularly used for housing or sleeping purposes** §98-4.3
- 3. **Parks, playgrounds, libraries, museums and community buildings owned or operated by public agencies** §98-4.4
- 4. **Golf courses, except miniature courses and driving tees operated for commercial use** §98-4.5
- 5. **Group day care homes[ⓘ]** §98-4.34



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 15,000 sq. ft.
 Minimum lot width[Ⓜ]: 90 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

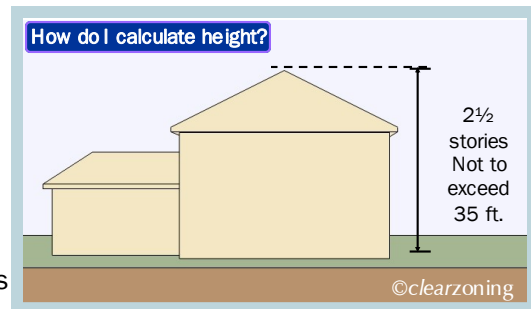
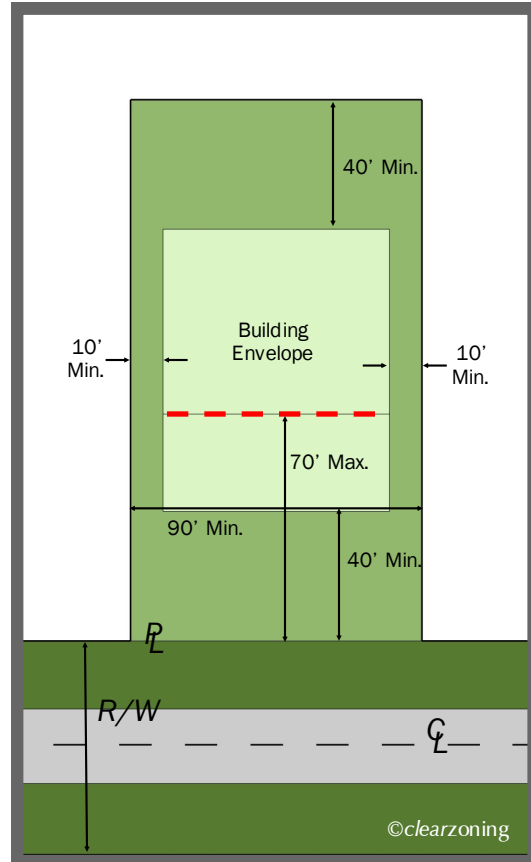
Minimum front yard setback: 40 ft
 Maximum front yard setback: 70 ft
 Minimum rear yard setback: 40 ft*
 Minimum side yard setback: 10 ft

Building Height[Ⓜ]

Maximum building height: 2 ½ stories not to exceed 35 ft.

Floor Area[Ⓜ]

Minimum floor area:
 Ground level: 1,000 sq. ft.
 Total living area: 1,500 sq. ft.



The above drawings are not to scale.

Note to District Standards:
 Section 98-98-3.32.B. 1, 2, 3, 4, 5, 6, 7, 8, 14, 15

*Or 20 percent of the depth of the lot, whichever amount is larger

SELECTED REFERENCES

98-98-3. Zoning Districts

- [Open Space Preservation Option](#) §98-3.21
- [Planned Unit Development](#) §98-3.22

98-4. Use Standards

- [One Family Attached Dwelling Units](#) §98-4.36
- [Temporary or Garage Dwellings](#) §98-4.37
- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2

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B. PRINCIPAL PERMITTED USES

- 1. Single-family dwellings[ⓘ]
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- 4. **State licensed residential facilities**[ⓘ] §98-4.33
- 5. **Accessory buildings[ⓘ] or uses[ⓘ] customarily incidental to any of the above permitted uses** §98-5.16

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- 2. **Private schools having no rooms regularly used for housing or sleeping purposes** §98-4.3
- 3. **Parks, playgrounds, libraries, museums and community buildings owned or operated by public agencies** §98-4.4
- 4. **Golf courses, except miniature courses and driving tees operated for commercial use** §98-4.5
- 5. **Group day care homes**[ⓘ] §98-4.34



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 8,700 sq. ft.
 Minimum lot width[Ⓜ]: 66 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

Minimum front yard setback: 30 ft.
 Maximum front yard setback: 50 ft.
 Minimum rear yard setback: 35 ft.
 Minimum side yard setback:
 One side: 7 ft.
 Total of two sides: 20 ft.

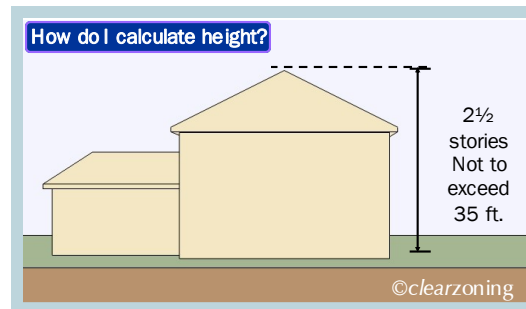
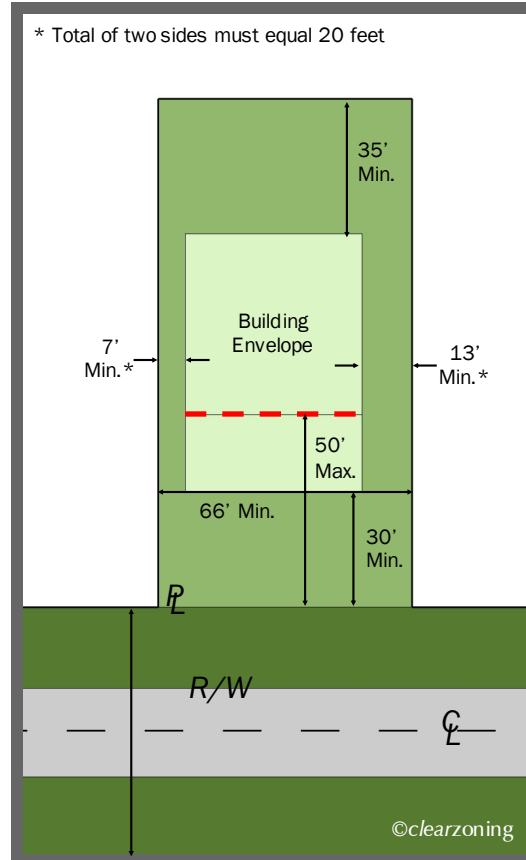
Building Height[Ⓜ]

Maximum building height: 2½ stories not to exceed 35 ft.

Floor Area[Ⓜ]

Minimum floor area:
 Ground level: 800 sq. ft.
 Total living area: 1,200 sq. ft.

Note to District Standards:
 Section 98-3.32.B. 1, 2, 3, 4, 7, 8, 14, 15, 16



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- **Planned Unit Development** §98-3.22

98-4. Use Standards

- **One Family Attached Dwelling Units** §98-4.36
- **Temporary or Garage Dwellings** §98-4.37
- **Public Buildings** §98-4.38
- **Domestic Employees Dwellings** §98-4.39
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- **Disposal and Dumping...** §98-4.41

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- **Principal buildings** §98-5.12
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98-5. Site Standards (Continued)

- **Public Improvements** §98-5.14
- **Regulated Wetlands and...** §98-5.15
- **Accessory Buildings and Uses** §98-5.16

98-6. Development Procedures

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- **Special Land Use Approval** §98-6.2

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B. PRINCIPAL PERMITTED USES

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- 3. **Family day care homes**[ⓘ] §98-4.33
- 4. **State licensed residential facilities**[ⓘ] §98-4.33
- 5. **Accessory buildings[ⓘ] or uses[ⓘ] customarily incidental to any of the above permitted uses** §98-5.16

C. SPECIAL LAND USES

- 1. **Places of worship and accessory uses where assembly and/or non-single-family housing occurs** §98-4.2
- 2. **Private schools having no rooms regularly used for housing or sleeping purposes** §98-4.3
- 3. **Parks, playgrounds, libraries, museums and community buildings owned or operated by public agencies** §98-4.4
- 4. **Golf courses, except miniature courses and driving tees operated for commercial use** §98-4.5
- 5. **Group day care homes**[ⓘ] §98-4.34



R-1 Single-Family Residential

98-3.4

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [Ⓜ] :	
Single-family [Ⓜ]	8,700 sq. ft.
Two-family [Ⓜ]	10,000 sq. ft.
Minimum lot width [Ⓜ] :	66 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage:	25%
-----------------------	-----

Setbacks[Ⓜ]

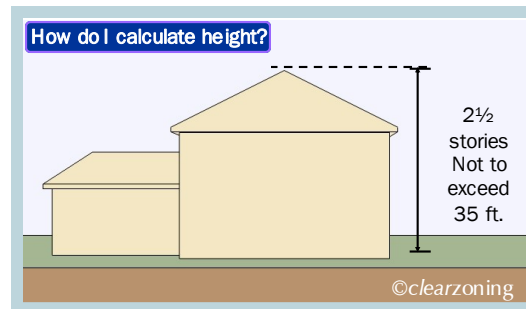
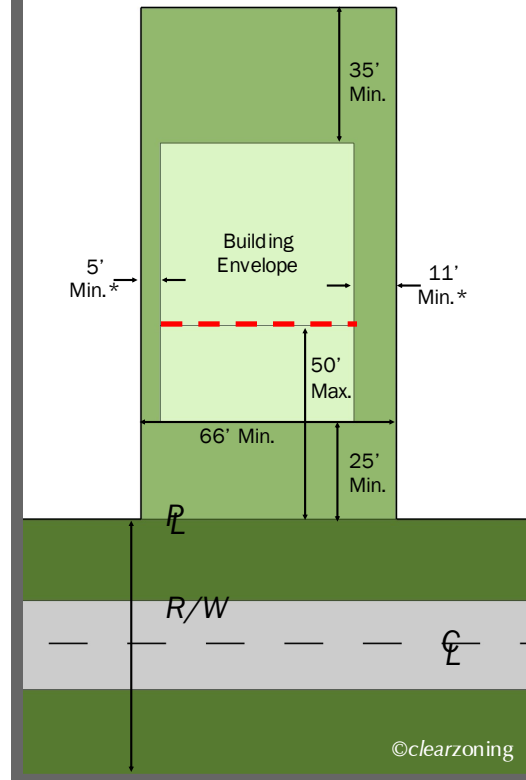
Minimum front yard setback:	25 ft.
Maximum front yard setback:	50 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	
Single-family [Ⓜ]	
One side	5 ft.
Total of two sides	16 ft.
Two-family	
One side	10 ft.
Total of two sides	20 ft.

Building Height[Ⓜ]

Maximum building height:	2½ stories not to exceed 35 ft.
--------------------------	---------------------------------

Note to District Standard:
Section 98-3.32.B.1, 2, 3, 4, 7, 14, 15, 16

* Total of two sides must equal 16 feet in single-family



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- **Planned Unit Development** §98-3.22

98-4. Use Standards

- **One Family Attached Dwelling Units** §98-4.36
- **Temporary or Garage Dwellings** §98-4.37
- **Public Buildings** §98-4.38
- **Domestic Employees Dwellings** §98-4.39
- **Removal of Soil, Sand...** §98-4.40
- **Disposal and Dumping...** §98-4.41

98-5. Site Standards

- **Refuse Disposal** §98-5.2
- **Stormwater Management Systems** §98-5.3
- **Exterior Lighting** §98-5.4
- **Off-Street Parking and Loading Regulations** §98-5.6
- **Landscaping Regulations** §98-5.7
- **Slope** §98-5.9
- **Front Yard Restriction** §98-5.10
- **Fences** §98-5.11
- **Principal buildings** §98-5.12
- **Open Storage of Obnoxious Matter** §98-5.13

98-5. Site Standards (Continued)

- **Public Improvements** §98-5.14
- **Regulated Wetlands and...** §98-5.15
- **Accessory Buildings and Uses** §98-5.16

98-6. Development Procedures

- **Site Plan Review** §98-6.1
- **Special Land Use Approval** §98-6.2

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A. INTENT

The intent of this district is to encourage redevelopment in the portions of the R-1 district that are closest to downtown.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Single-family dwellings[§]
2. **Home occupations** [§] §98-4.1
3. **Family day care homes** [§] §98-4.33
4. **State licensed residential facilities** [§] §98-4.33
5. **Accessory buildings[§] or uses[§] customarily incidental to any of the above permitted uses** §98-5.16

C. SPECIAL LAND USES

1. **Places of worship and accessory uses where assembly and/or non-single-family housing occurs** §98-4.2
2. **Private schools having no rooms regularly used for housing or sleeping purposes** §98-4.3
3. **Parks, playgrounds, libraries, museums and community buildings owned or operated by public agencies** §98-4.4
4. **Golf courses, except miniature courses and driving tees operated for commercial use** §98-4.5
5. **Group day care homes** [§] §98-4.34

R-1-O Single-Family Residential Overlay

98-3.5

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [Ⓜ] :	
Single-family [Ⓜ]	8,700 sq. ft.
Two-family [Ⓜ]	10,000 sq. ft.
Minimum lot width [Ⓜ] :	66 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage:	
Single-family [Ⓜ]	30%
Two-family [Ⓜ]	25%

Setbacks[Ⓜ]

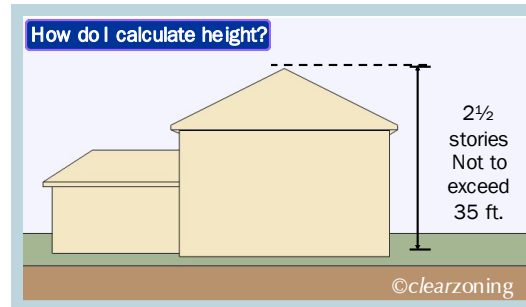
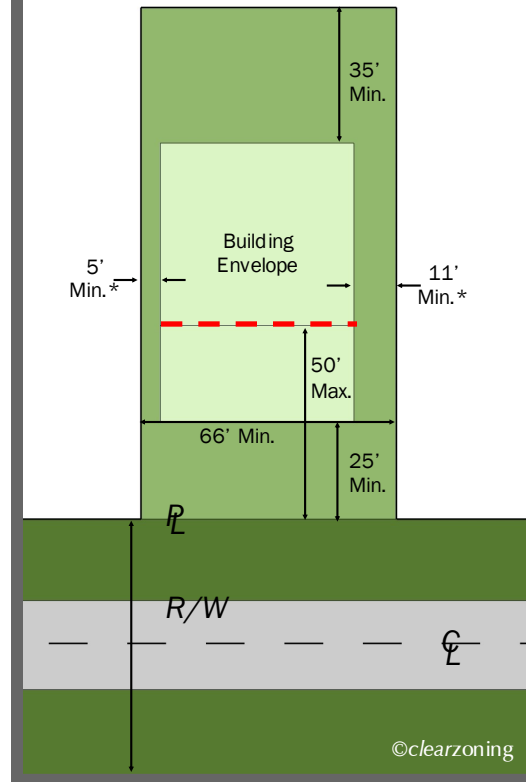
Minimum front yard setback:	25 ft.
Maximum front yard setback:	50 ft.
Minimum rear yard setback:	35 ft.
Minimum side yard setback:	
Single-family [Ⓜ]	
One side	5 ft.
Total of two sides	16 ft.
Two-family [Ⓜ]	
One side	10 ft.
Total of two sides	20 ft.

Building Height[Ⓜ]

Maximum building height:	2½ stories not to exceed 35 ft.
--------------------------	---------------------------------

Note to District Standard:
Section 98-3.32.B.1, 2, 3, 4, 7, 14, 15, 16

* Total of two sides must equal 16 feet in single-family



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [R-1-O General Regulations](#) §98-3.34

98-4. Use Standards

- [One Family Attached Dwelling Units](#) §98-4.36
- [Temporary or Garage Dwellings](#) §98-4.37
- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2

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A. INTENT

The multiple residential, low density district is intended to provide for the emerging need for alternative and innovative residential developments in which two or more residential apartment units and their related uses can be located on a common site. The sites can range from small scattered locations to medium sized areas in neighborhoods sensitive to environmental concerns. This district is also intended to be transitional between neighborhoods of higher and lower intensities of residential use and between areas of dissimilar land uses which can be effectively screened or otherwise isolated from one another. This district contemplates a varied choice of building (structure) types serving low intensity residential purposes and providing for an orderly and harmonious transition between community residential function and single-family residential developments. The essential intent of the City is to preserve and enhance existing topographic and landscape features and to avoid adverse environmental and visual impact on adjoining or nearby residences and their neighborhoods. A further purpose of this district is to limit the amount and to minimize the impact of vehicular traffic, to assure the orderly development of the public road network and to preserve the quiet atmosphere and appealing intimate scale of the traditional small town community.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- 1. Single-family[ⓘ] (detached) housing residential
- 2. **Home occupations** [ⓘ] §98-4.1
- 3. **Family day care homes** [ⓘ] §98-4.33
- 4. **State licensed residential facilities** [ⓘ] §98-4.33
- 5. **Multiple-family dwellings[ⓘ] of two or more individual apartment[ⓘ] units** §98-4.6
- 6. **Tourist homes[ⓘ] and bed and breakfast accommodations** §98-4.7
- 7. **Accessory buildings[ⓘ] and uses[ⓘ] customarily incidental to the above permitted uses** §98-5.16

C. SPECIAL LAND USES

- 1. **Places of worship and accessory uses where assembly and/or non-single-family housing occurs** §98-4.2
- 2. **Group day care homes** [ⓘ] §98-4.34
- 3. **Wireless communication facilities[ⓘ] and services** §98-4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]:

- Three or less Residential Units 15,000 sq. ft.
- Four Residential Units 32,000 sq. ft.

Minimum lot width[Ⓜ]:

- Three or less Residential Units 66 ft.*
- Four Residential Units 80 ft.*

Lot Coverage[Ⓜ]

Maximum lot coverage: 35%

Setbacks[Ⓜ]

- Minimum front yard setback: 35 ft.
- Maximum front yard setback: 50 ft.**
- Minimum rear yard setback:
 - One-story structure 25 ft.
 - More than one-story 30 ft.
- Minimum side yard setback:
 - One-story structure 25 ft.
 - More than one-story 30 ft.

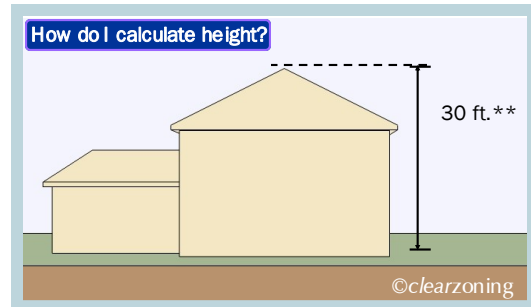
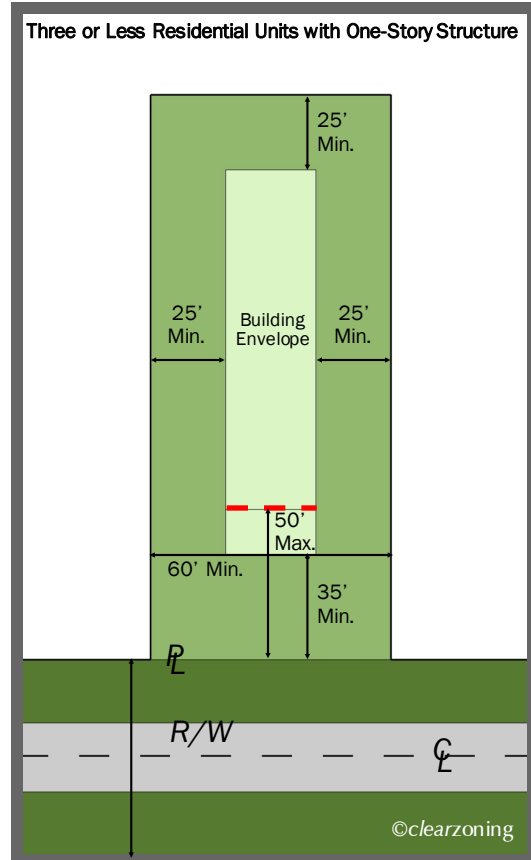
Building Height[Ⓜ]

- Maximum building height:
 - Principal building 30 ft.***
 - Accessory buildings 15 ft.***

Note to District Standards:

Section 98-3.32.B.1, 2, 3, 4, 9, 10, 11, 12, 14, 15, 16

- * On an improved and accessible public right-of-way.
- ** In any developed neighborhood.
- ***Measured from the lowest point on the perimeter building grade.



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- **Planned Unit Development** §98-3.22
- **Multiple-Family Residential District** §98-3.35

98-4. Use Standards

- **Temporary or Garage Dwellings** §98-4.37
- **Public Buildings** §98-4.38
- **Domestic Employees Dwellings** §98-4.39
- **Removal of Soil, Sand...** §98-4.40
- **Disposal and Dumping...** §98-4.41

98-5. Site Standards

- **Refuse Containers** §98-5.1
- **Refuse Disposal** §98-5.2
- **Stormwater Management Systems** §98-5.3
- **Exterior Lighting** §98-5.4
- **Off-Street Parking and Loading Regulations** §98-5.6
- **Landscaping Regulations** §98-5.7
- **Slope** §98-5.9
- **Front Yard Restriction** §98-5.10
- **Fences** §98-5.11
- **Principal buildings** §98-5.12
- **Open Storage of Obnoxious Matter** §98-5.13

98-5. Site Standards (Continued)

- **Public Improvements** §98-5.14
- **Regulated Wetlands and...** §98-5.15
- **Accessory Buildings and Uses** §98-5.16

98-6. Development Procedures

- **Site Plan Review** §98-6.1
- **Special Land Use Approval** §98-6.2

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A. INTENT





The R-4 multiple residential, medium density district is intended to provide for the continuing community need for traditional and innovative residential developments in which four or more residential or special care nursing or apartment units and their related uses can be located on a common site. The sites can range from medium sized to large in neighborhoods not highly sensitive to environmental or economic impact. This district is intended to be transitional between neighborhood areas of dissimilar land use which can be effectively screened from one another. This district contemplates a varied choice of residential building (structure) types as well as providing for the collective housing of community related special care residential functions.

The essential intent of the City is to preserve and enhance existing topographic and landscape features and to avoid adverse environmental, economic and visual effects on adjoining or nearby residences and their neighborhoods.

A further purpose of this district is to assure the orderly development of the public road network and to create, preserve, or restore the quiet atmosphere and appealing intimate scale of the traditional small town community.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- 1. Single-family  detached residential housing
- 2. **Home occupations  §98-4.1**
- 3. **Multiple-family dwellings  of four or more individual apartment  units §98-4.6**
- 4. **Special care residential facilities §98-4.8**
- 5. **Accessory buildings and uses customarily incidental to the above-permitted uses §98-5.16**
- 6. **Places of worship and accessory uses where assembly and/or non-single-family housing occurs §98-4.2**

C. SPECIAL LAND USES

- 1. **Wireless communication facilities  and services §98-4.35**



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[§]: [See Section 98-3.35](#)
 Minimum lot width[§]: [See Section 98-3.35](#)

Lot Coverage[§]

Maximum lot coverage: 40%

Setbacks[§]

Minimum front yard setback: 35 ft.
 Maximum front yard setback: 50 ft.*
 Minimum rear yard setback:
 One-story structure 30 ft.
 More than one-story 40 ft.
 Minimum side yard setback:
 One-story structure 30 ft.
 More than one-story 40 ft.

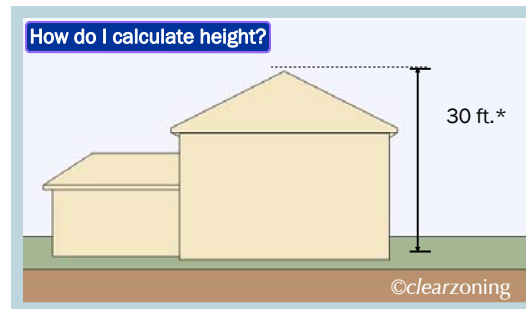
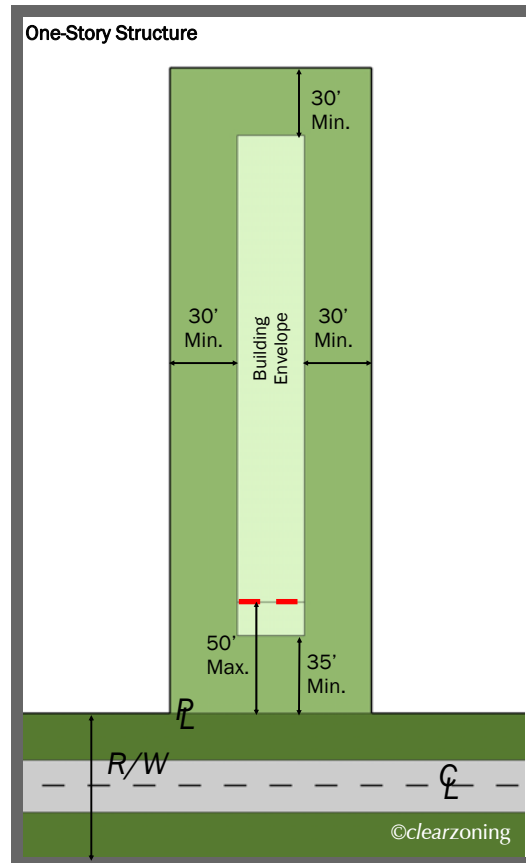
Building Height[§]

Maximum building height:
 Principal buildings 30 ft.**
 Accessory buildings 15 ft.***

Note to District Standards:

[Section 98-3.32.B.1, 2, 3, 4, 10, 11, 12, 14, 15, 16](#)

- * In any developed neighborhood.
- ** Measured from the highest point on the perimeter building grade.
- *** Measured from the lowest point on the perimeter building grade.



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [Multiple-Family Residential District](#) §98-3.35

98-4. Use Standards

- [Temporary or Garage Dwellings](#) §98-4.37
- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Containers](#) §98-5.1
- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2



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Purpose and Introduction

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A. INTENT

The R-5 multiple-family residential medium-to-high density district is intended to provide for residential units in a variety of styles and types within walking distance (five- to ten-minute walk) of downtown and adjacent to the downtown business district. The R-5 district is a unique area of the city. It is located north of downtown, east and west of N. Second Street, and is primarily surrounded by industrial and commercial uses. A portion of the district fronts on the Millpond. It is intended to be transitional between areas of dissimilar land use and the downtown. It also is intended to implement the High Density Mixed Residential category on the City's Future Land Use Map.

This district is divided into two sub-districts: Uptown North and Uptown South. Uptown North is envisioned with larger-scale multiple-family development projects on larger lots. Typical building types include large apartment buildings and townhouses. Uptown South is envisioned with small-scale, multiple-family structures on smaller lots, including redeveloping one or two lots of record that meet the dimensional requirements for the desired building type. Typical building types include townhouses, courtyard apartments, fourplexes, and similar types.

For Uptown South, a typical building of one to three stories is envisioned. For Uptown North, up to four stories may be permitted if certain standards are met and the development is compatible with the surrounding neighborhood. The neighborhood in the R-5 district should be walkable, and tree-lined streets should encourage pedestrian linkages to downtown.

Development in this district should be designed to preserve and enhance existing topographic and landscape features and to avoid adverse environmental, economic and visual effects on adjoining or nearby residences and their neighborhoods. Building materials

should be high quality, and building frontages will typically be varied.

A further purpose of this district is to support downtown by providing nearby housing, assure the orderly development of the public road network, and to create and/or preserve the appealing intimate scale of the traditional small town community.



B User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. **Multiple-family dwellings** of four or more individual units §98-4.6
2. **Home occupations** §98-4.1
3. **Special care residential facilities** §98-4.8
4. In Uptown North, detached single-family and two-family residential constructed prior to June 1, 2018.
5. In Uptown South, detached single-family and two-family residential
6. **Accessory buildings and uses customarily incidental to the above-permitted uses** §98-5.16

C. SPECIAL LAND USES

1. **Wireless communication facilities** and services §98-4.35



D. ALLOWED BUILDING TYPES

Because of the importance of establishing proper pedestrian-oriented form and meeting the intent of this district, lot dimension and area requirements are established based on building type and subarea.¹ A lot must meet the minimum dimensions and area specified below to qualify for the allowed Building Type.

Table 98-3.7.1.E Allowable Building Types

	Minimum Lot Width	Maximum Lot Width	Minimum Lot Area	Additional Standards
Uptown North				
Apartment	150 feet	NA	1 acre	§98-3.47
Townhouse	150 feet ³	NA	1 acre	§98-3.47
Uptown South				
Townhouse	72 feet ³	200 feet	7,200 sq. ft.	§98-3.47
Neighborhood Courtyard	100 feet	200 feet	10,000 sq. ft.	§98-3.47
Multiplex	60 feet ⁴	200 feet	6,000 sq. ft.	§98-3.47

Notes to Table

- For single- and two- family homes, the requirements of [Section 98-3.4.D](#) shall apply; provided that no new enclosed addition shall decrease the existing street-facing yard setback.
- Any lot in the R-5 district shall be at least 150' wide in Uptown North and 60' in Uptown South. Certain Building Types require greater lot widths (see above and [§98-3.47](#)).
- There shall be at least 4 townhouse units in a single run, providing a total combined building width of at least 72' (four 18-foot wide units min.) See [Section 98-3.47.A](#).
- Two multiplex structures may be built on single lot provided there is 20' of green space between structures and both structures are street-facing.

Minimum lot depth for all building types: 100 feet

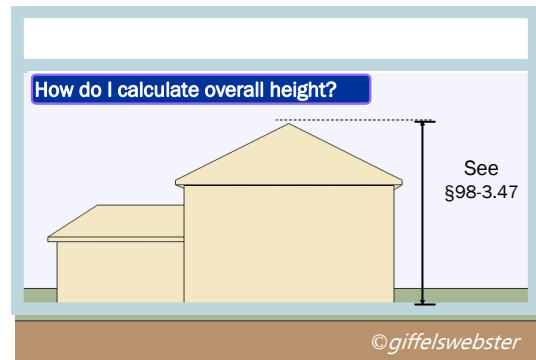
Setbacks See Building Types [§98-3.47](#)

Building Height See Building Types [§98-3.47](#)

Lot Coverage Maximum lot coverage: See Building Types [§98-3.47](#)

Notes to Development Standards:
[Section 98-3.32.B.2, 4, 10, 11, 12, 14, 15, 16](#)

(Amended by Ord. No. 582, Pt. 4, 8-2-2018)



The above drawing is not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [Multiple-Family Residential District](#) §98-3.35
- [Building Types \(R-5\)](#) §98-3.47
- [Frontage Types](#) §98-3.48

98-4. Use Standards

- [Multiple Family Units ...](#) §98-4.6
- [Temporary or Garage Dwellings](#) §98-4.37
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Containers](#) §98-5.1
- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Traffic Study Requirements](#) §98-5.5
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12

98-5. Site Standards (Continued)

- [Open Storage of Obnoxious Matter](#) §98-5.13
- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2

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A. INTENT

The R-T residential transitional district is intended to control and stabilize those residential neighborhoods influenced by change from the pressure of age, traffic and the other environmental neighborhood circumstances.


This district shall provide for the improvement of single-family neighborhood characteristics through the preservation of the exterior of existing structures while allowing very limited types of office and business uses to develop.

The essential goal for establishing this district is to preserve the open space, the established landscape and prevailing visual residential environment of the traditional small town community.

The determining considerations for establishing this district shall be:

1. Low volume traffic generation.
2. Minimum levels of on-site parking.
3. Limited needs for commercial signage.
4. The potential enhancement of the neighboring appearance.
5. The preservation of residential image and neighborhood qualities.
6. The clear and demonstrated usefulness of such land use in serving as a protective buffer against the increasing encroachment of nonresidential uses on adjacent residential neighborhoods.

This land use is considered of such special purpose and community advantage that it may be considered for use on limited sites and number of contiguous sites. Due to the dominance of residential uses in this district, those regulations as enumerated in Article VIII of this Chapter shall also apply where they are not contrary to the provisions of this district.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Single-family dwellings[ⓘ]
2. **Home occupations**[ⓘ] §98-4.1

C. SPECIAL LAND USES

1. Art galleries and museums specializing in original art works
2. **Business offices** §98-4.9
3. **Places of worship and accessory uses** §98-4.2
4. Collectors shops, such as stamps and coins
5. Craft establishments
6. Libraries, public and private
7. Municipal offices
8. Photographic studio
9. Professional offices
10. **Residential facilities** §98-4.10
11. Single-family dwellings[ⓘ], duplex[ⓘ] residential facilities
12. Undertaking establishments, including mortuary and funeral homes, excepting therefrom crematory services
13. Child daycare facility[ⓘ]



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: None specified
 Minimum lot width[Ⓜ]: 66 ft.

Lot Coverage[Ⓜ]

Maximum lot coverage: 25%

Setbacks[Ⓜ]

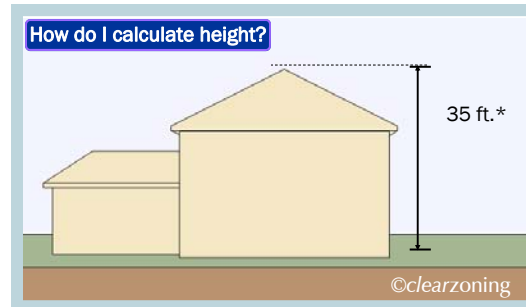
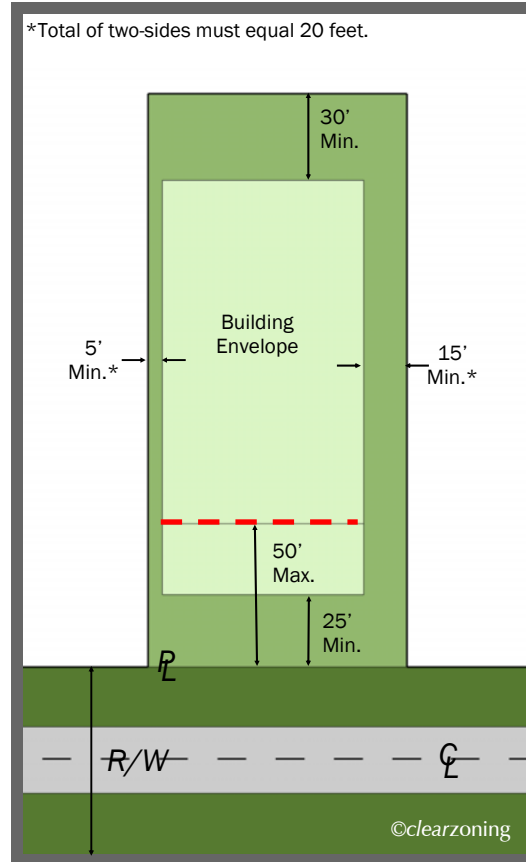
Minimum front yard setback: 25 ft.
 Maximum front yard setback: 50 ft.
 Minimum rear yard setback: 30 ft.
 Minimum side yard setback:
 One side: 5 ft.
 Total of two sides: 20 ft.

Building Height[Ⓜ]

Maximum building height: 35 ft.

Note to District Standards:

Section 98-3.32.B.1, 2, 3, 4, 9, 11, 14, 15, 16



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [R-T District Council Approval Required](#) §98-3.36

98-4. Use Standards

- [One Family Attached Dwelling Units](#) §98-4.36
- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Containers](#) §98-5.1
- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
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- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
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A. INTENT

The purposes of this district are to:

1. Encourage and direct a form of development, within the boundaries of the SHD district that will achieve the physical qualities necessary to maintain and enhance the economic vitality of neighborhood and maintain the desired character of the City as stated in the City's Master Plan.
2. Maintain the uniqueness and identity of the residential units, toward which end emphasis shall be placed upon maintaining character, and preservation of valued landmarks.
3. To permit senior citizen residential housing developments at a density comparable to the downtown business district, on suitable sites in proximity to appropriate commercial development that meets the needs of senior citizens, provided they abut parcels planned or zoned for uses other than single-family residential.
4. Recognize the value of an urban, pedestrian-oriented living environment for senior citizen residential development such that residents can enjoy the convenience of retail and service establishments.
5. Recognize that senior citizen housing developments can occur at higher densities without a concurrent increase in intensity of use due to the lower traffic generation, increased use of common spaces, and placement within the context of a walkable environment common to such developments.

B User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Single-family dwellings[§]
2. **Home occupations[§]** §98-4.1
3. **Multiple-family dwellings[§] of two or more individual apartment** §98-4.6
4. **Ancillary services** §98-4.32
5. **Accessory buildings[§] or uses[§] customarily incidental to any of the above permitted uses** §98-5.16

C. SPECIAL LAND USES

1. **Wireless communication facilities[§] and services** §98-4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[§]: 3 Acres
 Minimum lot width[§]: 200 ft

Lot Coverage[§]

Maximum lot coverage: 30%*

Setbacks[§]

Minimum front yard setback: 35 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback: 40 ft.

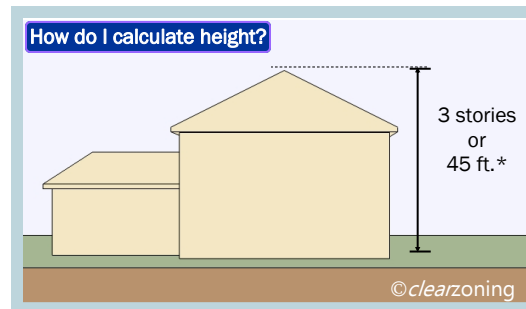
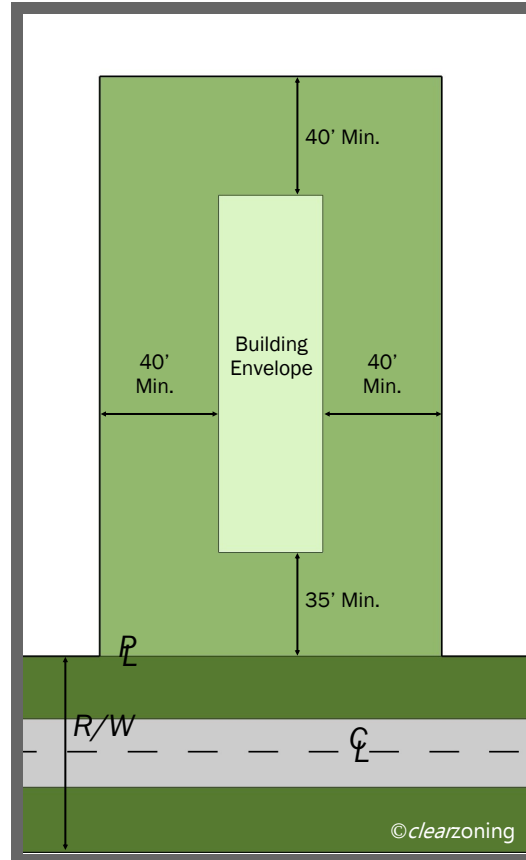
Building Height[§]

Maximum building height:
 Principal building 3 stories not to exceed 45 ft.**
 Accessory building 15 ft.***

Note to District Standards:

Section 98-3.32.B.2, 3, 4, 10, 11, 14, 15, 16

- * Excluding unenclosed carports, and exclusive of dedicated public right-of-way for roadway purposes.
- ** Including, but not limited to, any building-mounted electronic, microwave, radio, television or similar receiving or transmitting device, instrument or appliance, nor shall it exceed 32 feet in height above grade to the eave of the building.
- *** Measured from the lowest point on the perimeter building grade.



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [SHD District General Regulations](#) §98-3.37

98-4. Use Standards

- [One Family Attached Dwelling Units](#) §98-4.36
- [Temporary or Garage Dwellings](#) §98-4.37
- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Containers](#) §98-5.1
- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures


- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2



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A. INTENT

It is the intent and purpose of this district to permit only planned development of community shopping centers.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Private museums
2. **Fraternities, sororities, private clubs[ⓘ] and lodges** §98-4.11
3. Banks and other financial institutions
4. Personal service establishments, including barbershops, beauty shops and health salons
5. Business or commercial school, or dancing or music academy
6. Catering establishments
7. Motorized vehicle service and sales facilities
8. Hospitals and clinics for animals, but not open kennels
9. Printing and reproduction services
10. Painting and decorating shop
11. Photograph gallery
12. **Public garage[ⓘ]** §98-4.12
13. Recreation or amusement buildings
14. Restaurant[ⓘ]
15. Sales or show rooms
16. Service establishment, such as small appliance or shoe repair, laundries, and the like

B. PRINCIPAL PERMITTED USES (continued)

17. Retail establishments
18. **Theatres, except open-air drive-in theatres** §98-4.13
19. Business and professional offices
20. **Places of worship and accessory uses** §98-4.2
21. **Carnival, outdoor circus or migratory amusement enterprise** §98-4.14
22. **Accessory buildings[ⓘ] and uses[ⓘ] customarily incidental to the above uses** §98-5.16
23. **Health clubs and personal recreation facilities** §98-4.20
24. **Pet daycare facilities[ⓘ]** §98-4.18

C. SPECIAL LAND USES

1. **Adult entertainment business[ⓘ]** §98-4.15
2. **Wireless communication facilities[ⓘ] and services** §98-4.35

C-1 Community Shopping Center

98-3.10

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: See [Section 98-3.38](#)
 Minimum lot width[Ⓜ]: See [Section 98-3.38](#)

Lot Coverage[Ⓜ]

Maximum lot coverage: See [Section 98-3.38](#)

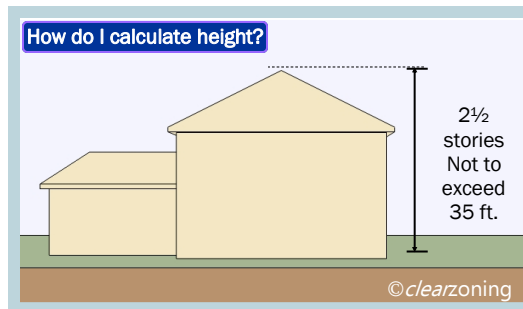
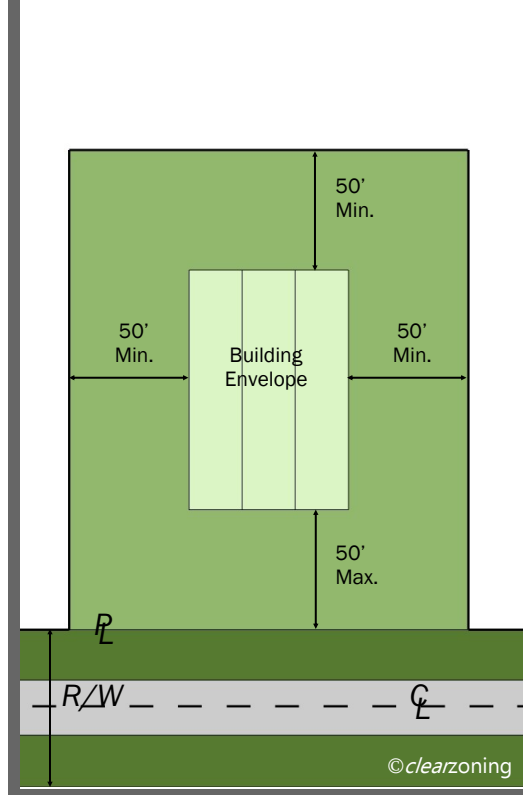
Setbacks[Ⓜ]

Minimum front yard setback: 50 ft.*
 Minimum rear yard setback: 50 ft.*
 Minimum side yard setback: 50 ft.*

Building Height[Ⓜ]

Maximum building height: 2½ stories not to exceed 35 ft.

Setbacks from the edge of the Community Shopping Center District



The above drawings are not to scale.

Notes to District Standards:
[Section 98-3.32.B.15, 16](#)

* Setbacks are from the edge of the district.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [C-1 General Regulations](#) §98-3.38

98-4. Use Standards

- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

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A. INTENT

This zoning district is intended for the widest and most intensive variety of retail and service businesses. Businesses can include services meeting the commercial needs of the motoring public. The uses within this district are typically auto dependent and benefit from the exposure of high traffic volume thoroughfares.

i User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Private museums
2. **Fraternities, sororities, private clubs[Ⓜ] and lodges** §98-4.11
3. Banks and other financial institutions
4. Nursery, floral, landscape, garden, and swimming pool sales §98-4.22
5. Business or commercial school, or dancing or music academy
6. Catering establishments
7. Motorized vehicle service and sales facilities, farm and lawn equipment
8. Hospitals and clinics for animals §98-4.18
9. Printing, reproduction, and art service
10. Painting and decorating shop
11. Photograph gallery
12. **Public garage[Ⓜ]** §98-4.12
13. Recreation or amusement buildings
14. Restaurant[Ⓜ]
15. Sales or show rooms
16. **Health clubs and personal recreation facilities** §98-4.20
17. Store or shop for the conduct of retail business
18. **Theatres, except open-air drive-in theatres** §98-4.13
19. Business and professional offices
20. **Carnival, outdoor circus or migratory amusement enterprise** §98-4.14
21. **Public or private paved, off-street parking[Ⓜ] lots** §98-5.6
22. **Dyeing and cleaning works** §98-4.16
23. Personal service establishments, including barbershops, beauty shops, and health salons

B. PRINCIPAL PERMITTED USES (continued)

24. Laundry employing not more than ten persons on the premises
25. Publicly owned buildings, as well as public service facilities, telephone exchange buildings, and public utility offices, but not including open storage yards, transformer stations, or gas regulator stations
26. Medical offices and clinics[Ⓜ] serving human health needs including related laboratory diagnostic and treatment functions
27. Used car sales or storage lots
28. Radio broadcasting and telecasting stations, studios and offices
29. Retail lumber yards
30. **Places of worship and accessory uses** §98-4.2
31. Tobacco specialty retail stores[Ⓜ], cigar bars[Ⓜ], and Hookah Lounges/bars/establishments[Ⓜ]
32. Service establishments such as television repair, shoe repair shop, laundries and dry cleaning establishments which are not self service
33. Day care facilities[Ⓜ]
34. **Pet daycare facility[Ⓜ]** §98-4.18
35. **Accessory buildings[Ⓜ] and uses[Ⓜ] customarily incidental to the above uses** §98-5.16

C. SPECIAL LAND USES

1. **Wireless communication facilities[Ⓜ] and services** §98-4.35
2. Hotel[Ⓜ], motel[Ⓜ]
3. Undertaking establishments, including mortuary and funeral homes, excepting therefrom crematory services



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area^{sq}: 2,000 sq. ft.
 Minimum lot width^{sq}: 66 ft.

Lot Coverage^{sq}

Maximum lot coverage: None specified

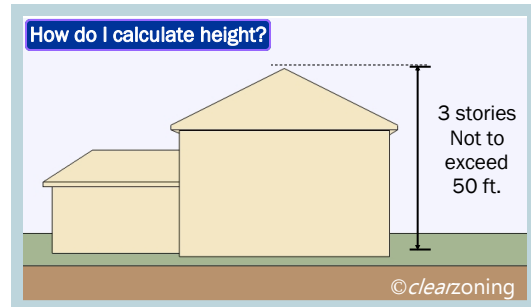
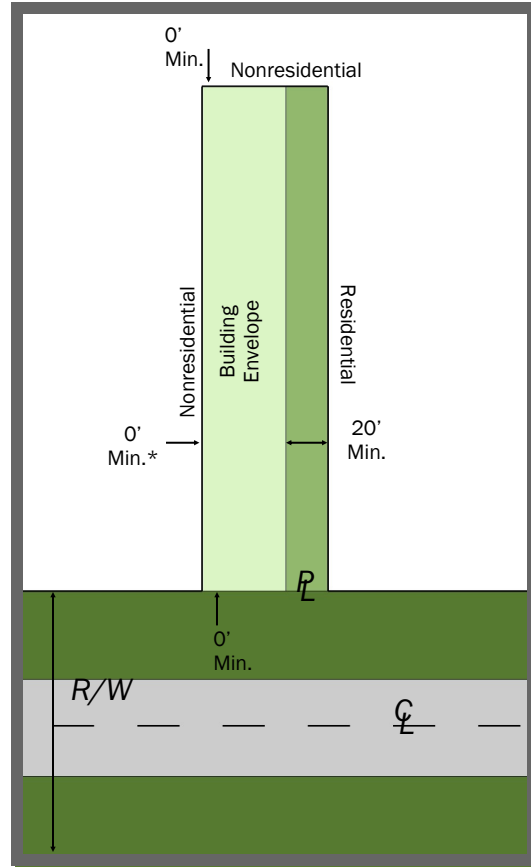
Setbacks^{sq}

Minimum front yard setback: 0 ft.
 Minimum rear yard setback:
 Abutting nonresidential 0 ft.
 Abutting residential 20 ft.
 Minimum side yard setback:
 Interior 0 ft.*
 Abutting residential 10 ft.

Building Height^{sq}

Maximum building height: 3 stories not to exceed 50 ft.

Notes to District Standards:
 Section 98-3.32.B.15, 16



* Where all walls of buildings, abutting upon such interior side lot line are wholly without windows.

The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [C-2 General Regulations](#) §98-3.39

98-4. Use Standards

- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand....](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
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- [Front Yard Restriction](#) §98-5.10
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- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
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A. INTENT

The C-3 limited business district is intended to control commercial and office development in areas of the City which were initially developed as residential. Such a district shall provide for the preservation of the exterior of certain structures while allowing certain types of commercial and office establishments to develop. These uses are essentially independent of each other, are under individual proprietorships and are generators of low-volume customer traffic. The essential goal for establishing this district is to preserve the open space, quiet, and intimate environment of the traditional small town community for the general public, while providing for limited commercial development.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Single-family[Ⓜ] residential
2. **Home occupations[Ⓜ]** §98-4.1
3. Antique shops
4. Art galleries and museums
5. Personal service establishments, including barbershops, beauty shops and health salons
6. Bookstores
7. Business offices
8. Collectors shops, such as stamps and coins
9. Craft establishments
10. Florists
11. Jewelry, watch, and clock repair
12. Optical and hearing supplies and services
13. Photographic services
14. **Professional offices** §98-4.17
15. Tailors, dress making apparel, alteration or leasing services
16. **Veterinary hospitals, clinics[Ⓜ], and pet day care facilities[Ⓜ]** §98-4.18

C. SPECIAL LAND USES

1. **Places of worship and accessory uses** §98-4.2
2. Libraries, public and private
3. Municipal offices
4. Undertakng establishments, including mortuary and funeral homes, excepting therefrom crematory services
5. **Residential facilities** §98-4.10
6. **Wireless communication facilities[Ⓜ] and services** §98-4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: None Specified*
 Minimum lot width[Ⓜ]: 66 ft.*

Lot Coverage[Ⓜ]

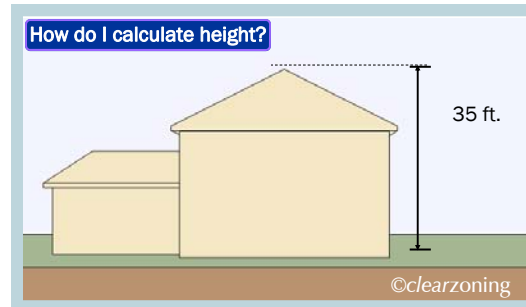
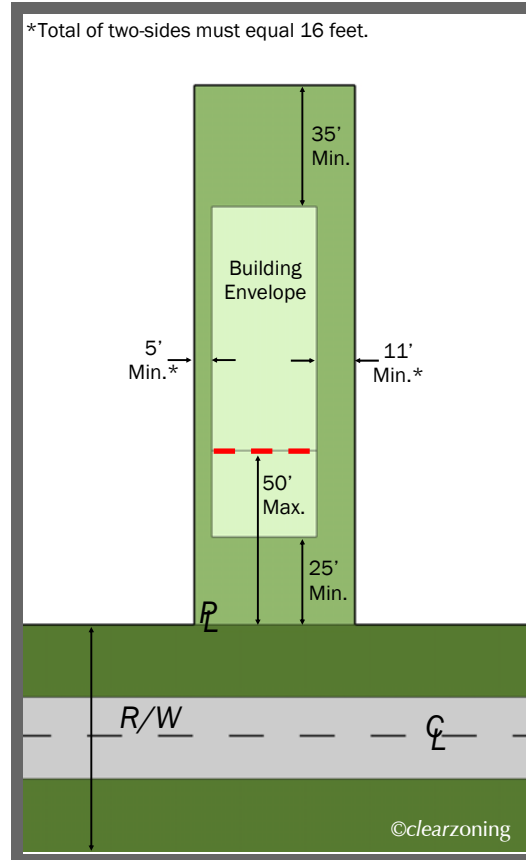
Maximum lot coverage: 25%

Setbacks[Ⓜ]

Minimum front yard setback: 25 ft.*
 Maximum front yard setback: 50 ft.*
 Minimum rear yard setback: 35 ft.*
 Minimum side yard setback:
 One side: 5 ft.*
 Total of two sides: 16 ft.*

Building Height[Ⓜ]

Maximum building height: 35 ft.*



The above drawings are not to scale.

Note to District Standards:

Section 98-3.32.B.1, 2, 3, 4, 9, 11, 14, 15, 16

* Area, height and placement regulations applicable to an accumulated land area of more than 40,000 square feet in the C-3 district shall be the same as the regulations in the C-1 Community Shopping Center districts.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [C-3 District Council Approval Required](#) §98-3.40

98-4. Use Standards

- [One Family Attached Dwelling Units](#) §98-4.36
- [Temporary or Garage Dwellings](#) §98-4.37
- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Containers](#) §98-5.1
- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
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- [Slope](#) §98-5.9
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- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

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A. INTENT

It is the intent and purpose of this district to permit only office and commercial uses generating levels of vehicular traffic with minimal environmental effect on the adjoining neighborhoods.

The limited intensity business/office district is intended to control commercial and office development in areas of the City which were initially developed as general business and/or industrial along principal city streets.

This district is intended to provide for the orderly transition and growth of those neighborhoods and districts of varied original uses including general business, residential and industrial from/to purposes of limited intensity business and general office use. This district shall serve as a buffer between adjacent dissimilar land uses with the specific purposes of protecting the quality of abutting residential neighborhoods while limiting the impact of vehicular traffic on the principal streets of the City. An additional consideration of importance to the City is the creation of a business district satisfying specific certain needs of the general region within and beyond the City boundaries while at the same time carefully protecting the special purposes and the economic well-being of the City's Central Business district. The essential objective of the City is to accommodate a change in land use which contributes to the preservation of open space, the control of vehicular traffic and the reestablishment of the intimate space and atmosphere of the traditional small town community.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Office buildings
2. Medical offices and clinics[Ⓜ] serving human health needs including related laboratory diagnostic and treatment functions
3. Personal service establishments, including barbershops, beauty shops and health salons.
4. **Mortuary establishments** §98-4.19
5. Publicly owned buildings, as well as public service facilities, telephone exchange buildings, and public utility offices, but not including open storage yards, transformer stations, or gas regulator stations.
6. **Public or private off-street parking**[Ⓜ] lots §98-5.6
7. **Places of worship and accessory uses** §98-4.2
8. **Fraternities, sororities, private clubs**[Ⓜ] and **lodges** §98-4.11
9. **Health clubs and personal recreational facilities** §98-4.20
10. Business, commercial or technical school, or dancing or music academy
11. Hospitals and clinics for animals, excluding open animal runs of kennels
12. **Printing, reproduction, and art service** §98-4.21
13. **Nursery, floral, landscape, garden and swimming pool sales** §98-4.22
14. Painting and decorating shop
15. Service establishments such as television repair, shoe repair shop, laundries and dry cleaning establishments which are not self-service

B. PRINCIPAL PERMITTED USES (continued)

16. Sales or showrooms for the enclosed sale, storage and service only of the following:
 - a. Outdoor lawn and garden equipment.
 - b. Farm equipment and implements
 - c. Personal outdoor recreational equipment and implements
 - d. Outdoor lawn and garden furniture
 - e. Builders hardware and/or electrical fixtures
17. Store or shop for the conduct of the following limited retail businesses:
 - a. Household furnishings, carpeting, accessories and interior decoration
 - b. Household appliances and equipment but not including equipment such as furnaces, air conditioning, mechanical, electrical or plumbing requiring permanent installation
 - c. Personal attire, apparel or footwear
 - d. Office equipment, supplies and services
 - e. Such other uses as are closely related to the foregoing
18. **Accessory buildings**[Ⓜ] and **uses**[Ⓜ] customarily and specifically incidental to the above uses §98-5.16

C. SPECIAL LAND USES

1. **Wireless communication facilities**[Ⓜ] and **services** §98-4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area^{sq}: None Specified
 Minimum lot width^{sq}: 66 ft.

Lot Coverage^{sq}

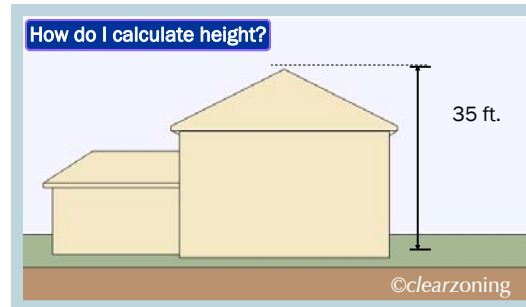
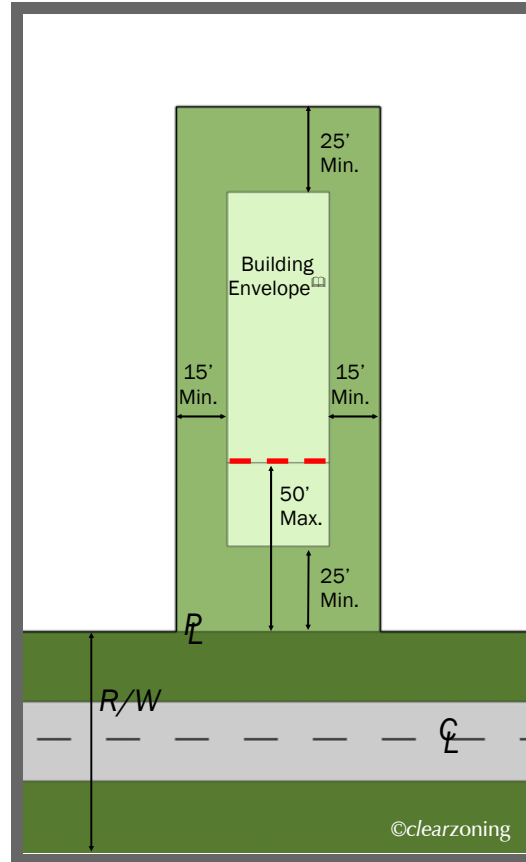
Maximum lot coverage: 60%

Setbacks^{sq}

Minimum front yard setback: 25 ft.
 Maximum front yard setback: 50 ft.
 Minimum rear yard setback: 25 ft.
 Minimum side yard setback: 15 ft.

Building Height^{sq}

Maximum building height: 35 ft.



The above drawings are not to scale.

Note to District Standards:

Section 98-3.32.B.1, 2, 3, 4, 9, 11, 14, 15, 16

SELECTED REFERENCES

98-3. Zoning Districts

- **Planned Unit Development** §98-3.22
- **Mixed Use** §98-3.23
- **C-4 Council Approval Required** §98-3.41

98-4. Use Standards

- **Public Buildings** §98-4.38
- **Domestic Employees Dwellings** §98-4.39
- **Removal of Soil, Sand...** §98-4.40
- **Disposal and Dumping...** §98-4.41

98-5. Site Standards

- **Refuse Disposal** §98-5.2
- **Stormwater Management Systems** §98-5.3
- **Exterior Lighting** §98-5.4
- **Off-Street Parking and Loading Regulations** §98-5.6
- **Landscaping Regulations** §98-5.7
- **Front Yard Restriction** §98-5.10
- **Fences** §98-5.11
- **Principal buildings** §98-5.12
- **Open Storage of Obnoxious Matter** §98-5.13

98-5. Site Standards (Continued)

- **Public Improvements** §98-5.14
- **Regulated Wetlands and...** §98-5.15
- **Accessory Buildings and Uses** §98-5.16

98-6. Development Procedures

- **Site Plan Review** §98-6.1
- **Special Land Use Approval** §98-6.2

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98-3.14 DBD Downtown Business District

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The purposes of the Downtown Business district are to:

- Encourage and direct a form of development, within the boundaries of the DBD, that will achieve the physical qualities necessary to maintain and enhance the economic vitality of downtown and maintain the desired character of the City as stated in the City's Comprehensive Plan.
- Encourage building types that are based on encouraging ground floor interaction and interest by pedestrians. Most buildings are built to the street to provide a continuous street wall, although there are provisions to allow outdoor dining, planters, courtyards, and street furnishings between the building face and the sidewalk. Building coverage on the lot is high.
- Encourage mixed uses of a high density (especially retail and restaurants on the first floor with residential and office on upper floors) and the renovation of buildings; ensure that new buildings are compatible with
 - the context and the desired character of the downtown business district; ensure that all uses relate to the pedestrian; and promote uses that enhance the viability of downtown.
- Encourage the DBD be developed, utilized, and maintained as the symbol and focus of a prominent and unique community, suitable and attractive as a center for cultural activities and special events, such as parades, concerts and festivals.
- Maintain the uniqueness and identity of downtown, toward which end emphasis shall be placed upon maintaining historic character, maintaining historic building size and scale relationships, and preservation of valued landmarks.
- Encourage the DBD to be developed, utilized, and maintained to promote public health, safety, and welfare within the DBD, to meet the needs of the City's residents for commercial activity, recreation, and other uses of land, to insure the uses of the land shall be situated in appropriate locations and relationship, to limit the inappropriate overcrowding of land and congestion of population and traffic systems and other public facilities, to facilitate adequate and efficient provision for traffic systems, sewage disposal, water, police, fire, and other public service and facility needs.

B. BUILDING FRONTAGES AND BUILDING HEIGHTS

The Regulating Plan shall establish allowed building frontage and maximum building heights in the DBD.

The Regulating Plan shows a range of maximum number of floors. Buildings up to the lower level of the range shall be permitted in accordance with subsections C. Principal Permitted Uses and Special Land Uses, as noted below. In order to achieve the maximum number of floors for the range, special approval is required for all uses in C. below. See [Section 98-3.14.D.](#) for additional regulations related to minimum and maximum building heights.

The Regulating Plan also establishes Main Street and Grand River Avenue as the Primary Streets. All other streets are Secondary Streets for the purpose of this ordinance.



Figure 3.14.B City of Brighton Regulating Plan



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User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

C. PRINCIPAL PERMITTED USES

Table 98-3.14.C				
Use	Primary Street		Secondary Street	
	Ground Floor	Upper Floor	Ground Floor	Upper Floor
Residential Uses				
Dwelling, multiple family §98-4.6	-	P	S	P
Home occupations §98-4.1	-	A	P	A
Recreation, Education and Assembly Uses				
Community assembly, cultural, educational and service uses	S	P	P	P
Health/fitness facility §98-4.20	S	P	P	P
Indoor commercial recreation	S	P	P	P
Publicly owned and operated parks and parkways	P	P	P	P
Theaters	S	P	P	P
Uses similar to the above uses, as determined by the Planning Commission	P ¹ /S ²			



DBD Downtown Business District 98-3.14

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Table 98-3.14.C (continued)

Use	Primary Street		Secondary Street	
	Ground Floor	Upper Floor	Ground Floor	Upper Floor
Commercial Uses				
Downtown Business District commercial uses ³ ¹	P	P	P	P
Downtown Business District office uses §98-4.9	P	P	P	P
Downtown retail uses including winery, distillery, and brewpub ³	P	P	P	P
Bed & Breakfast Inn ¹ §98-4.7	-	P	P	P
Hotel ⁴ ¹	P	P	P	P
Farmers market	P	-	P	-
Artist studios and galleries	P	P	P	P
Childcare facilities, commercial ¹ §98-4.34	-	P	P	P
Pedestrian open space including parks, plazas, and courtyards	P	P	P	P
Limited Artisan Manufacturing (maker space) ¹	S	S	S	S
Pool and billiards	S	S	S	S
Overflow Parking Lots ¹ §98-5.6.B	S	-	S	-
Transitional Parking Lots ¹ §98-5.6.B	S	-	S	-
Uses similar to the above uses, as determined by the Planning Commission	P ¹ /S ²			

¹ If similar to a listed principal permitted use, a similar use may be permitted as a principal permitted use.

² If similar to a special land use, a similar use may be permitted as a special land use.

³ No single retail use shall exceed 15,000 square feet in gross leasable area.

⁴ The hotel use shall have restaurant, retail use, or similar activity visible from the sidewalk, and the lobby area shall be recessed at least 20 feet from the building façade facing the front lot line.



D. DEVELOPMENT STANDARDS FOR ALL BUILDING TYPES

1. Lot Size

- a. Minimum lot area¹: 2,000 sq. ft.
- b. Minimum lot width¹: 20 ft.

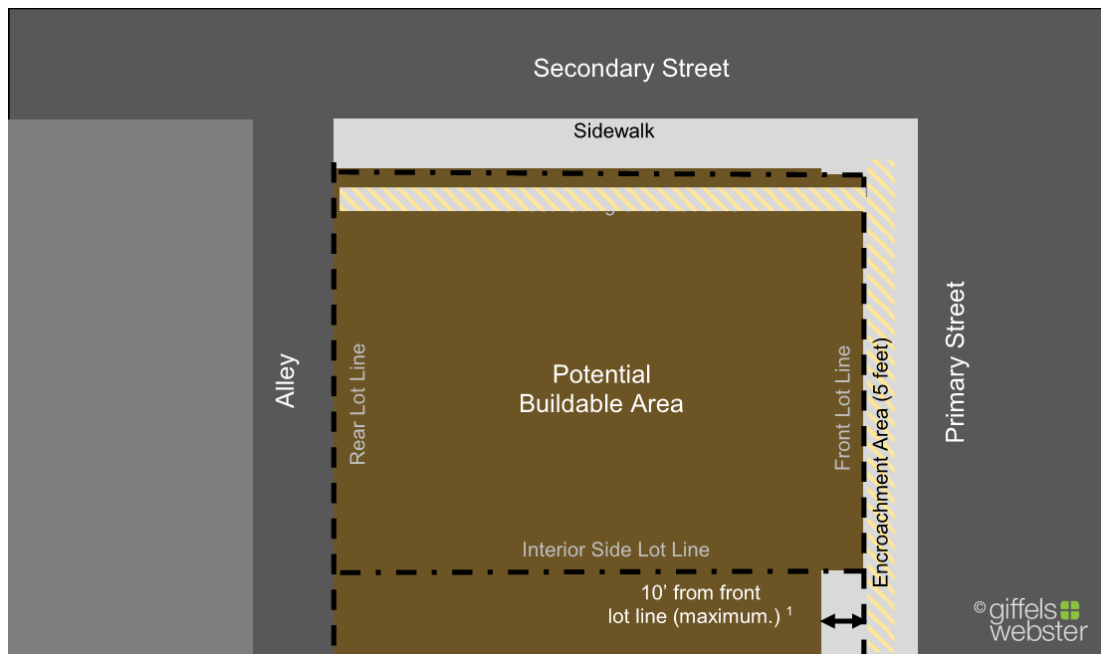
2. Lot Coverage¹

- a. Maximum lot coverage: 100%²

3. Building Placement and Setbacks¹

- a. Minimum front or street-facing yard setback: 0 ft. ¹
- b. Maximum front or street-facing yard setback: 10 ft. ¹
- c. Minimum rear yard setback: 0 ft. ²
- d. Minimum interior side yard setback: 0 ft. ³
- e. Minimum building façade frontage within build-to zone, if:
 - front lot line on Primary Street: 90%
 - front lot line on Secondary Street: 60%
 - front lot line on street-facing side yard: 40%
- f. Stepbacks. All floors above the second floor shall have a 10 ft. minimum stepback from the front façade along street-facing frontages.
- g. Buildings shall have rooftop screening and/or shielding in accordance with [Section 98-3.42.B.5](#).

Figure 98-3.14.D.1. Setbacks, potential buildable area, and encroachments



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4. Building Height⁶

- a. Minimum building height: 20 ft.
corner lots with frontage on Main Street of Grand River: 28 ft.
- b. Maximum streetwall height for any building 2 stories or more: 30 ft
- c. Maximum building height for
 - 1 or 2 stories: 30 ft.
 - 3 stories: 42 ft.
 - 4 stories: 54 ft.
 - 5 stories: 66 ft.
- d. Minimum number of stories: 2 if fronting on a street designated for 3-4 or 4-5 stories on the Regulating Plan.
- e. Maximum number of stories: See Regulating Plan⁷
- f. Minimum first story ceiling height (floor to ceiling): 14 ft.⁸
- g. Minimum upper story ceiling height (floor to ceiling): 8 ft.⁸

Figure 98-3.14D.2. Setbacks and building height



Figure 98-3.14D.3. Stepbacks, Street Walls, and Ground Floor Minimums



5. Allowed Building Types

The Downtown Business District shall conform to one of the types identified below.

- a. Allowed in all locations
 - i. Mixed-use, Multi-story
 - ii. Single-story shopfront
 - iii. Civic
 - iv. Open lot
- b. Allowed fronting only on Secondary Streets
 - i. Multiple-family Stacked Flats

See [Section 98-3.49](#) for regulations for each Building Type. Each Building Type also has allowed Frontage Types. See [Section 98-3.48](#) for regulations related to Frontage Types.

6. Allowed Frontage Types

The following frontage types shall be permitted in this District.

Building Type	Allowed Frontage Type
a. Mixed-use, Multi-story	Shopfront, Arcade, Gallery, Forecourt with shopfront
b. Single-story shopfront	Shopfront; Stoop and Flex dooryard on Secondary Street frontage only
c. Civic	Shopfront, Gallery, Arcade, Forecourt; Flex dooryard on Secondary Street frontage only
d. Open lot	Not applicable, however a minimum of 20-foot landscaped green area is required for all street frontages
e. Multi-family Stacked Flats	Flex dooryard, stoop, Projecting porch, Integral porch, Forecourt

See [Section 98-3.49](#) for standards related to specific building types.

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7. Off-Street Parking Placement and Number of Spaces

- a. Parking allowed only in rear yard or interior side yard⁵. If parking is placed in a side yard or within 60 feet of a street, a 15 ft. wide greenbelt and 2.5 ft high brick wall or brick columns with decorative metal fence with obscuring landscaping shall be required parallel to any street-facing lot line. Precise placement location of the wall shall be approved by the Planning Commission after review of the site plan and overall context of the site and surrounding area. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.
- b. Off-street parking shall be required for all residential units at 1.7 spaces minimum per unit. For non-residential uses, a 65-space exemption shall apply to all land uses. When calculating the number of spaces required, the shared parking methodologies in [Section 98-5.6.B.3.](#) may be used if there is more than one land use on the subject site. The Planning Commission may reduce the minimum spaces per dwelling unit if the applicant demonstrates, to the satisfaction of the Planning Commission, the viability of a project that has fewer spaces than required.
- c. Required off-street parking may be reduced or eliminated if the subject site participates in an is in full compliance with a payment-in-lieu ordinance, upon adoption of such ordinance by City Council.

8. **Residential Units.** No residential dwelling unit shall be less than 600 square feet in area.

9. Loading and Unloading

- a. There is no loading/unloading requirement. However, loading docks and service areas shall be permitted only behind the rear building line. Doors for access to interior loading docks and service areas shall not face a public street.
- b. The applicant shall demonstrate how loading and unloading will be accommodated on site. The applicant shall make every effort to utilize existing facilities (such as alleys, private rear space shared with a neighboring business, etc.); shall minimize disruption to customer traffic; and may include public space reserved for loading/unloading, when such use is unlikely to interfere with public travel and/or parking, subject to the approval of the Planning Commission.

10. Access

- a. There shall be no driveways on Main Street or Grand River Avenue within the district.
- b. Vehicular access shall be from a Secondary Street or alley.

11. Other District Requirements

See [Section 98-3.42](#) for additional district requirements and [Section 98-3.49](#) for regulations related to allowed building types.



Notes to District Standards

- ¹ The build-to zone is 0' minimum to 10' maximum unless otherwise stated in Regulating Plan. As noted in [section 98-3.48D](#), forecourt frontage types may have additional setback area.
- ² Provided that space has been provided within the building for trash storage, display needs and parking if required.
- ³ Provided that a fire wall in accordance with applicable building code regulations is provided along the side lot line.
- ⁴ See [Section 98-3.48.D](#) for exception when a forecourt frontage type is located on the zoning lot. Building frontage along a street-facing side yard shall be at least 40 feet for corner lots.
- ⁵ See [Section 98-3.49.D](#) and [Section 98-3.14D.6](#) for exceptions when off-street parking is allowed as a principal permitted use
- ⁶ See [Section 98-3.37](#) for exceptions to height limitations. Additionally, if the zoning lot is adjacent to or across an alley from residential zoning, the rear building façade shall be setback from a residential zoning district by a distance equal to the height of the building.
- ⁷ Maximum allowed number of stories is stated in Regulating Plan. Any building proposed to be constructed to the highest story level of the range established in Regulating Plan shall require special land use approval per [Section 98-4.23](#).
- ⁸ Minimum ceiling height requirements may be modified by City Council for improvements and rehabilitation to existing nonconforming buildings.

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A. INTENT

The office-research-limited manufacturing (O-R) district is intended to accommodate various types of office and research uses performing administrative, professional, technical and scientific services. These uses are typically housed in medium or larger buildings which serve as a transitional or buffer use along major thoroughfares, and between more intensive uses of land and/or commercial districts and less intensive uses of land such as multiple-family, single-family residential or large scale recreational land uses.

This district is specifically intended to limit separate freestanding retail establishments of a local retail nature or similar commercial activities. Commercial uses are intended either as components of a mixed use development approved pursuant to [Section 98-3.43](#) or for those businesses which are required to serve the normal daily needs of the occupants of the permitted primary uses.

The office-research-limited manufacturing (O-R) district is designed to provide a site for medium density office structures adjacent to major thoroughfares by providing a medium height limitation intended to preserve the character and quality of the existing environment, specifically, the topography, natural vegetation and forest cover common to the area.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. **Education, research, design and technical training and experimental product development** §98-4.24
2. Data processing and computer centers, including facilities for the service and maintenance of electronic data processing equipment.
3. Studios for creative professional, visual, electronic or communication work or teaching, including the decorative arts, photography, music, drama or broadcasting.
4. Any use customarily identified as office in nature
5. **Housing for students enrolled in, and quarters for instructors employed by, educational or research institutions** §98-4.25
6. **Light industrial uses** §98-4.24
7. Accessory uses customarily incidental to any of the above permitted uses

C. SPECIAL LAND USES

1. **Wireless communication facilities and services** §98-4.35
2. **Parking structures** §98-4.26



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 8 Acres
 Minimum lot width[Ⓜ]: None Specified

Lot Coverage[Ⓜ]

Maximum lot coverage: 35%

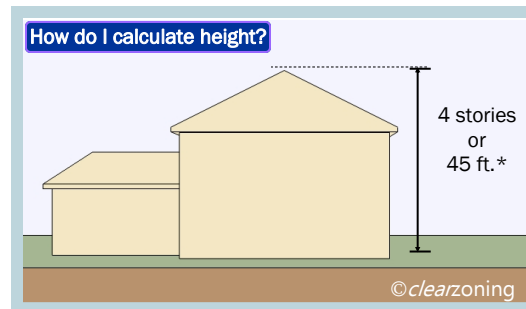
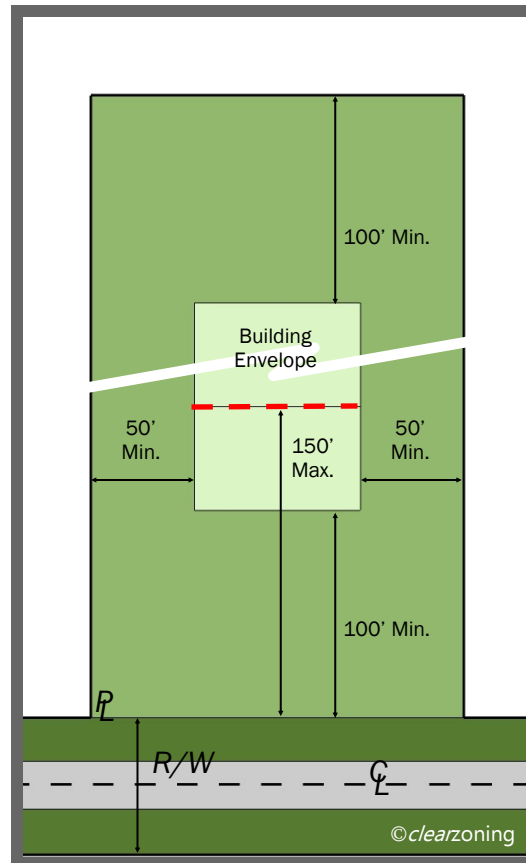
Setbacks[Ⓜ]

Minimum front yard setback: 100 ft.
 Maximum front yard setback: 150 ft.
 Minimum rear yard setback: 100 ft.*
 Minimum side yard setback: 50 ft.

Building Height[Ⓜ]

Maximum building height: 4 stories not to exceed 45 ft.*

Note to District Standards:
 Section 98-3.32.B.2, 3, 4, 11, 13, 15, 16



The above drawings are not to scale.

* See [Section 98-3.44](#) for exceptions to height limitations and [Section 98-3.43](#) for exceptions to side and rear yard setbacks.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [Mixed Use](#) §98-3.23
- [O-R District General Regulations](#) §98-3.43
- [O-R, I-A and I-B Height Exceptions](#) §98-3.44

98-4. Use Standards

- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2

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98-3.16

O-S Office Service

A. INTENT

The office service district is intended to provide for the growing need within the City for business and professional offices and low intensity personal and business service related uses. Because there are uses not previously singularly identified it may be newly applied in areas of the City where other uses initially predominate. In such cases it is the intention of the City to provide a harmonious but orderly transition from older land uses to medium density office districts. The essential goal of the City is to minimize adverse environmental impact on adjoining or nearby residences, to control vehicular traffic, and to preserve the intimate space and atmosphere of the traditional small town community.

i User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- 1. Existing single-family residential
- 2. Office buildings
- 3. Medical offices, including clinics
- 4. Banks, credit unions, savings and loan associations, and similar uses; drive-in facilities as an accessory use only
- 5. Publicly-owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations.
- 6. Other uses similar to the above uses
- 7. Accessory structures and uses customarily incident to the above permitted uses

C. SPECIAL LAND USES

- 1. Facilities for human care such as hospitals, sanitariums and convalescent homes
- 2. Mortuary establishments §98-4.19
- 3. Off-street parking lots §98-5.6
- 4. Places of worship and accessory uses §98-4.2
- 5. Wireless communication facilities and services §98-4.35

D. ACCESSORY USES



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[§]: None Specified
 Minimum lot width[§]: 66 ft.

Lot Coverage[§]

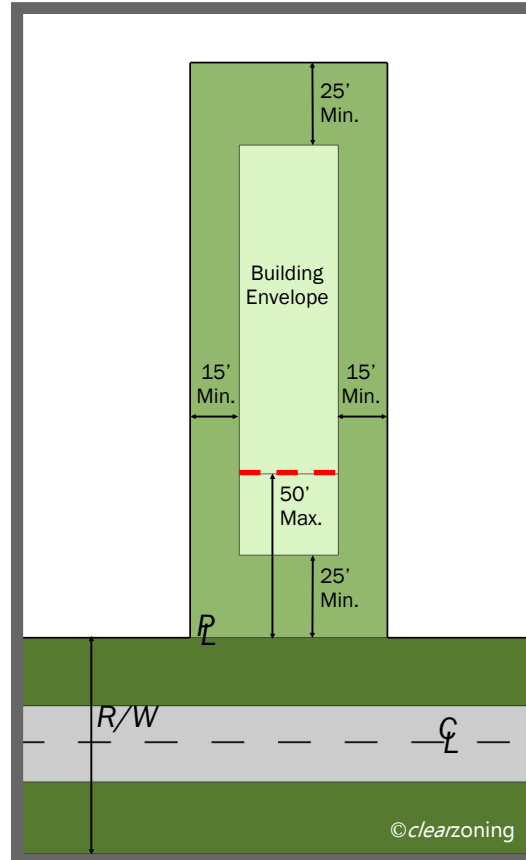
Maximum lot coverage: 75%

Setbacks[§]

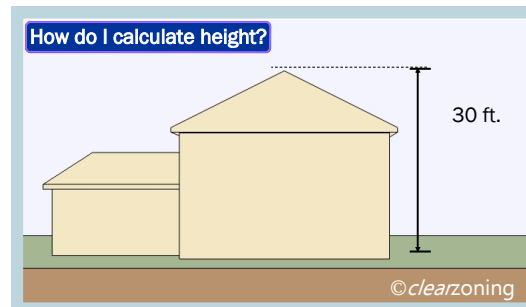
Minimum front yard setback: 25 ft.
 Maximum front yard setback: 50 ft.
 Minimum rear yard setback: 25 ft.
 Minimum side yard setback: 15 ft.

Building Height[§]

Maximum building height: 30 ft.



Notes to District Standards:
 Section 98-3.32.B.1, 2, 3, 4, 9, 11, 14, 15, 16



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [O-S District General Regulations](#) §98-3.45

98-4. Use Standards

- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12
- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

- [Site Plan Review](#) §98-6.1
- [Special Land Use Approval](#) §98-6.2

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I-A Light Industrial

A. INTENT

The light industrial district is intended to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-A district is structured to permit, along with any specific uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. It is the intent of the district that the processing or storage of any material in an unenclosed, visible setting not be permitted.

The objectives of the I-A use district include the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's future economic growth for selected types of manufacturing and related uses.
2. To protect abutting residential districts from the situations mentioned in the next succeeding paragraph by separating them from manufacturing activities.
3. To provide a wide range of employment opportunities.
4. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable environmental influences.
5. To promote the most desirable use of land in accordance with a well considered plan.
6. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to enhance the City's tax revenue.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. **Rental space for storage of vehicles** §98-4.29
2. **Accessory buildings** and **accessory uses** customarily incidental to any permitted uses §98-5.16
3. **Wireless communication facilities** and **services** §98-4.35
4. Other uses closely similar to any permitted uses

The following uses are permitted, subject to **Section 98-4.27**.

5. Warehousing and wholesale establishments
6. Light industrial uses
7. Laboratories, experimental, film, or testing
8. Warehouse, storage, transfer, electric and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holders. Railroad transfer and storage tracks. Heating and electric power generating plants, and all accessory uses
9. Building material storage and sales
10. Automobile repair station, automobile or other machinery assembly plants; painting and varnishing shops, and undercoating shops

B. PRINCIPAL PERMITTED USES

11. Dry cleaning plants
12. Indoor recreation facilities, such as tennis houses, ice arenas and other similar uses
13. **Contractor or builder's office** §98-4.28

C. SPECIAL LAND USES

1. **Lumber and planing mills** §98-4.30
2. **Metal plating, buffing and polishing** §98-4.31
3. Permanent efficiency-type manager's apartment not to exceed 500 square feet total living area
4. Uses of a similar and no more objectionable nature as those above, as determined by the Planning Commission
5. **Accessory buildings** and **accessory uses** customarily incidental to the above permitted uses §98-5.16



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[§]: None Specified
 Minimum lot width[§]: None Specified

Lot Coverage[§]

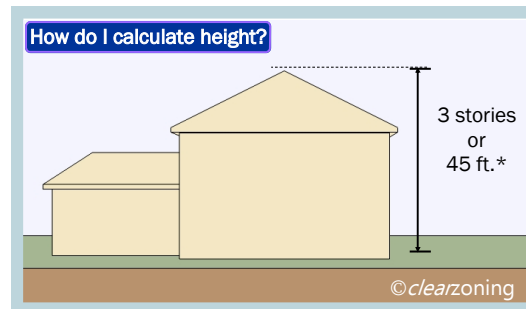
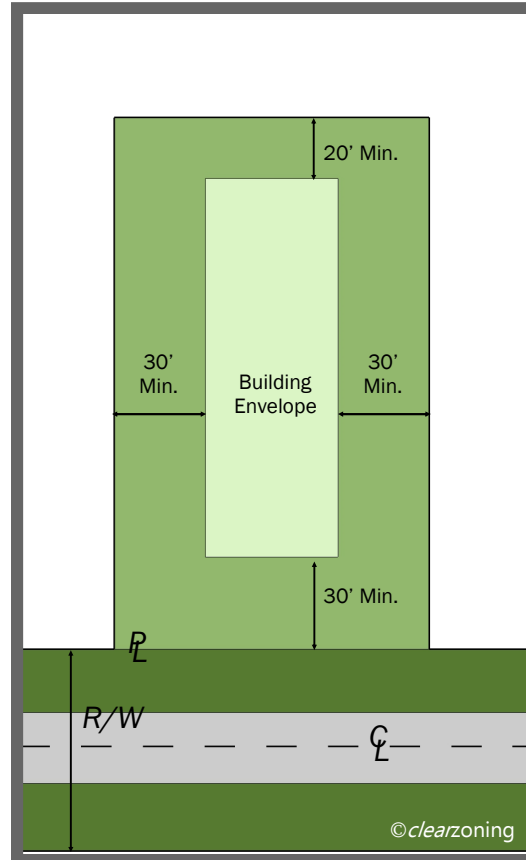
Maximum lot coverage: None Specified

Setbacks[§]

Minimum front yard setback: 30 ft.
 Minimum rear yard setback: 20 ft.
 Minimum side yard setback: 30 ft.

Building Height[§]

Maximum building height: 3 stories not to exceed 45 ft.*



The above drawings are not to scale.

Notes to District Standards:
 Section 98-3.32.B.15, 16

* See Section 98-3.44 for exceptions to height limitations.

SELECTED REFERENCES

98-3. Zoning Districts

- **Planned Unit Development** §98-3.22
- **Mixed Use** §98-3.23
- **O-R, I-A, I-B, and LIP Height Exceptions** §98-3.44

98-4. Use Standards

- **Public Buildings** §98-4.38
- **Domestic Employees Dwellings** §98-4.39
- **Removal of Soil, Sand...** §98-4.40
- **Disposal and Dumping...** §98-4.41

98-5. Site Standards

- **Refuse Disposal** §98-5.2
- **Stormwater Management Systems** §98-5.3
- **Exterior Lighting** §98-5.4
- **Off-Street Parking and Loading Regulations** §98-5.6
- **Landscaping Regulations** §98-5.7
- **Environmental Protection Controls and Regulations** §98-5.8
- **Front Yard Restriction** §98-5.10
- **Fences** §98-5.11
- **Principal buildings** §98-5.12
- **Open Storage of Obnoxious Matter** §98-5.13

98-5. Site Standards (Continued)

- **Public Improvements** §98-5.14
- **Regulated Wetlands and...** §98-5.15
- **Accessory Buildings and Uses** §98-5.16

98-6. Development Procedures

- **Site Plan Review** §98-6.1
- **Special Land Use Approval** §98-6.2

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A. INTENT

The intermediate industrial district is intended to accommodate manufacturing and industrial activities that, by their nature, may generate external effects. Such uses are restricted to the area of the district and shall minimize physical effects on adjacent uses. The I-B district is structured to permit uses found in the I-A districts, such as manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products as well as heavy industrial uses. All processing or storage of any material shall be enclosed and screened from view.

The objectives of the I-B use district include the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the city's future economic growth for selected types of manufacturing and related uses.
2. To protect abutting residential districts from the situations mentioned in the next succeeding paragraph by separating them from manufacturing activities.
3. To provide a wide range of employment opportunities.
4. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable environmental influences.
5. To promote the most desirable use of land in accordance with a well-considered plan.
6. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to enhance the city's tax revenue.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Light industrial uses[§]
2. Warehousing and wholesale establishments.
3. Laboratories, experimental, film, or testing.
4. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
5. Warehouse, storage, transfer, electric and gas service buildings and yards; water supply and sewage disposal plants; water and gas tank holders. Railroad transfer and storage tracks. Heating and electric power generating plants, and all accessory uses.
6. Building material storage and sales.
7. Automobile repair station, automobile or other machinery assembly plants; painting and varnishing shops, and undercoating shops.
8. Dry cleaning plants
9. Indoor recreation facilities, such as tennis houses, ice arenas and other similar uses
10. **Contractor or builder's office including a storage equipment yard** §98-4.28
11. **Rental space for storage of vehicles** §98-4.29

B. PRINCIPAL PERMITTED USES

12. **Wireless communications facilities**[§] §98-4.35
13. **Lumber and planing mills** §98-4.30
14. **Metal plating, buffing and polishing** §98-4.31
15. Permanent efficiency-type manager's apartment[§] not to exceed 500 square feet total living area.
16. Accessory buildings and accessory uses customarily incidental to the above permitted uses.
17. Other uses closely similar to the above permitted uses

C. SPECIAL LAND USES

1. Heavy industrial uses
2. Any use not listed in the Zoning Ordinance, provided such use is of a similar and no more objectionable nature as those above and meets the special land uses standards of this ordinance, as determined by the City Council
3. Accessory buildings and accessory uses customarily incidental to the above permitted uses



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[§]: None Specified
 Minimum lot width[§]: None Specified

Lot Coverage[§]

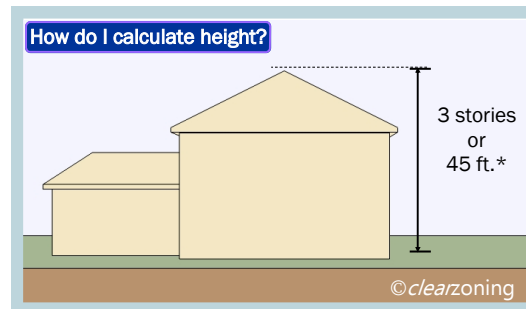
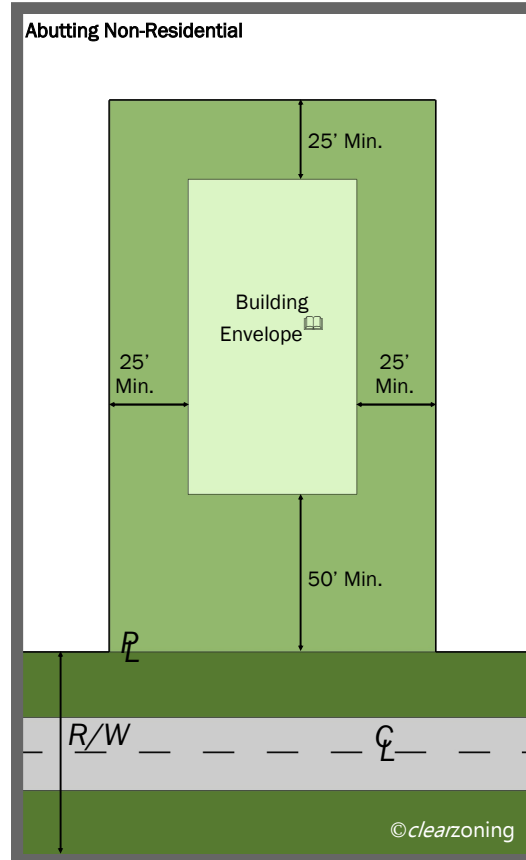
Maximum lot coverage: None Specified

Setbacks[§]

Minimum front yard setback: 50 ft.
 Minimum rear yard setback:
 Abutting residential 50 ft.*
 Abutting non-residential 25 ft.*
 Minimum side yard setback: 25 ft.*

Building Height[§]

Maximum building height: 3 stories not to exceed 45 ft..**



The above drawings are not to scale.

Notes to District Standards:
 98-3.32.B.15, 16

* Not applicable to side or rear yards adjacent to railroad rights-of-way.
 **See [Section 98-3.44](#) for exceptions to height limitations.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [Mixed Use](#) §98-3.23
- [O-R, I-A, I-B, and LIP Height Exceptions](#) §98-3.44

98-4. Use Standards

- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of soil, sand...](#) §98-4.40
- [Disposal and Dumping...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Environmental Protection Controls and Regulations](#) §98-5.8
- [Slope](#) §98-5.9
- [Front Yard Restriction](#) §98-5.10
- [Fences](#) §98-5.11
- [Principal buildings](#) §98-5.12

98-5. Site Standards (Continued)

- [Open Storage of Obnoxious Matter](#) §98-5.13
- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

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98-3.19 LIP Light Industrial Park

A. INTENT

Reserved for future use

i User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- 1. **Light industrial uses** ^{map} §98-4.24

C. SPECIAL LAND USES

- 1. **Wireless communication facilities and services** ^{map} §98-4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[§]: None Specified
 Minimum lot width[§]: None Specified

Lot Coverage[§]

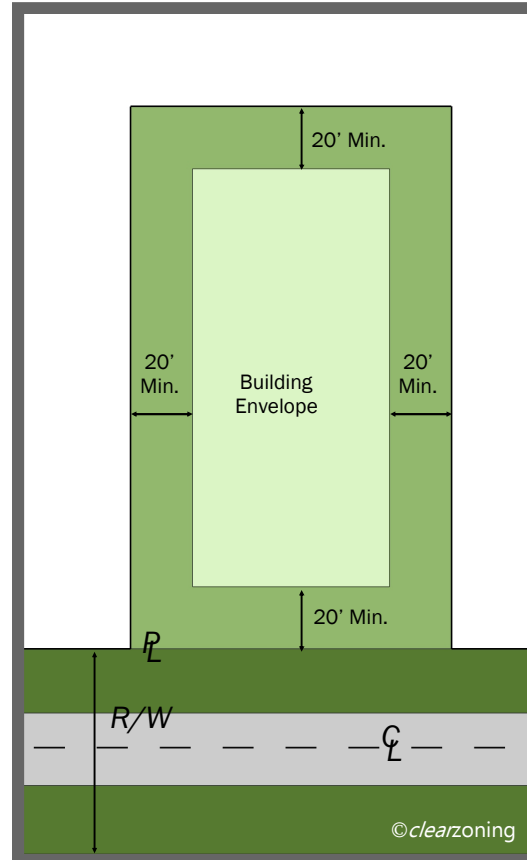
Maximum lot coverage: None Specified

Setbacks[§]

Minimum front yard setback: 20 ft.
 Minimum rear yard setback: 20 ft.*
 Minimum side yard setback: 20 ft.

Building Height

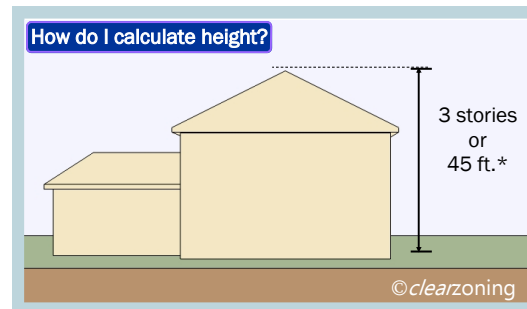
Maximum building height: 3 stories not to exceed 45 ft.**



Notes to District Standards: Section 98-3.32.B.15, 16

* When an LIP district is contiguous to a residential district, a greenbelt of not less than 45 feet shall be established and maintained between the contiguous industrial property and the property line of the nearest residential property. This greenbelt must be landscaped and fenced in accordance with the recommendations of the City Planning Commission and the City Council.

**See [Section 98-3.44](#) for exceptions to height limitations.



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [Planned Unit Development](#) §98-3.22
- [O-R, I-A, I-B, and LIP Height Exceptions](#) §98-3.44

98-4. Use Standards

- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping ...](#) §98-4.41

98-5. Site Standards

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- [Open Storage of Obnoxious Matter](#) §98-5.13

98-5. Site Standards (Continued)

- [Public Improvements](#) §98-5.14
- [Regulated Wetlands and...](#) §98-5.15
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

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A. INTENT

This district is established to promote the development of research and light manufacturing parks that may require access to inter-modal transportation. It is meant to provide for uses more intense than permitted in the office/research district, but less intense than those uses found in the I-A light industrial district. Developments within this district shall be designed to preserve and incorporate natural features such as wetlands, trees, wooded areas, floodplains and existing natural topography to the greatest extent possible.

i **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- 1. Distribution facilities
- 2. Electronics manufacturing/assembly (instruments and devices) or similar uses
- 3. Experimental product development
- 4. Laboratories[ⓘ] (testing, film, experimental)
- 5. Light assembly (limited to finished objects)
- 6. Light machining (non-production)
- 7. **Planned unit development** §98-3.22
- 8. Outdoor storage (as accessory use; materials, equipment or finished product)
- 9. Proto-type engineering/manufacturing
- 10. Warehousing
- 11. Accessory uses[ⓘ]

C. SPECIAL LAND USES

- 1. **Wireless communication facilities and services**[ⓘ] §98-4.35



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: None Specified
 Minimum lot width[☐]: None Specified

Lot Coverage[☐]

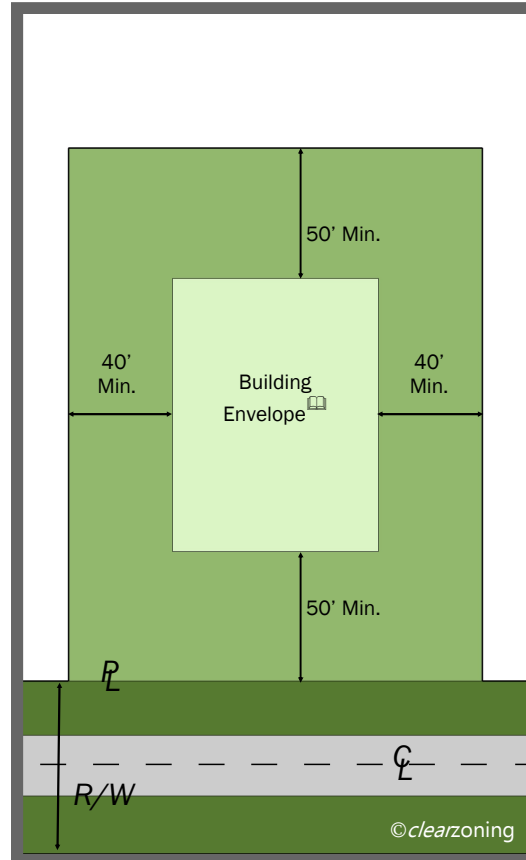
Maximum lot coverage: 70%

Setbacks[☐]

Minimum front yard setback: 50 ft. *
 Minimum rear yard setback: 50 ft.
 Minimum side yard setback: 40 ft.*

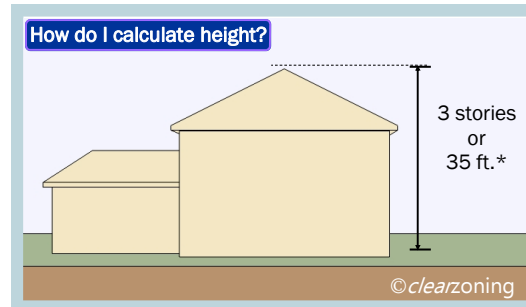
Building Height[☐]

Maximum building height: 3 stories not to exceed 35 ft.**



Notes to District Standards:
 Section 98-3.32.B.2, 3, 11, 15, 16

* No part of this yard can be used for parking and/or drive aisles.
 ** From average site grade as determined by the City Engineer.



The above drawings are not to scale.

SELECTED REFERENCES

98-3. Zoning Districts

- [RM District General Regulations](#) §98-3.46

98-4. Use Standards

- [Public Buildings](#) §98-4.38
- [Domestic Employees Dwellings](#) §98-4.39
- [Removal of Soil, Sand...](#) §98-4.40
- [Disposal and Dumping ...](#) §98-4.41

98-5. Site Standards

- [Refuse Disposal](#) §98-5.2
- [Stormwater Management Systems](#) §98-5.3
- [Exterior Lighting](#) §98-5.4
- [Traffic Study Requirements](#) §98-5.5
- [Off-Street Parking and Loading Regulations](#) §98-5.6
- [Landscaping Regulations](#) §98-5.7
- [Environmental Protection Controls and Regulations](#) §98-5.8
- [Front Yard Restriction](#) §98-5.10
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- [Principal buildings](#) §98-5.12

98-5. Site Standards (Continued)

- [Open Storage of Obnoxious Matter](#) §98-5.13
- [Public Improvements](#) §98-5.14
- [Accessory Buildings and Uses](#) §98-5.16

98-6. Development Procedures

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98-3.21 OPEN SPACE PRESERVATION OPTION

- A. At the option of the landowner, the specific area requirements set forth in [Section 98-3.2](#) may be reduced in order to promote the preservation of open space.
- B. A minimum of five acres of contiguous land is required to utilize this option.
- C. The overall number of dwelling units permitted under this open space preservation option shall be the same as the number of dwelling units that would have been under the requirements of [Section 98-3.2](#).
- D. Open space shall not be used for street or right-of-way purposes, utility installation, stormwater detention, or other purposes that serve developed areas or serve nonopen space interests, unless deemed appropriate by City Council.
- E. At least 30 percent of the land considered for development under this option must be reserved as open space. The open space shall be preserved perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land. All means of preservation must be reviewed and approved by City Council.
- F. The minimum area requirements for this option of development shall be in accordance with [Section 98-3.4 \(R-1 area regulations\)](#) of the Brighton City Code of Ordinances.
- G. The development of land under this open space preservation option is subject to all other applicable land development requirements of the City of Brighton, County of Livingston, and State of Michigan.

98-3.22 PLANNED UNIT DEVELOPMENT (PUD)

- A. PUD Regulations.
 - 1. PUD may be applied for in any zoning district. The approval of a PUD application shall require rezoning by way of amendment of this Chapter based upon a recommendation of the Planning Commission and approval of the City Council.

- 2. Any land use authorized in this Chapter may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- 3. The applicant for a PUD must demonstrate all of the following criteria as a condition to being entitled to PUD treatment:
 - i. Granting of the PUD will allow design flexibility that benefits the community and results in a better overall project than would be permitted under the existing zoning.
 - ii. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
 - iii. The proposed development shall be consistent with the public health, safety and welfare of the City.
 - iv. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - v. The proposed development shall be under single ownership and/or control such that there is a single entity having responsibility for completing the project in conformity with this Chapter.
 - vi. The proposed development shall be consistent with the goals and policies of the City of Brighton Master Plan.
- B. Procedure for Review.
 - 1. Preapplication conference. Prior to the submission of an application for PUD approval, the applicant shall meet with the City Manager, or his designee, together with any staff and consultants the City Manager deems appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the proposed PUD, as well as the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses; the number of acres to be occupied by each type of use; the known deviations from Ordinance regulations to be sought; and the number of acres to be preserved as open or recreational space.



2. Preliminary Plan. Following the preapplication conference, the applicant shall submit a preliminary site plan of the proposed PUD. The preliminary site plan shall be prepared in accordance with the standards set forth in Chapter 82, site plan review. A narrative report prepared by the applicant shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Chapter 82 have been met.
 - i. Planning Commission Action. The preliminary plan shall be noticed for public hearing before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:
 - a. Approval. Upon finding that the preliminary plan meets the criteria and standards set forth herein, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the Planning Commission shall not bind the City Council to approve the final plan.
 - b. Tabling. Upon finding that the preliminary plan does not meet the criteria and standards set forth herein but could meet such criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.
 - c. Denial. Upon finding that the preliminary plan does not meet the criteria and standards set forth herein, the Planning Commission shall deny preliminary approval.
3. Final Plan. Within six months following receipt of the Planning Commission approval of the preliminary plan, the applicant shall submit a final plan to the Planning Commission with supporting materials conforming to this Section. The final plan shall be consistent with the approved preliminary plan. If the final plan is not submitted by the applicant for final approval within six months following receipt of Planning Commission approval, the preliminary plan approval becomes null and void. The Planning Commission may grant a time extension upon receipt of a written request from the applicant provided the written request is received before the expiration of the six months.
4. PUD Contract Requirements. Prior to any permits being issued, the applicant shall submit to the Planning Commission for recommendation and to the City Council for approval a proposed contract setting forth the conditions upon which approval for the PUD is based. The contract after review by the Planning Commission and approval by the City Council, shall be entered into between the City and applicant, and recorded at the Livingston County Registrar of Deeds Office. The contract shall provide at a minimum:
 - i. The manner of ownership of the land;
 - ii. The manner of the ownership and dedication of open land;
 - iii. The restrictive covenants required for membership rights and privileges, maintenance and obligation to pay assessments for the open land;
 - iv. The stipulations pertaining to commencement and completion of the phases of the development, to construction, installation, repairs and maintenance of improvements, to obligations for payment of any costs, expenses or fees planned or reasonably foreseen, and to the manner of assuring payment of obligations;



- v. Provisions for the City to effect construction, installation, repairs and maintenance and use of public utilities, storm and sanitary sewers and drainageways, water, streets, sidewalks and lighting, and of the open land and improvements thereon, and any other conditions of the plan, and the manner for the assessment and enforcement of assessments for the costs, expenses, or fees incidental thereto against the applicant, or the future owners or occupants of the PUD.
 - vi. The final development plan, site analysis, and general development plan shall be incorporated by reference and as exhibits;
 - vii. Provisions reasonably and necessarily intended to effect the intent of this Section, or the conditions of the approval of the plan for the public health, safety, morale, and general welfare of the City.
 - viii. Other provisions, stipulations and conditions required by the City Council as part of the site plan review process.
5. Information Required. An application for a PUD shall contain the following information:
- i. A final site plan meeting all requirements of Chapter 82.
 - ii. A separately delineated specification of all deviations from this Chapter which would otherwise be applicable to the uses and development proposed in the absence of the application of the PUD Section.
 - iii. A specific schedule of the intended development and construction details, including phasing or timing.
 - iv. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - v. A specification of the exterior building materials with respect to the structures proposed in the project.
 - vi. Signatures of all parties having an interest in the property at the time of submission.
 - vii. Identify the person or entity who will have control over the project.
6. Planning Commission Action. The final plan shall be noticed for public hearing as a rezoning before the Planning Commission, and otherwise acted upon by the Planning Commission, as provided by law.
- i. Approval. Upon finding that the final plan meets the criteria and standards set forth in Chapter 82, the Planning Commission may recommend approval of the plans, with or without conditions.
 - ii. Tabling. Upon finding that the final plan does not meet the criteria and standards set forth in Chapter 82, but could meet such criteria if revised, the Planning Commission may table action until a revised final plan is resubmitted.
 - iii. Denial.
 - a. Upon finding that the final plan does not meet the criteria and standards set forth in Chapter 82, the Planning Commission shall deny the final plans.
 - b. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project, including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.
7. City Council Action. The final plan shall be noticed for public hearing as a rezoning before the City Council, and otherwise acted upon by the City Council, as provided by law.
- i. Upon receiving a recommendation from the Planning Commission, the City Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the City Council shall approve, approve with conditions, table or deny the final plan.



- ii. Within a reasonable time following the hearing, the City Council, or its designee, shall prepare a report stating the City Council’s conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.
 - iii. Prior to approval of a final plan, the City Council shall require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the City Attorney, approved by the City Council, and signed by both the City and the applicant.
- C. Project design standards.
- 1. General Design Standards.
 - i. Deviations from the applicable setbacks, parking and loading, general provisions, and other requirements may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the City Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.
 - ii. Where nonresidential uses are adjacent to other uses, there shall be a perimeter setback and berming, for the purpose of buffering the development in relation to surrounding properties. Such perimeter setback shall be established at the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
 - iii. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
 - iv. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.
 - v. Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the City.
 - vi. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
 - vii. Where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The City, in its discretion, shall review and approve the design and location of such mechanisms.
 - viii. The Planning Commission shall resolve all ambiguities as to applicable regulations using this Chapter, Master Plan, and other City standards or policies as a guide.
 - 2. Residential Design Standards.
 - i. Project density shall be based on the density permitted in the zone district in which the property is situated immediately prior to classification under this Section. Additional density for residential uses is permitted, subject to approval recommendation by the Planning Commission and approval by the City Council. The approved density shall be based upon a demonstration by the applicant of the following:
 - a. Consistency with the Master Plan;
 - b. Innovative planning and design excellence;
 - c. Relationship to adjacent land uses;
 - d. Pedestrian and/or vehicular safety provisions;
 - e. Aesthetic beauty;

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- f. Provisions for the users of the project; and
 - g. Demonstration that design flexibility will benefit the community and results in a better overall project than would be permitted under the existing zoning.
3. Nonresidential Design Standards.
- i. Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.
 - ii. The nonresidential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- D. Specific Standards for PUDs in the R/M District. The planned unit development (PUD) is intended to encourage innovative, mixed land use, site design, and traffic management that preserves and incorporates existing topography, vegetation and open space. This is accomplished by providing flexibility in the R/M district use regulations, setback and height standards, when the developer has demonstrated that the goals of the PUD have been met. All other applicable requirements of the R/M district shall apply to the PUD.
- 1. Provisions of PUD. Any proposed use or combination of uses not ordinarily permitted in the R/M zoning district but approved as part of a PUD, shall not occupy for any purpose, more than 50 percent of each lot or 50 percent of the overall research/manufacturing park site, except commercial uses, which may account for no more than 35 percent of the overall research/manufacture. Commercial uses may account for 35 percent. Each proposed use not found in the R/M district shall be specifically identified and detailed. General retail, professional offices (not accessory to a research or manufacturing facility), medical offices and / or restaurants, are examples of compatible uses not permitted in the R/M district. Any land use found in the I-B intermediate industrial district, or a use of the same intensity as the uses found in the I-B intermediate industrial district, shall not be permitted in the R/M PUD. Reductions in

- setback requirements and flexibility in building and fence heights may also be permitted if it is demonstrated that they enhance the project and no detrimental impact to surrounding properties or public rights-of-way.
- 2. Requirements for PUD Approval. In order to obtain PUD approval, the site development plan shall clearly identify and demonstrate how existing, natural topography and vegetation is proposed to be preserved, identify innovative combination of land uses and site design techniques, and identify areas of preserved, significant open space. Identify on and off-site infrastructure systems and the applicants' schedule for implementation and existing and forecasted traffic changes and how traffic management and access issues will be resolved.
- E. Conditions May be Required. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
- F. Phasing and Commencement of Construction.
- 1. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Planning Commission.



2. Commencement and Completion of Construction. To ensure completion of required improvements, the City is authorized to impose performance guaranties in accordance with Chapter 82, Assurance required. Substantial construction shall be commenced within one year following final approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant. If construction is not substantially commenced and continues within such time, approval of the PUD shall expire and be null and void. However, an extension for a specified period may be granted by the City Council in accordance with Chapter 82, Limit on site plan approval. Moreover, in the event approval of the PUD has expired, the City Council shall require a new application which shall be reviewed in light of then existing and applicable law and Ordinance provisions.

G. Effect of Approval. When approved, the PUD with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Livingston County Register of Deeds

98-3.23 MIXED USE

- A. Authorized.
 - 1. When it is in the mutual interest of the City and a property owner, the Planning Commission may recommend a carefully integrated combination of two or more land uses permitted elsewhere in the City.
 - i. In the O-R district, industrial uses are not permitted
 - ii. In the I-A district, I-B district uses are not permitted
 - 2. The purpose of such a mixed use development is to recognize the widest range of development opportunities for a property owner within guidelines reasonable to the interests of the City, its citizens and the contemplated property.
 - 3. The development shall be considered on the basis of its favorable contribution to the environmental and economic well-being of the City and the ability of the developer to assure the completion of the proposed project within his submitted plans.

B. Purpose. The purpose of the mixed use development shall be to permit:

- 1. In the C-4, O-R, and I-A districts.
 - i. The maximum choices of land uses available to a developer; allowing a development that would not be possible under the strict application of this Chapter.
 - ii. An efficient use of the land that results in more economical networks of utilities, traffic flow and other facilities.
 - iii. A land use which promotes the public health, safety, comfort, morals and welfare and which contributes significantly to the tax base of the community and the opportunities for a range of employment without making undue demands on community services.
 - iv. A reasonable balance between the interests of the property owner for freely developing his property and the interests of owners of surrounding properties and other citizens of the community.
 - v. A development incorporating two or more uses which are planned and developed as an integrated unit.
- 2. In the C-4 and O-R districts.
 - i. A creative approach to the use of land and related physical facilities that will result in a better development, improved design and substantial contribution to the quality of life in the City.
 - ii. Enhancement of the environment both on the site itself and in the surrounding area and on the flow of vehicular traffic.
- 3. In the I-A district.
 - i. A creative approach to the use of land and related physical facilities that result in better development and design.
 - ii. Protection of the environment both in the area itself and in the surrounding area.

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- C. Preapplication Procedure. Prior to the filing of an application for approval of a project development plan, the developer may request from the Planning Commission an informal meeting to discuss any future project considerations. Such meeting shall be open to the public and included in the agenda published in advance of the meeting. Recommendations or opinions of the Planning Commission at these informal meetings are purely advisory and are not binding. This preapplication meeting is not mandatory and does not require formal application or fee.
- D. Formal Request. Formal requests for project development plan approval shall be reviewed by the Planning Commission.
 - i. In the C-4 district, the Planning Commission must make a recommendation and forward their findings and the request to the City Council for action within 93 days from the date the formal request first appears on the agenda of the Planning Commission.
 - ii. In the O-R district, after a hearing before and recommendations by the planning commission, the request shall be forwarded to the city council for review and approval or denial within 90 days of the date of final review by the planning commission.
 - iii. In the I-A district, after a hearing before and recommendations by the Planning Commission, the request shall be forwarded to the City Council for review.
- E. Preliminary and Final Plat. Submittal and approval of preliminary and final plats under this Section shall be governed by applicable state and City regulations.
- F. Standards. Mixed use project development plans must meet the following standards:
 1. Size. The site of the project development plan must be under single ownership or unified control and of not less than three acres in area in the C-4 and I-A districts and not less than ten acres in area in the O-R district. The developer shall submit to the City evidence of a deed restriction ensuring that the property will remain of the size as approved by the City.
 2. Economic Impact.
 - i. In the C-4 district, a project development plan shall have a substantial positive influence upon the market value of surrounding properties and it shall cause no substantial impairment of the use of these properties by present owners.
 - ii. In the O-R and I-A districts, A project development plan shall exercise no measurable detrimental influence upon the market value of surrounding properties and it shall cause no substantial impairment of the use of these properties by present owners. A showing of favorable economic impact on the community must be made by the developer.
 3. Environmental Protection. It must be shown that the proposed project development plan will not adversely affect the environment. Scenic assets and natural features such as trees, streams, topographical and geological features shall be protected and preserved to the greatest extent possible.
 4. Design. A harmonious design including a variety of building types shall be encouraged.
 5. Frontage.
 - i. In the C-4 district, each development shall have a minimum of 300 feet of continuous frontage on at least one public right-of-way.
 - ii. In the O-R district, each development parcel shall have a minimum of 400 feet of continuous frontage on adjacent public rights-of-way.
 - iii. In the I-A district, each development shall have a minimum of 200 feet of continuous frontage on a single public right-of-way.
 6. Side and Rear Yard Regulation.
 - i. In the C-4 district, every structure herein erected shall provide two side yards and a rear yard of not less than 30 feet each.
 - ii. In the I-A district, every structure herein erected shall provide two side yards and a rear yard of not less than 30 feet each unless the use district to which the building relates requires a greater distance, in which case the greater distance will be used.



7. Front Yard. In the I-A district, every structure herein erected shall provide a front yard of not less than 50 feet each.
8. Screening and Landscaping.
 - i. In the C-4, O-R and I-A districts, fences, walls, or dense, mature vegetative screening shall be provided at the perimeter of the project development plan when adjacent to residential property and where necessary to screen improvements, glare, uses or other influence having an adverse impact on other adjacent property. Such screen shall be a minimum of six feet high or of such additional sufficient height to minimize the impact of such adverse elements on any use located either within or adjacent to the project development plan and shall be approved by the Planning Commission.
 - ii. In the C-4 district:
 - a. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than 15 feet wide except at points of approved vehicular access to the street.
 - b. In addition to the landscaping required above, not less than five percent of the site, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five feet shall be considered in the five-percent minimum landscaping requirement.
 - c. Refuse receptacle areas shall be screened with a masonry screenwall with a gate to achieve a six-foot high visual barrier. All materials shall complement the exterior of the building.
9. Traffic.
 - i. In the C-4, O-R, and I-A districts, the site shall border on public roads adequate to carry the traffic that will be imposed upon it by the proposed development. The streets and driveways at the site of the proposed development shall be adequate to serve the residents or occupants of the

- proposed development. Traffic control signals shall be provided without expense to the City when the Planning Commission determines that such signals are required to prevent or minimize actual or anticipated traffic hazards or congestion in adjacent streets. Access points shall be designed to provide smooth traffic flow, control turning movements, and minimum hazard to vehicular or pedestrian traffic.
- ii. In the C-4 district, merging and turn-out lanes shall be provided as recommended by the Planning Commission. There shall be only one point of access per street frontage to the parking area which may be within the front yard. The access drive shall be no greater than 24 feet wide. An additional point of access and/or a driveway greater than 24 feet wide may be considered by the Planning Commission based on a traffic study or design analysis substantiating improved traffic flows.
 - iii. In the O-R and I-A districts, merging and turn-out lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need.
10. Public Services. At the request of the Planning Commission an impact analysis shall be prepared demonstrating that the project development plan does not impose an undue burden on public services and facilities such as fire and police protection, schools, traffic, water, sanitary sewer, and stormwater runoff.
 11. Covenants and Easements. The project development plan shall at the request of the Planning Commission contain such proposed covenants, easements, and other provisions relating to the bulk, location and density of residential buildings, nonresidential uses and structures, and public facilities as are necessary for the welfare of the proposed development and are consistent with the best interest of the City and surrounding areas. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the City Council upon recommendation of the Planning Commission.

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12. Open Space. The developer shall provide for and establish an organization or other legal entity for the ownership and maintenance of any common open space designated on the project development plan. Such organization shall be created by covenants running with the land and such covenants shall be included as part of the development plans and subject to approval by the City Council. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space for the purpose of benefiting the owners and residents of the development), without first offering to dedicate the space to the City.
13. Off-street Parking Facilities.
 - i. In the C-4, O-R, and I-A districts, off-street parking facilities shall be provided as hereinbefore specified in Article III for each use specifically included in the development plan.
 - ii. In the C-4 district, all parking and related driveways shall be completely enclosed with cast-in-place six-inch high reinforced concrete barrier curbs.
14. Interior Space. All requirements listed in this Chapter regarding the size of the interior building spaces are to be met.
15. Project Signage. The project plan shall include signage. Upon the recommendations of the Planning Commission the sign regulations as set forth in this Code for a land use category may be employed as the controlling criteria as a means of integrating the mixed use development with signage requirements of similar uses elsewhere in the community.
16. Partial Development. In the O-R and I-A districts, the Planning Commission may designate visual geographic sections of the entire parcel to be developed as a unit, and shall in such case, specify reasonable periods within which development of each unit must be commenced. In the case of a project development plan which contains multiple residential buildings, the Planning Commission may permit in each unit deviations from the number of dwelling units per acre, provided such deviations shall be adjusted for in other sections so that the total number of dwelling units per acre is not affected. The period of time

established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the City Council upon showing of good cause by the developer.

17. Project Wastewater Allocation. In the I-A district, in view of the important community values expected from developments under this Section including beneficial employment, necessary community services, and expanded tax base, the waiting period of this Code shall be reduced from the six-month waiting period required of all other developments to a waiting period of one month.
18. In the C-4 district, any mixed use development shall comply with the standards and regulations listed in [Section 98-3.41](#), except for signage covered above in subsection (15) of this Section.

98-3.24 ZONING MAP

The areas comprising the zoning districts and the boundaries of such districts, as shown upon the map attached hereto and made a part of this Chapter, being designated as the Zoning Map of the City of Brighton with all proper notations, references and other information shown thereon such map, shall be as much a part of this Chapter as though described herein; provided, however, that where uncertainty exists with respect to the boundaries, the rules set forth in [Section 98-3.25](#) shall apply.

98-3.25 BOUNDARIES OF DISTRICTS

The boundaries of zoning districts, as shown on the map made a part of this Chapter, unless otherwise shown, are street lines, alley lines or the subdividing boundary lines of recorded plats, or the exterior lines of such plats, or the recorded boundaries of unplatted land.



98-3.26 ANNEXED TERRITORIES

- A. All territory which may hereafter be annexed to the city shall be considered unzoned. Thirty days before the completion of proposed annexation the Planning Commission shall recommend to the City Council the zone in which the proposed annexed land should be placed. The City Council shall begin procedures to zone the newly annexed land within seven days following the date of annexation. Annexed land shall be placed in a zone by ordinance of the Council within 60 days after the date of annexation.
- B. No building permits shall be issued for construction or alteration on unzoned land.

98-3.27 VACATED STREETS OR ALLEYS

Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

98-3.28 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this Chapter.

98-3.29 OCCUPIED SPACE

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other projections shall be considered as part of the building and not as part of the yards or courts or unoccupied space, provided, however, that this provision shall not apply to one fireplace or one chimney projecting not more than 12 inches into side yard space, and not more than eight feet in length, nor to platforms, terraces or steps below the first floor level, nor to unenclosed porches or other ground level projections not over one story in height which may extend into a front or rear yard not more than 12 feet or into a side yard not more than eight feet, but not nearer than 20 feet from a front or rear line or not nearer than seven feet from a side boundary, nor to cornices not exceeding 16 inches in width including the gutter.

98-3.30 UNPLATTED AREAS

No unplatted areas shall be platted or divided until such time as streets are dedicated and laid out to conform with the adjoining platted property and approved by the City Council, and such other bodies as required by law, and no lot shall be divided so that the depth is greater than four times the front width.

98-3.31 GENERAL RESTRICTIONS

Except as hereinafter provided:

- A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- D. The minimum yards and other open spaces, including lot area per family, required by this Chapter for each and every building existing at the time of passage of this Code or for any building hereafter erected shall not be encroached upon nor considered as yard or open space requirements for any other buildings, nor shall any lot area be reduced beyond the district requirements of this Chapter.
- E. Every building hereafter erected or structurally altered shall be located on a lot or lots as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Chapter.

98-3.32 NOTES TO DISTRICT STANDARDS

- A. Applicability. The notes contained in Section 98-3.32.B are additions, exceptions, and clarifications to the district standards contained in Sections 98-3.1 to 98-3.20. The applicability of individual notes to each district is provided in the tables on the following pages.



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B. Notes to District Standards:

1. Minimum front yard setback standards must be met unless 40 percent or more of the frontage on the same side of the street between two intersecting streets is developed with buildings that have observed a greater or less depth of front yard, having a variation in depth of not more than ten feet in relation to one another, in which case the average front yard so established shall apply.
2. Where sites have more than one front yard, the required front yard shall be provided for each.
3. The front line of a building shall not be further from the street than the rear line of an adjoining building nor shall the rear line of a building be closer to the street than the front line of an adjoining building.
4. No accessory building shall project beyond the front line on either street.
5. Wherever a lot of record existing on July 17, 1964, has a width of 80 feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet .
6. If a lot has less area or width than herein required and was of record at the time of the passage of the Ordinance from which this Section was derived, and such lot is ample in size to supply a safe water supply, a safe and adequate sewage disposal system, as established and required by state and county health department rules and regulations, that lot may be used for any of the uses permitted by this Article. However, no such lot shall be less than 7,200 square feet in area nor less than 60 feet in width.
7. These lot area requirements shall not apply to any lot which at the time this requirement became effective as to which lot was narrower at the street line or lesser in area than the specifications herein provided, if such lot was of record at that time, and such lot is ample in size to supply a safe water supply and a safe and adequate sewage disposal system, as established and required by state and county health department rules and regulations.
8. Lot coverage requirements shall not apply to any lot which at the time this requirement became effective as to such lot was lesser in area than the specifications herein provided if such lot was of record at that time.
9. When an existing residential structure is converted to multiple-dwelling, business, or office purposes, the existing building shall not be added to or structurally changed in such a way as to occupy a height greater than the height it presently occupies.
10. Water Bodies.
 - i. In the R-3 and R-4 district, in cases where a development site includes a natural flowing or standing water body no development of any kind can be constructed within 50 feet of the ordinary high water mark of such water body. In the R-5 district, the setback from the ordinary high water mark of natural flowing or standing water body shall be 25 feet. Any development permitted within the setback of the R-3, R-4, and R-5 districts shall be limited to pathways and pedestrian furnishings that permit pedestrian access to the water body as part of an overall approved site plan. Where applicable, any site area lying within the water body or the required setback from such water body may only be calculated at one-half its actual area in determining the number of permitted dwelling units that may be erected upon the lot or development site..
 - ii. In the SHD district, in cases where a development site includes a natural flowing or standing water body no development of any kind can be constructed within 40 feet of such water body.



11. Landscaping and Topographic Features.

i. In the R-3, R-4, R-5, R-T, C-3, C-4, O-R, and O-S districts, existing trees and shrubbery and other prominent landscaping elements or topographic features shall not be removed or altered so as to change the prevailing visual and environmental character of the site or surrounding neighborhood. In cases where site modifications and improvements for parking, roadways, utilities, principal or accessory buildings, or site access require the removal of trees or shrubbery, new trees and shrubbery shall be replanted adjacent to the modified area providing an aggregate diameter or volume matching or exceeding the diameter or volume of the trees or shrubbery removed. If the City Council, upon recommendation from the Planning Commission, finds that there is not sufficient room or suitable soils

or ground conditions to replant adjacent to the modified area, as specified above, it may approve an alternative location in the city for the replanting.

ii. In the SHD district, existing trees and shrubbery and other prominent landscaping elements or topographic features shall be retained to the extent practicable to preserve the prevailing visual and environmental character of the site or surrounding neighborhood. In cases where site modifications and improvements for parking, roadways, utilities, principal or accessory buildings, or site access require the removal of trees or shrubbery, new trees and shrubbery shall be replanted adjacent to the modified area to the extent reasonably practicable.

98-3.32.B.1 Applicability of Notes to District Standards									
Note to District Standard	Residential Districts								
	A-1	A-2	R-1	R-1-0	R-3	R-4	R-5	R-T	SHD
1	✓	✓	✓	✓	✓	✓		✓	
2	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	✓	✓	✓	✓	✓	✓		✓	✓
4	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	✓								
6	✓								
7	✓	✓	✓	✓					
8	✓	✓							
9					✓			✓	
10					✓	✓	✓		✓
11					✓	✓	✓	✓	✓
12					✓	✓	✓		
13									
14	✓	✓	✓	✓	✓	✓	✓	✓	✓
15	✓	✓	✓	✓	✓	✓	✓	✓	✓
16		✓	✓	✓	✓	✓	✓	✓	✓



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98-3.32.1 Applicability of Notes to District Standards

Note to District Standard	Commercial Districts										
	C-1	C-2	C-3	C-4	DBD	O-R	O-S	I-A	I-B	LIB	RM
1			✓	✓			✓				
2			✓	✓		✓	✓				✓
3			✓	✓		✓	✓				✓
4			✓	✓		✓	✓				
5											
6											
7											
8											
9			✓	✓			✓				
10											
11			✓	✓		✓	✓				✓
12											
13						✓					
14			✓	✓			✓				
15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
16	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓

- iii. In the RM district, Significant, existing vegetation and topography shall be maintained and incorporated into the site design. A landscape plan with existing vegetation and proposed landscaping is required. An inventory including type and caliper of existing, on-site trees, shall be included with the landscape plan. All landscaped areas shall include an irrigation system.
- 12. Roadway and Parking Clearances. On-site private roadways and parking areas may be located in the side and rear yards. However, no roadway or parking area can be constructed closer than ten feet (five feet in R-5) to the nearest property line, nor may any private roadway be closer than 15 feet to any surface or projections of a dwelling structure (10 feet in R-5). In the R-5 district, access to the rear of lots via an backstreet or private drive, where the backstreet or road straddles a rear or side lot line, may be approved as part of a site plan if 1) appropriate easements are recorded or right-of-way is dedicated, 2) the access plan will provide safe and reasonable access to the impacted lots, 3) the access proposal is consistent with safe and efficient traffic flow in the neighborhood, 4) safe and sufficient emergency access is provided, and 5) there is at least 20 feet of non-obstructed pavement width provided in the backstreet or private access drive serving adjacent lots. These backstreets and drives are intended to be low-volume, two-way access streets and they shall not be blocked with parking, trash receptacles or other obstructions.
- 13. Where natural flowing streams or ponds occur on a site, the area of such water system shall constitute only one-half of the permissible usable site area.



14. Where a lot is located at the intersection of two or more streets there shall be a front yard on each side street of a corner lot, except that, with the exception of the SHD and O-R districts, the buildable width of such lot shall not be reduced to less than 30 feet. In the SHD district, the minimum buildable width shall not be reduced to less than 35 ft. In the O-R district, a minimum buildable lot width has not been established. In the R-5 district, where a lot is located at the intersection of two or more streets there shall be a front yard on each side street of a corner lot.
15. Measurement of rear lot. Whenever there is a public alley at the rear of a lot upon which the lot abuts for the full width, measurements of the depth of any abutting rear yard, required under this Chapter, may be made to the centerline of such alley
16. Each parcel of real estate within the City, with the exception of those in the DBD district, shall provide a minimum of 66 feet of frontage on an improved public right-of-way. This standard does not apply to platted residential lots.

(Amended by Ord. No. 582, Pt. 5, 8-2-2018)

98-3.33 EXCEPTIONS AND VARIATIONS TO USE, HEIGHT, AREA REGULATIONS

- A. Effect of this Section. The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.
- B. Height of Public and Semipublic Buildings. The height of public or semipublic buildings, churches, cathedrals, temples, hospitals, sanitariums or schools shall not in any case exceed 60 feet, and if the height of any such building exceeds the height allowed in the district concerned, then any such building shall be set back from all lot lines not less than one foot in addition to the required yard dimensions for each foot such buildings exceed the height allowed in the district concerned. In no event shall the height of any building exceed 75 feet.

- C. Height of Certain Structures, when not Included. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, penthouses, stacks, stage towers, or scenery lofts, tanks, water towers, pumping towers, radio towers, television antenna, monuments, cupolas, and mechanical appurtenances pertaining to and necessary to the permitted uses of the district in which they are located, shall not be included in calculating the height of the principal structure.
- D. Height of One- and Two-Family Dwellings. In the A-1 and A-2 districts, dwellings may be increased in height by not more than ten feet when two side yards of not less than 15 feet each are provided. Such dwellings, however, shall not exceed three stories in height.
- E. Height of Parapet Walls. Parapet walls may extend not more than five feet above the allowable height of a building.
- F. Yards. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed 12 inches.
- G. Storage Buildings. Buildings that are to be used for a storage purpose only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.
- H. Temporary Buildings. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.
- I. Railroads and Utilities. Existing railroads and public utility buildings or enclosed or fenced structures may continue to be operated and maintained in dwelling and commercial districts, but no new railroad or utility buildings or enclosed or fenced structures shall be established in such districts except when so authorized by the City Council.

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J. Council Approval Required.

1. The owner of any tract of land comprising an area of not less than five acres may submit to the City Council a plan for the use and development of all the tract for residential and allied purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearing. The plan shall then be submitted to the City Council, with the recommendation of the Planning Commission, for consideration and action. The recommendation and considerations of the Planning Commission shall be accompanied by a report stating the reasons for approval or rejection of the application and if the recommendation is for approval, specific evidence and facts showing that the proposed community unit plan meets with the following conditions.
 - i. The property adjacent to the area included in the plan will not be adversely affected.
 - ii. The plan is consistent with the intent and purposes of this Chapter to promote public health, safety, morals, and general welfare.
 - iii. The buildings shall be used only for single-family dwellings, two-family dwellings, or multiple-dwellings, and the usual accessory uses such as private or storage garages, storage space, and the community activities, including churches.
 - iv. The buildings do not exceed the height regulations of the district in which the development is located.
 - v. The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.
2. If the Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

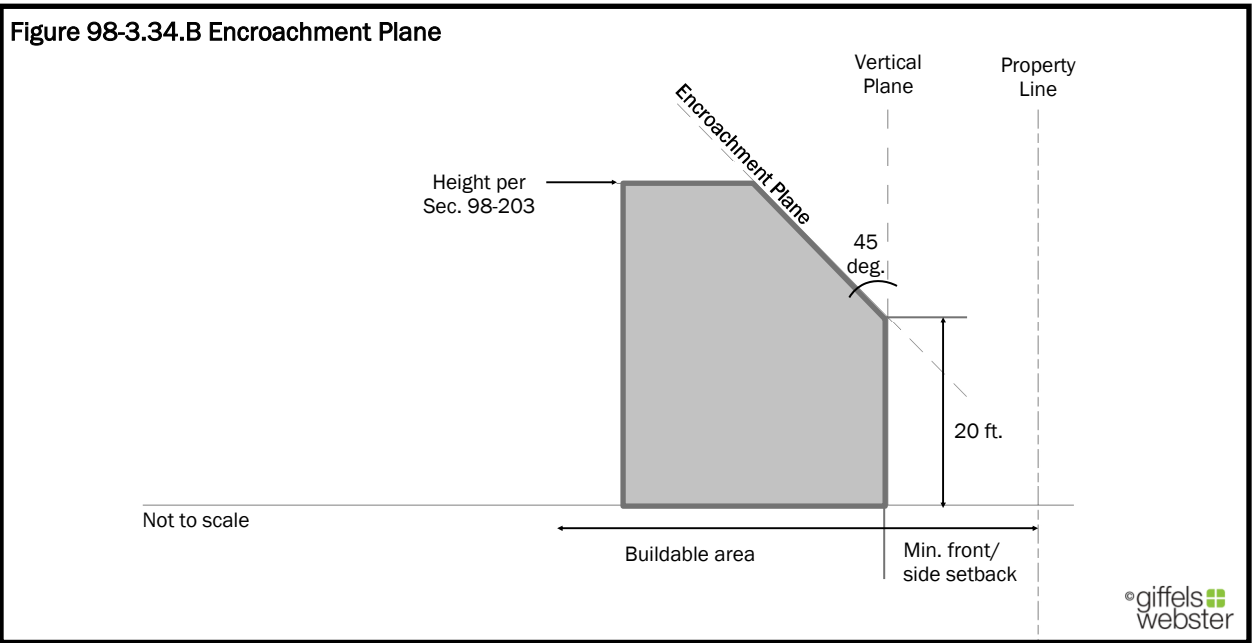
98-3.34 R-1-O GENERAL REGULATIONS

Maximum lot coverage may be increased to 35 percent of the area of such lot if the following standards are met:

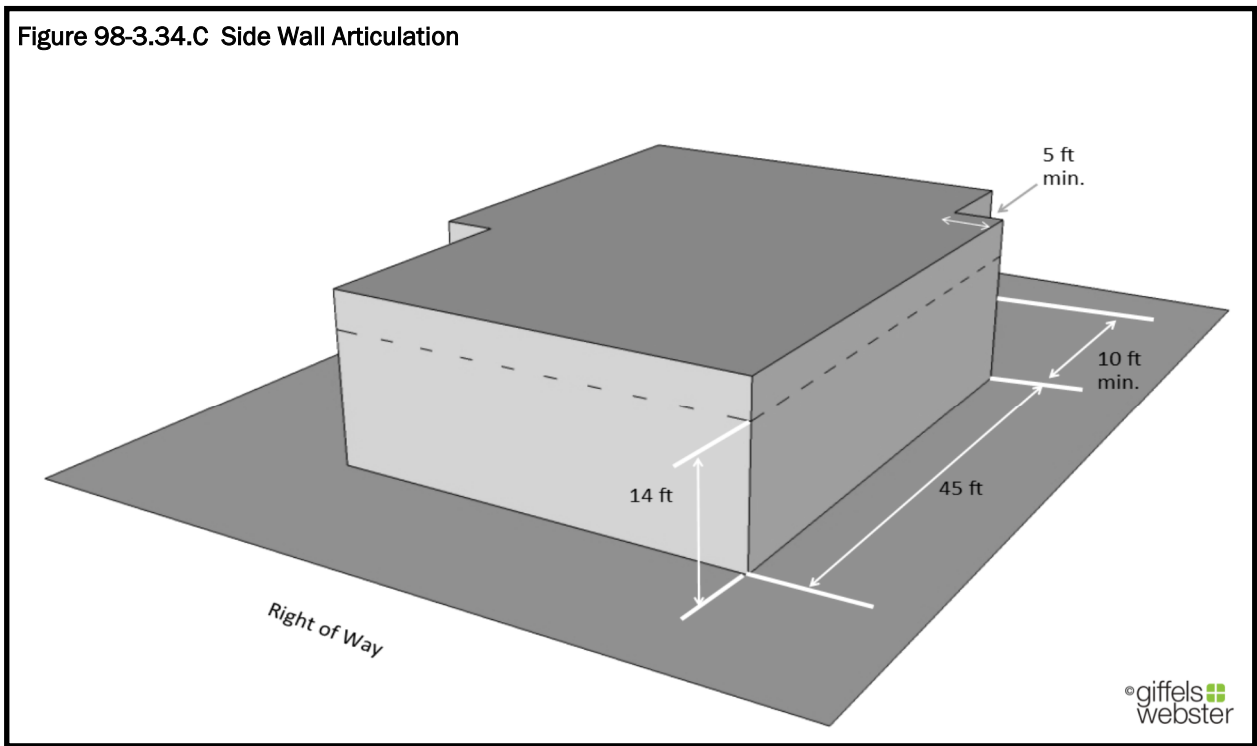
- A. Residential Garages:
 1. A private, attached, single-family residential garage shall not occupy more than 50% of a linear building width of a principal residential building that faces a street, and must be setback a minimum of five feet from the portion of the front façade on the first floor of a principal residential building that is furthest setback from the front property line.
 2. Garage doors on an attached garage which are facing a street may not exceed nine (9) feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than eight (8) inches wide.



B. Encroachment Plane. Buildings shall not intersect a plane, commencing 20 feet in height at the minimum required front and side yards and extending at an angle of 45 degrees from the vertical toward the interior of the site. The encroachment plane restriction does not apply to roof structures and equipment allowed by Section 98-3.33, Height of certain structures, when not included. ✎



C. Side Wall Articulation. For buildings or structures with a height greater than 14 feet and which have a side wall exceeding 45 feet in length, a plane break shall be added that is a minimum of five feet in depth beyond the required side yard setback and a minimum of ten feet in length. ✎



98-3.35 MULTILE-FAMILY RESIDENTIAL DISTRICTS

A. All development in the R-3, R4, and R-5 districts shall be subject to the following standards:

1. Before construction, alteration, moving or demolition affecting any structure or site improvement is made within this district, the person proposing to undertake such construction or site changes shall file an application for site plan review. The application shall be referred together with plans and other information pertaining thereto to the Planning Commission which shall review such plans and applications. No construction permit shall be granted until the commission and City Council have acted thereon as hereinafter provided.
2. If the project as described on the site plan is not to be undertaken with the payment of all permit and other required fees in a single payment upon the first initiation of work, it shall be considered a phased project which must be reviewed and acted upon as separate stages by the Planning Commission and City Council.
3. The developer shall provide adequate on-site recreation amenities, such as children playlots, boardwalks, swimming pools, and sport courts for use by occupants of the development.
 - i. The developer shall provide suitable pedestrian circulation systems, such as concrete sidewalks, biking paths, and jogging paths on site.
 - ii. The developer shall coordinate on-site circulation with similar public systems and shall construct such public systems as required.
 - iii. The minimum clear width of all pedestrian circulation systems shall be no less than four feet.
 - iv. No roof drainage shall be discharged upon, drip on, or flow over any pedestrian circulation system. Roof drainage shall be collected and discharged by underground system.
4. In reviewing plans, the Planning Commission shall give consideration to the following:
 - i. The proposed land use, including its adherence to the intent of this zoning district and the City's Comprehensive (Master) Plan.
 - ii. The community value and economic significance of the site and its relationship to the character of the surrounding area.
 - iii. The relationship of the exterior architectural features of the structures to the surrounding area and the concealment of public utilities and other private utilities and fixtures.
 - iv. The general compatibility of exterior design, landscaping, walls, site arrangement, including the texture, nature and color of materials proposed to be used. With the exception of glass, its framing material and building trim only two dominant and different facing materials shall be used on the vertical facade surface of any principal or accessory structure.
 - v. The retention of the existing natural slopes and landscaping with a maximum effort to reduce terracing or other site disturbances for building, site or roadway construction.
 - vi. A preference for the public dedication of internal project roadways and for on-site recreational facilities and pedestrian pathways.
 - vii. The reduced amount and effective control of traffic generated by the proposed use.
 - viii. The requirements of other agencies, governmental bodies and affected parties such as the U.S. Postal Service, public agencies, development authorities, etc.
 - ix. Any other factors, including social or economic which it deems to be pertinent.
5. The Planning Commission, within a reasonable period of time after the date of application, shall file with the City Council its recommendations with respect to approval or rejection of the application submitted to it for review. The City Council, within a reasonable period of time after receipt of the Planning Commission's recommendations, shall review such recommendation and shall file with the City Manager its certificate of approval, rejection, or modification of the application. No work shall begin, nor shall any permits be issued, until such City Council action has been transmitted to the City Manager.



6. Building or Structure Size.

- i. No residential building of any type or structural configuration except special care residential facilities located on any lot or development site in the R-3 and R-4 districts may contain or enclose more than eight dwelling units of any single or combined type or style. In R-5 districts, buildings with more than 8 units shall only be permitted where Apartment building types are allowed. Also, certain allowed building types also have restrictions related to minimum and maximum units per building and per zoning lot.
- ii. No accessory building used as an attached or freestanding garage or car shelter located on any lot or development site in the R-4 and R-5 districts may enclose or protect more than six vehicles in total. For Apartment building types in the R-5 district, this limit shall not apply.
- iii. Accessory buildings other than garages may not have a maximum length greater than 30 feet.

B. R-3 District Regulations. In addition to the regulations in [Section 98-3.5](#), the following shall apply to the R-3 district:

- 1. Additional Height Regulations. No building mounted electronic, microwave, radio, television or similar receiving or transmitting device, instrument or appliance shall be installed so as to exceed a height above grade of 30 feet. No more than one such rooftop mounted device shall be permitted per dwelling structure. No more than one such ground mounted device shall be permitted per development site and such device may not exceed a height above grade of 15 feet.
- 2. Side Yards. On lots platted prior to the effective date of the Ordinance from which this Article was derived, side yards may be reduced to those otherwise prevailing on adjacent sites with the approval of the Planning Commission.
- 3. Interior Yards. The minimum distance between any surface or projection of a building or accessory structure shall be 20 feet except that garages may be directly attached to the buildings which they serve.

4. Lot Area.

- i. On lots platted prior to the effective date of this Ordinance from which this Article was derived a multiple-dwelling of not more than three residential units may be erected on a site having an area of 10,500 square feet with the approval of the City Council.
- ii. For each additional unit in excess of four dwelling units there shall be a minimum lot area of 8,000 square feet and for each dwelling in excess of four there shall be an additional 15 feet of contiguous site width (frontage) on an improved and accessible public right-of-way.

C. R-4 and R-5 District Regulations. In addition to the regulations in [Section 98-3.6](#), the following shall apply to the R-4 and R-5 districts:

- 1. Height Regulations.
 - i. Where the building grade is not uniform around a building perimeter, the total building height may be increased by an additional ten feet or the total difference in the building perimeter grade elevation whichever is less, except as hereinafter provided.
 - ii. When an existing residential structure is converted to multiple-dwelling purposes, the existing building shall not be added to or structurally changed in such a way as to occupy a height greater than the height it presently occupies.
 - iii. No building-mounted electronic, microwave, radio, television or similar receiving or transmitting device, instrument or appliance shall be installed so as to exceed a height above grade of 40 feet. No more than one such rooftop-mounted device shall be permitted per dwelling structure. No more than one such ground-mounted device shall be permitted per development site and such device may not exceed a height above grade of 15 feet.
- 2. Interior Yards. The minimum distance between any surface or projection of a building or accessory structures shall be 15 feet except that garages may be directly attached to the buildings which they serve.



- 3. Lot Area (R-4 district only).
 - i. A lot or development site on which there is erected the required minimum of a four unit special care residential facility shall contain an area of not less than 40,000 square feet and having a minimum 80 feet of contiguous site width (frontage) on an improved and accessible public right- of-way. For each additional 1,500 square feet of additional lot or site area there may be erected or included within a special care facility one additional living unit.
 - ii. A lot or development site on which there is erected the required minimum of four residential dwelling units, shall contain an area of not less than 26,000 square feet and having a minimum 66 feet in site width on an improved and accessible public right-of-way. For each additional 6,500 square feet of additional lot or site area there may be erected one additional dwelling unit in excess of the required minimum of four providing that for each additional 6,500 square feet there shall be an additional ten feet of contiguous site width (frontage) on an improved and accessible public right-of-way.

(Amended by Ord. No. 582, Pt. 6, 8-2-2018)

98-3.36 R-T DISTRICT COUNCIL APPROVAL REQUIRED

All development in the R-T district shall be subject to the following standards:

- A. Before construction, alteration, moving or demolition affecting the exterior appearance of any structure is made within these districts, the person proposing to make such construction or changes shall file an application for site plan review. The application shall be referred together with plans pertaining thereto to the Planning Commission which shall review such plans and applications and no permit shall be granted until the commission and City Council have acted thereon as hereinafter provided.
- B. In reviewing plans, the Planning Commission shall give consideration to the following:
 - 1. The proposed land use, including its adherence to the intent of this zoning district.

- 2. The architectural value and significance of the structure and its relationship to the character of the surrounding area.
- 3. The relationship of the exterior architectural features of the structure to the surrounding area.
- 4. The general compatibility of exterior design, landscaping, walls, arrangement, texture and materials proposed to be used.
- 5. The degree of traffic generated by the proposed use.
- 6. Any other factors, including aesthetic, which it deems to be pertinent.
- C. The Planning Commission shall pass only on the impact of the proposed use, traffic impact, exterior features, and the development of a site and its structure and shall not consider interior arrangements other than those which may relate to access to business and residential uses.
- D. In reviewing applications for alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure which the Planning Commission deems so valuable that the loss thereof will adversely affect the overall character of the area, the commission shall endeavor to develop with the owner an economically feasible plan for preservation of the structure.
- E. An application for alteration which affects the exterior appearance of a structure or, for its moving or demolition, may be approved by the Planning Commission, without regard to the provisions of subsection (B) or (D) of this Section, if any of the following conditions prevail, and if in the opinion of the commission the proposed changes will materially improve or correct these conditions:
 - 1. The structure constitutes a hazard to the safety of the public or its occupants.
 - 2. The structure is a detriment to a major improvement program which will be of substantial benefit to the community.
 - 3. Retention of the structure would cause undue financial hardship to the owner.
 - 4. Retention of the structure would not be in the best interests of the community.



F. The Planning Commission, within a reasonable period of time after the date of application, shall file with the City Council its recommendation with respect to approval or rejection of the application submitted to it for review. The City Council, within a reasonable period of time after receipt of the Planning Commission's recommendations, shall review such recommendation and shall file with the City Manager its certificate of approval, rejection, or modification of the application. No work shall begin, nor permits issued, until such City Council action has been transmitted to the City Manager.

98-3.37 SHD DISTRICT GENERAL REGULATIONS

- A. No more than one rooftop-mounted device including, but not limited to, any building-mounted electronic, microwave, radio, television or similar receiving or transmitting device, instrument or appliance shall be permitted per dwelling structure.
- B. No more than one ground-mounted device including, but not limited to, any ground-mounted electronic, microwave, radio, television or similar receiving or transmitting device, instrument or appliance shall be permitted per development site and the highest point on such device may not exceed a height above grade of 15 feet.
- C. Building or Structure Size.
 - 1. No accessory building used as an attached or freestanding garage or car shelter located on any lot or development site in the SHD district may enclose or protect more than 20 vehicles in total, with no more than ten vehicles in a single row.
 - 2. Accessory buildings other than garages and carports may not have a maximum length greater than 30 feet.
- D. Lot Area and Density. A lot or development site which is of the minimum lot size of three acres may contain a maximum of 81 senior citizen housing units, and shall have a minimum 200 feet in site width on an improved and accessible public right-of-way. For each additional 1,617 square feet of additional lot or site area and 2.7 feet of additional site width there may be erected or included within a senior citizen housing facility one additional living unit.

E. Architectural and Design Standards. All proposed buildings in the SHD must comply with the site plan review process set forth in Chapter 82, Article III of this Code, and meet the following standards:

- 1. The exterior finish material on all facades that face a frontage line or alley shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or molded polymer panels (i.e. Fypon). E.I.F.S. (exterior insulation finish system, i.e. Dryvit), is not allowed on wood structures. Exterior finish applications of wood, vinyl, or E.I.F.S., and reflective glass may only be permitted subject to City Council review and approval, if deemed to enhance a building.
- 2. Building walls visible shall be broken up with varying building materials and detailing, windows, and architectural accents.
- 3. Any new building or building addition of significant size or bulk shall provide distinct and prominent architectural features which reflect the importance of the building's location and which will create a visual landmark. Such distinct and prominent features shall include:
 - i. Historic detailing.
 - ii. Appropriate use of brick.
 - iii. Use of columns and arches.
 - iv. Use of vernacular architecture (design influenced by local tradition).
 - v. A building facade design that provides texture, rhythm, and ornament to a wall.
 - vi. Use of natural colors that are harmonious with the natural and manmade environment using other color as accents.
 - vii. Use of architectural styles associated with events significant in Brighton's history.
- 4. Glass shall be clear or lightly tinted only. Mirrored glass is not allowed.

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5. Mechanical equipment located on roof tops or elevated above grade shall be screened or shielded to prevent viewing from public right of ways and City owned parking lots. Screening, shielding and/or mechanical equipment shall not exceed 60 inches in height and shall be located within the rear 2/3 of the building. Mechanical equipment located on/at grade shall also be screened.
6. Pitched roofs may not shed snow or water onto a right-of-way nor onto an adjacent property without the approval of the City Council.
7. Mansard roofs are prohibited.
8. Balconies, railings, and porch structures are permitted and shall be constructed of metal, wood, cast concrete, or stone.
9. Facades may be Supplemented by awnings, which add color and visual interest to an entry or display window, and give shade and shelter. Awnings shall be made of quality materials, such as heavy canvas that will not fade or tear easily. Prohibited awning types are: rigid plastic formed awnings (typically cubed or curved, with or without internal lighting); stock unpainted metal awnings; and mansard style canopy awnings.

98-3.38 C-1 GENERAL REGULATIONS

All uses permitted in any C-1 district are subject to the following limitations:

- A. That the development of commercial facilities shall be in the form of an integrated, physically adhering group of three or more units maintaining a reasonable degree of architectural integrity including an over-all minimum floor space of 10,000 square feet in such three or more units. Each unit shall have a floor area of not less than 1,000 square feet.
- B. Off-street parking facilities shall be provided as hereinbefore specified in [Section 98-5.6](#).
- C. Upon the construction of the initial group of three or more units in compliance with the provisions of this Chapter, additional units may be constructed without requirement of physical adhesion to such additional units as long as reasonable architectural integrity is maintained, and provided that additional off-street parking is afforded if necessary to comply with [Section 98-5.6](#).

- D. That the appropriate use of property adjacent to the area included in the district will be safeguarded so as to avoid injury to health or property of adjacent residents or property owners.
- E. All C-1 districts shall have an area sufficient in size to supply any adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the state or county health departments rules and regulations.

98-3.39 C-2 GENERAL REGULATIONS

Every lot in the C-2 districts, used for a business, shall have an area sufficient in size to supply an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the state or county health department rules and regulations.

98-3.40 C-3 DISTRICT COUNCIL APPROVAL REQUIRED

All development in the C-3 district shall be subject to the following standards:

- A. Before construction, alteration, moving or demolition affecting the exterior appearance of any structure is made within these districts, the person proposing to make such construction or changes shall file an application for site plan review. The application shall be referred together with plans pertaining thereto to the Planning Commission which shall review such plans and applications and no permit shall be granted until the commission and City Council have acted thereon as hereinafter provided.
- B. In reviewing plans, the Planning Commission shall give consideration to the following:
 1. The proposed land use, including its adherence to the intent of this zoning district.
 2. The architectural value and significance of the structure and its relationship to the character of the surrounding area.
 3. The relationship of the exterior architectural features of the structure to the rest of the structure and to the surrounding area.



4. The general compatibility of exterior design, landscaping, walls, arrangement, texture and materials proposed to be used.
 5. The degree of traffic generated by the proposed use.
 6. Any other factors, including aesthetic, which it deems to be pertinent.
- C. The Planning Commission shall pass only on the impact of the proposed use, traffic impact, exterior features, and the development of a site and its structure and shall not consider interior arrangements other than those which may relate to access to business and residential uses.
- D. In reviewing applications for alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure which the Planning Commission deems so valuable that the loss thereof will adversely affect the overall character of the area, the commission shall endeavor to develop with the owner an economically feasible plan for preservation of the structure.
- E. An application for alteration which affects the exterior appearance of a structure or, for its moving or demolition, may be approved by the Planning Commission, without regard to the provisions of **subsection (B)** or (D) of this Section, if any of the following conditions prevail, and if in the opinion of the commission the proposed changes will materially improve or correct these conditions:
1. The structure constitutes a hazard to the safety of the public or its occupants.
 2. The structure is a detriment to a major improvement program which will be of substantial benefit to the community.
 3. Retention of the structure would cause undue financial hardship to the owner.
 4. Retention of the structure would not be in the best interests of the community.

- F. The Planning Commission, within a reasonable period of time after the date of application, shall file with the City Council its recommendations with respect to approval or rejection of the application submitted to it for review. The City Council, within a reasonable period of time after receipt of the Planning Commission's recommendations, shall review such recommendation and shall file with the City Manager its certificate of approval, rejection, or modification of the application. No work shall begin, nor permits issued, until such City Council action has been transmitted to the City Manager.

98-3.41 C-4 COUNCIL APPROVAL REQUIRED

All development in the C-4 district shall be subject to the following standards:

- A. Before construction, alteration, moving or demolition affecting any structure is made within the C-4 districts, the person proposing to make such construction or changes shall file an application for site plan review. The application shall be referred to together with plans pertaining thereto to the Planning Commission which shall review such plans and applications. No permit shall be granted until the commission and the City Council has each acted thereon as hereinafter provided.
- B. In reviewing site plans, the Planning Commission shall give consideration to the following:
 1. The proposed land use, including its adherence to the intent of this zoning district.
 2. The architectural value and significance of the structure and its relationship to the character of the surrounding area.
 3. The relationship of the exterior architectural features of the structure to the rest of the structure and to the surrounding area.
 4. The general compatibility of exterior design, landscaping, walls, arrangement, texture and materials proposed to be used.
 5. The degree of traffic generated by the proposed use.
 6. The success of the proposed development to limit the effect of local intersecting traffic on the adjacent principal City streets.

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- 7. The intensity of business volume, the compatibility of the business operation with the needs of the City and surrounding region and the avoidance of unnecessary conflict with the preservation of the City Central Business Neighborhood.
- 8. Any other factors, including aesthetic, which it deems to be pertinent.
- C. Care shall be taken so that the appropriate use of property abutting this district will be safeguarded so as to avoid injury to health, property or investment of adjacent residents or property owners.
- D. Illumination of the building and all vehicular traffic and loading areas shall be controlled or channeled so as to preclude any glare onto any adjacent property, district or street.
- E. Any sign within this district shall be freestanding and located within the building setback lines. A single sign per site shall not exceed the height of the building and otherwise meet the requirements of Chapter 66.
- F. The Planning Commission shall pass only on the impact of the proposed use, traffic impact, exterior features, and the development of a site and its structure and shall not consider interior arrangements other than those which may relate to access to business and residential uses.
- G. The Planning Commission, within a reasonable period of time after the date of application, shall file with the City Council its recommendations with respect to approval or rejection of the application submitted to it for review. The City Council, within a reasonable period of time after the receipt of the Planning Commission's recommendations, shall file with the City Manager its certificate of approval, rejection, or modification of the application. No work shall begin, nor permits issued, until such City Council action has been transmitted to the City Manager.



98-3.42 DOWNTOWN BUSINESS DISTRICT REGULATIONS

- A. District map. The downtown business district (DBD) zoning district is depicted on the City of Brighton Zoning Map.
- B. The following requirements shall apply to all lots and development in the downtown business district (DBD) zoning district:
 - 1. Building Transparency
 - a. Ground floor (1st story) between 2 feet and 8 feet above grade (min. / max.): 60% / 80%
 - b. Upper stories (min./max.) with Primary Street frontage: 20% / 50%
 - c. Upper stories (min./max.) with Secondary Street frontage: 20% / 100%
 - d. For buildings with ground floor residential uses fronting on a Secondary Street the Planning Commission may measure the transparency requirement between 4 to 10 feet above grade in order to improve privacy.
 - 2. Building Entrances
 - a. Pedestrian entrance required for all street-facing facades. For corner lots with both primary and secondary street frontage, only a primary street entrance is required, unless more entrances are required due to building length (see 2.b. below).
 - b. One pedestrian entrance shall be required for every 75 feet of total building façade frontage (one minimum entrance required). For multifamily stacked flat building types, the pedestrian entrance spacing may be increased to every 125 feet.
 - c. Required pedestrian entrances shall be operable.

Figure 98-3.42.B. Downtown Brighton | Examples of Variation in Façade Detail and Rooflines



- 3. Building appearance. The standards in Section 98-3.42.B.3. - 8. shall be verified through site plan review and physical observance. Any variation shall be specifically reviewed by the Planning Commission as part of site plan review. City Council, by way of site plan review, will approve, modify, or not approve the variation. All buildings shall be subject to the following requirements:
 - a. Building walls visible from a public street shall be broken up with varying building materials and detailing, windows, and architectural accents. Walls facing a street or open space shall include windows and architectural features customarily found on the front of a building in the DBD District, such as awnings, cornice work, edge detailing, or decorative finish materials.
 - b. Roof line. All buildings shall have suitable top element such as a cornice, parapet wall or similar feature. Roof lines shall be varied from building to building in a manner similar to the established pattern along Main Street and Grand River in the district.
 - c. Exterior finish. The exterior finish material on all facades that face a street or alley shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco. Molded polymer panels (e.g. Fypon) and similar materials in appearance and durability may be used as an accent material. E.I.F.S. (exterior insulation finish system, i.e. Dryvit) and vinyl is not allowed as a façade surface material. Exterior finish applications of wood, vinyl, or E.I.F.S. may only be permitted in limited applications, subject to City Council review and approval, if deemed to enhance a building and in keeping with the established character of the DBD.



4. Any new building or building addition of significant size or bulk shall provide distinct and prominent architectural features which reflect the importance of the building's location and which may create a visual landmark. Such distinct and prominent features may include:
 - a. Historic detailing.
 - b. Appropriate use of masonry brick.
 - c. Use of pillars and arches.
 - d. Use of vernacular architecture (design influenced by local tradition).
 - e. A building facade design that provides texture, rhythm, and ornament to a wall.
 - f. Use of natural colors that are harmonious with the natural and manmade environment using nonvernacular color as accents.
 - g. Use of architectural styles associated with events significant in Brighton's history.
 - h. Glass shall be clear or lightly tinted only. Mirrored glass is not allowed. Glass block, if used, shall only be an accent material and shall be limited to no more than two percent of an exterior street-facing facade.
5. Mechanical equipment located on roof tops or elevated above grade shall be screened or shielded to prevent viewing from public rights-of-way City-owned parking lots, and residentially zoned property. Screening, shielding and/or mechanical equipment shall not exceed 60 inches in height and shall be located within the rear two-thirds of the building. Mechanical equipment located on/at grade shall also be screened with landscaping or decorative and complementary materials.
6. Flat roofs (of less than a one to 12 slope) shall be encouraged on new buildings, as follows: (1) Where a new building is sited on a lot where at least one side yard is zero feet; and (2) Where such zero foot side yard abuts a right-of-way or property line, and (3) The roof shall slope away from the any street-facing lot line or open space and drain in the rear of the property. Mansard roof types are not allowed.
7. External gutters and gutter systems along street-facing yards and open space are prohibited.
8. Awning and canopies shall be made of quality materials, such as heavy canvas that will not fade or tear easily. When awnings are used on both upper and lower facades, they should be of compatible color, material and design with the building to which they are attached. Awnings shall be positioned immediately above ground floor windows, in scale with the window and the overall façade. Straight sheds that are horizontal to the ground and angled straight sheds are required. Prohibited awning types are: rigid plastic formed awnings (typically cubed or curved, with or without internal lighting); stock unpainted metal awnings; and mansard style canopy awnings. Storefront awnings shall be a minimum of eight feet above sidewalk grade and shall not extend above the second floor windowsill.
9. Balconies shall not extend more than five feet from the building face. Materials shall be compatible with building, integrally designed, and in keeping with character of the downtown district. Any balcony projection into the right-of-way shall require approval by City Council. Balconies shall not be used for storage.
10. Flower boxes shall be allowed, on a public sidewalk, without permit, provided that the planter containers be placed at the storefront entry and/or under storefront display windows and encroach upon the sidewalk no more than two feet from the building.
11. Appropriate temporary outdoor displays for retail shops are allowed on a storefront's private property abutting the sidewalk. Permits are not required for appropriate store merchandise displays on a storefront's private property, provided that display coverage does not interfere with any storefront entry and the display is brought inside at the close of business each day.
12. Lighting. If any building lighting projects more than three inches from the building face, it shall be mounted at least eight feet above the sidewalk below.
13. Drive-thru uses. No drive-thru or drive-in use shall be permitted on any zoning lot with frontage on a Primary Street. Such uses may be permitted as a special land use on a Secondary Street if the Planning Commission determines that the special land use standards are met and the use is not detrimental to the intent of this district.



14. Outdoor dining. Outdoor dining is permitted provided the following standards are met::
 - a. Outdoor dining areas within or adjacent to a sidewalk or other public pedestrian way shall be separated from such public space by a café railing or similar feature, as approved through the site plan review process.
 - b. The café railing shall be at least 30 inches high and no more than 40 inches high. The railing shall be constructed of decorative material such as a black metal, wrought iron or similar quality material that is durable and keeping with the character and aesthetic qualities of the district.
 - c. Café railing and all other related material and equipment shall be designed to be removed during the winter months, in accordance with regulations established by City Council.
 - d. A clear pedestrian path of at least five feet wide shall be maintained. The Planning Commission may require a wider space in high traffic areas.
 - e. Tables and chairs shall be designed to provide a clear view for pedestrians along the public way. For example, provision of high-top tables and chairs adjacent to railing is not permitted.
 - f. Any signage applied or printed on outdoor café umbrellas shall be counted toward the total permitted amount of wall signage.

98-3.43 O-R DISTRICT REGULATIONS

- A. O-R District Council Approval Required. All development in the O-R district shall be subject to the following standards:
 1. Before any new construction, or any alteration, moving or demolition affecting the exterior appearance of any existing structure is made within these districts, the person proposing to make such construction or changes shall file an application for site plan review. The application shall be referred together with plans pertaining thereto to the Planning Commission which shall review such plans and applications and no permit shall be granted until the commission and City Council have acted thereon as hereinafter provided.
 2. In reviewing plans, the Planning Commission shall give consideration to the following:
 - i. The proposed land use, including its adherence to the intent of this zoning district.
 - ii. The compliance of the project with the sense of scale, texture, appearance and significance of the structure and its relationship to the character of the surrounding area.
 - iii. The relationship of the exterior architectural features of the structure to any adjacent structures and to the surrounding area.
 - iv. The general compatibility of the exterior design, landscaping, walls, arrangement, texture and nature of materials proposed to be used.
 - v. The degree of traffic generated by the proposed use and the extent of its proposed control or management.
 - vi. Any other factors, which it deems to be pertinent.

3. The Planning Commission shall pass only on the impact of the proposed use, including the traffic impact, economic and social impact, exterior features, and the development of a site and its structure and shall not consider interior arrangements other than those which may relate to access to business and residential uses.
4. In reviewing applications for alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure which the Planning Commission deems so valuable that the loss thereof will adversely affect the overall character of the area, the commission shall endeavor to develop with the owner an economically feasible plan for preservation of the structure.
5. The Planning Commission, within a reasonable period of time after the date of application, shall file with the City Council its recommendations with respect to approval or rejection of the application submitted to it for review.

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B. O-R District General Regulations. In addition to the regulation in [Section 98-3.15](#), the following shall apply to the O-R district.

1. No principal building or structure erected in the O-R district shall have less than 10,000 square feet on its main floor nor shall such a principal building contain a volume or bulk of less than 120,000 cubic feet.
2. Distances Between Buildings. When two or more structures are located on the same site they must have a clear distance of no less than 50 feet between the points or surfaces of closest proximity. This shall apply to all buildings even though connected by enclosed walkways or passages.
3. Expressway Side or Rear Yard. All sites abutting a state or federal expressway, service ramp, entry ramp, or exit ramp shall maintain a minimum distance of 200 feet from the right-of-way line to the closest face or projecting surface of any structure.
4. In an O-R district, no display shall be permitted in an exterior show window or be visible from any property line. The total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 15 percent of the gross floor area of the establishment.
5. The outdoor storage or display of any goods, materials or supplies shall be prohibited irrespective of whether or not they are for sale.
6. Warehousing or indoor storage of goods or materials in quantity greater than normally incidental to permitted uses shall be prohibited.
7. Not more than 50 percent of any side yard abutting a secondary street shall be used for vehicular parking or driveways.
8. Where the parking is provided in parking structures to satisfy the parking requirements of this Chapter, they shall be designed so all architectural and vehicular lighting is shielded or screened from view from adjacent properties. No lighting shall be so located or visible as to be a hazard to traffic safety.

98-3.44 O-R, I-A, I-B, AND LIP HEIGHT EXCEPTIONS

- A. Exceptions to height limitation. The City Council may, after a finding and recommendation from the Planning Commission, permit a development in the O-R I -A, I-B, or LIP districts not to exceed six stories or a maximum height of 75 feet (22.8750 meters) subject to the following conditions and standards:
1. The proposed use and height must be of such character that it will be in harmony with the appropriate and orderly development of the O-R, I-A, I-B, or LIP districts and other development in the immediate area.
 2. Providing that the change in height from the existing natural topographical elevation on the development project site is more than 30 feet from its low point to high point.
 3. The location, size, and intensity of any such proposed development must be designed to eliminate any possible nuisance likely to emanate therefrom which might be adverse to occupants of any other nearby permitted uses.
 4. The proposed development must be in accord with the spirit and purpose of this Chapter and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this Article X and principles of sound planning.
 5. The proposed development is of such character that the vehicular traffic generated will not have an adverse effect upon, or be detrimental to, the surrounding land uses or the adjacent thoroughfares.
 6. The proposed development is of such character and intensity and arranged on the site so as to eliminate any adverse effects resulting from noise, dust, dirt, glare, odor, or fumes.
 7. In approving an increase in height, the City Council may attach reasonable conditions regarding the location, character, density, and other features of the proposed development as they may deem reasonable in the furtherance of the intent of this Section.



98-3.45 O-S DISTRICT GENERAL REGULATIONS

- A. O-S District Council Approval Required. All development in the O-S district shall be subject to the following standards:
 - 1. Before construction, alteration, moving or demolition affecting any structure is made within these districts, the person proposing to make such construction or changes shall file an application for site plan review. The application shall be referred together with plans pertaining thereto to the Planning Commission which shall review such plans and applications and no permit shall be granted until the commission and City Council has acted thereon as hereinafter provided.
 - 2. In reviewing plans, the Planning Commission shall give consideration to the following:
 - i. The proposed land use, including its adherence to the intent of this zoning district.
 - ii. The architectural value and significance of the structure and its relationship to the character of the surrounding area.
 - iii. The relationship of the exterior architectural features of the structure to the rest of the structure and to the surrounding area.
 - iv. The general compatibility of exterior design, landscaping, walls, arrangement, texture and materials proposed to be used.
 - v. The degree of traffic generated by the proposed use.
 - vi. Any other factors, including aesthetic, which it deems to be pertinent.
 - 3. The Planning Commission shall pass only on the impact of the proposed use, traffic impact, exterior features, and the development of a site and its structure and shall not consider interior arrangements other than those which may relate to access to business and residential uses.

- 4. The Planning Commission, within a reasonable period of time after the date of application, shall file with the City Council its recommendations with respect to approval or rejection of the application submitted to it for review. The City Council, within a reasonable period of time after receipt of the Planning Commission's recommendations, shall review such recommendation and shall file with the City Manager its certificate of approval, rejection, or modification of the application. No work shall begin, nor permits issued, until such City Council action has been transmitted to the City Manager.

- B. O-S District General Regulations. In addition to the regulations in **Section 98-3.16**, the following shall apply to the O-S district
 - 1. The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for use or sale on the premises.
 - 2. Warehousing or indoor storage of goods or material beyond that normally incident to the permitted uses shall be prohibited.
 - 3. Illumination of the building and all vehicular and loading traffic shall be controlled or channeled so as to not allow glare onto any adjacent property or district.
 - 4. All signs within this district shall be located within the building setback lines and shall not exceed the height of the building.

98-3.46 RM DISTRICT GENERAL REGULATIONS

- A. Building materials. All buildings and structures shall have a brick facade on any side of the building or structure that fronts on a road right-of-way. Other sides shall be masonry unless otherwise recommended by the Planning Commission and approved by City Council building and screening wall elevations shall be included with the site plan.
- B. Building mechanical/utilities. All mechanical (air conditioning condenser units, gas/water meters, cable box, compactors, electric transformers, fans, etc.) including roof top, or any other utility/mechanical appurtenance, shall be sufficiently screened from any road or dissimilar land use, with evergreen plantings and/or masonry of the same type of as the principal building. All utilities shall be located underground where possible and appropriate.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

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- 1 Purpose and Introduction
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- 3 Zoning Districts
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- C. Detention/retention. These areas shall be placed in the least intrusive area of the site. When a retention/detention area can be viewed from any public or private right-of-way, the retention/detention area shall be designed and landscaped as an attribute to the site. Any detention/retention requirements shall be determined by the City Engineer.
- D. Access Management. The purpose of access management is not to control traffic but to provide for safe, efficient access and circulation, and to maintain the level of service on all roads and highways. The development plan shall incorporate as many access management techniques as possible and as recommended by the Planning Commission and approved by City Council. One or more of the following access management techniques may be required and indicated on the site plan:
 1. Limited/shared driveways.
 2. Left turn lane improvements.
 3. Limited left/right turn driveways.
 4. Restricted left/right turn.
 5. Road or drive alignment.
 6. Traffic control devices associated with site access.
 7. Deceleration lanes.
 8. Cross-access easements.
 9. Access drives.
 10. Road/street capacity/safety improvements.
- E. Public Services. At the request of the Planning Commission and/or City Council, studies such as, but not limited to, environmental impact analysis, may be required to demonstrate that the proposed development does not impose an undue burden on public services. Any additional data or studies required by the Planning Commission and/or City Council shall be at the developer's expense.
- F. Covenants and Easements. At the request of the Planning Commission and/or City Council, the proposed development plan shall contain such covenants, easements, and/or other provisions relating to bulk, location and density, public utilities and facilities as necessary for the orderly development of the proposed development and the City. In addition, the Planning Commission and/or City Council may require the developer to provide public access easements and/or open space in order to attain park and recreation goals consistent with the community Master Plan and/or community Recreation Plan.

- G. Site Grading. Any grading of any site that disturbs existing embankments, shall be minimal. Any disturbance to an embankment shall be mitigated by grading the disturbed area to a 3:1 slope. Topsoil shall cover the disturbed area, and trees, shrubs and grass, compatible with soil and site conditions, shall be planted. This is to control erosion of the existing, rolling terrain and to limit the amount of sedimentation that may occur in surrounding wetlands and storm sewers.
- H. Outdoor Storage. Materials, equipment or finished product shall be located in the rear yard, adjacent and as close to the principal building as possible. An extension of a building wall for screening purposes may be recommended by the Planning Commission and/or required by City Council. Any use that requires outdoor storage shall provide masonry screening, of the same type as the principal building, and landscaping for any portion of the outdoor storage that can be seen from any road or pedestrian walkway.

Masonry screening shall be sufficient in height to minimize any impact. Barbed or razor wire is not permitted. Some, or all of this requirement may be waived by City Council upon recommendation from the Planning Commission, and the finding that, due to the natural topography and/or natural vegetation, screening is unnecessary.
- I. Site Plan Review Required. The provisions and requirements of [Section 98-6.1](#) shall apply to all R/M district development.

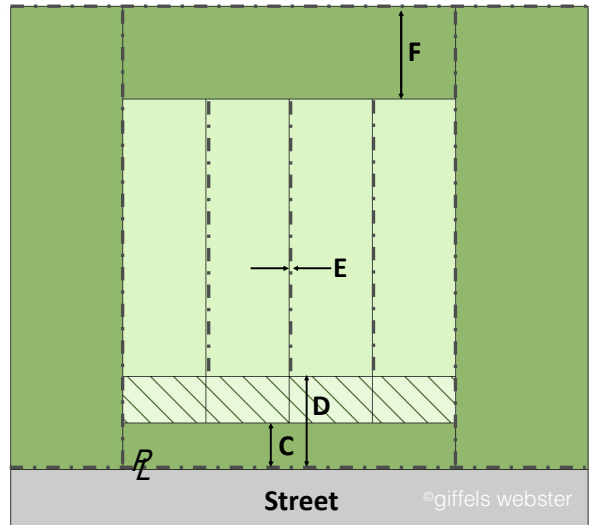
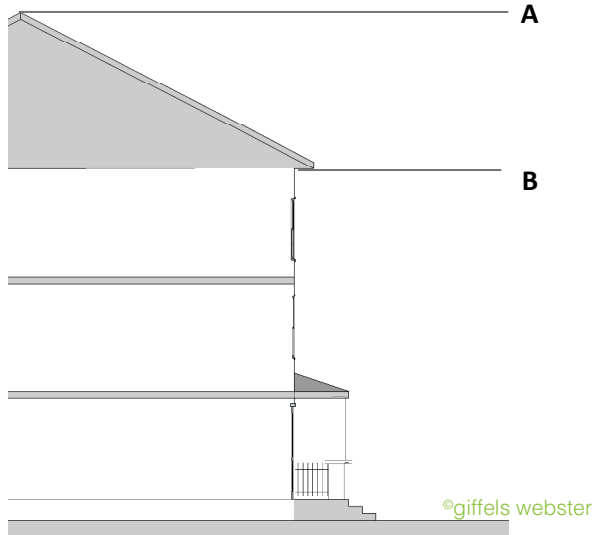
98-3.47 BUILDING TYPES (R5)

For the R-5 Uptown Multiple-Family district, the regulations in this Section 98-3.47 shall apply based on building type. Only the building types listed in the district shall be permitted and building types shall be regulated as specified by the applicable building type below.



A. Townhouse

1. Description. The townhouse building type consists of structures with four or more attached units placed side by side. Private open space is typically provided in the rear yard, but may also be available in a side yard for some units. These units are also referred to as row houses.



2. Building Form

a. Principal Building Height¹		
Overall Height	48' max.	A
Frontage Height ²	36' max.	B
b. Accessory Building Height		
Overall Height	24' max.	A
Frontage Height	14' max.	B
c. Setbacks		
i. Front Yard and Street-facing Side Yard, Minimum ³	10'	C
ii. Front Yard and Street-facing Side Yard, Maximum ⁴	20'	D
iii. Interior Side Yard, Minimum ⁵	0'	E
iv. Interior Side Yard, Maximum	30'	E
v. Rear Yard, Minimum	20'	F

¹ In the Uptown North and South subareas, the maximum Overall Height shall be 48' and the maximum Frontage Height shall be 36'. In the Uptown North Subarea, the Overall Building Height shall be increased to 60' max. and Frontage Height shall be 48' max. if the conditions in [Section 98-3.47.D.4](#), Additional Building Height, are met.

² If a flat roof is proposed, the maximum Frontage Height for a principal structure shall be 36' and may be increased up to 39.5' to accommodate a 3.5' parapet wall.

³ A projecting porch, stoop, lightwell area, or similar allowed front facade feature may extend from the facade to a line no closer than 5' from the street-facing lot line.

⁴ In the Uptown North subarea, the maximum setback shall not apply if the unit is on a parcel that exceeds 200' in depth.

⁵ Shall be 10' minimum for an end unit if adjacent to any district other than R-5

Building Envelope Min. / Max. Setback Area

d. Building Dimensions

i. Unit Width Min./Max.	18'/40'
ii. Maximum Building Dimension for longest side (e.g., this will permit 6 units at 30' wide each or 8 units at 22')	180'

3. Intensity and Density

a. Building Intensity

i. Lot Coverage	60% max.
ii. Minimum / Maximum Units per Run	4 / 8 ⁶
iii. Minimum Green Space Between Building Runs	18'

⁶ The maximum run in the Uptown North subarea shall be 10 units, provided the maximum 180' building length is not exceeded.

4. Building Floor Heights

Building floor to ceiling heights shall meet the following minimum dimensions.

- a. Ground Floor: 10 feet
- b. Upper Floors: 9 feet
- c. Overall Height: See Section 98-3.47.A.2.a.-b.

Attic space may be developed to include occupied floor area as a half story provided all other regulations of this chapter are met.



5. Façade Composition Requirements

a. Allowed Roof Types

- i. Flat Cornice expression line at roofline is required.
- ii. Pitched (sloped)

b. Transparency of façade glazing

i. Upper Floors	Building facades facing streets shall contain a minimum of 10 percent clear glass ^{sq} between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned.
ii. Ground Floor	Building facades facing streets shall contain a minimum of 10 percent clear glass ^{sq} between the finish ground floor elevation and the top of the ground floor.
iii. All Floors	All non-street facing facades shall have at least 5 percent glass per floor.

6. Other Standards

a. Parking

- i. Parking spaces may be enclosed, covered or open.
- ii. Parking shall not be permitted in a front yard or any other street-facing yard.
- iii. Garages shall be freestanding, attached or tuck-under.
- iv. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also [Section 98-5.7](#).

b. Pedestrian Access

Each unit shall have an individual entry facing the front lot line.

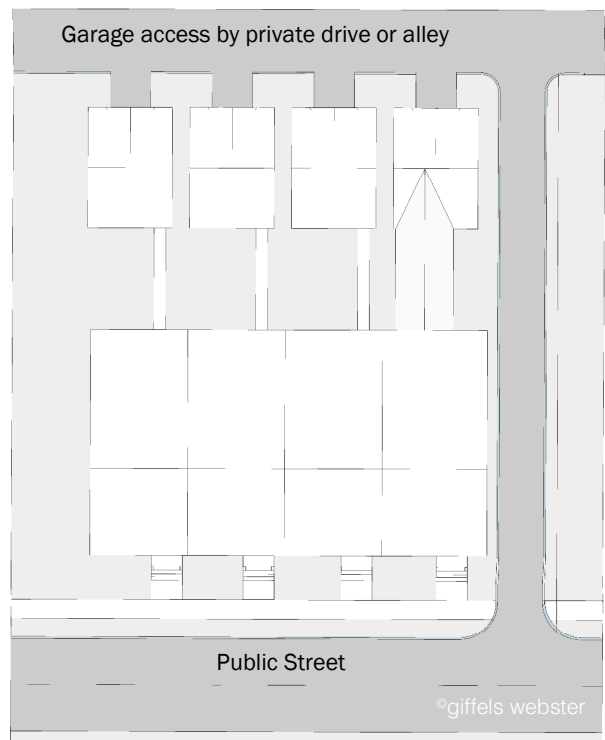
c. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.A. and other provisions of this Ordinance, this Section shall control.

d. Building Materials and Appearance

See [Section 98-4.6.C.2](#) for more information.

Concept Sketch showing Townhouse Development (for illustrative purposes)

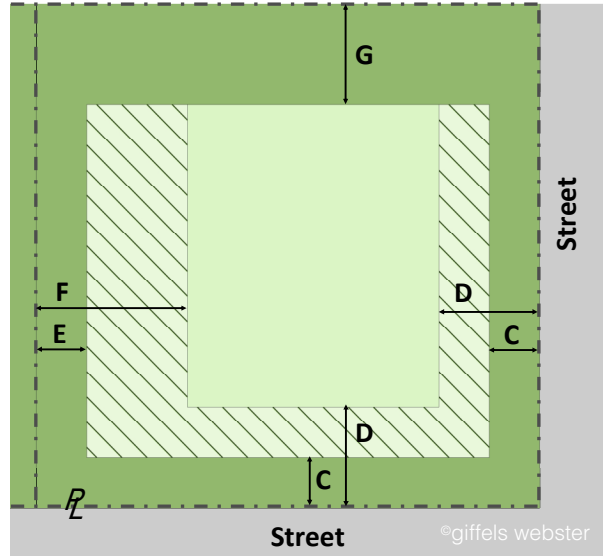
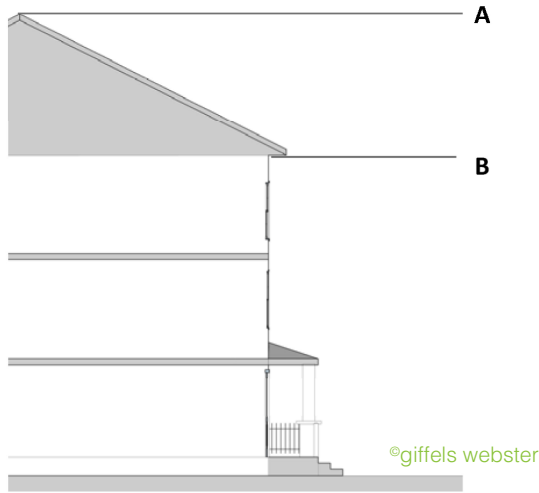


(Amended by Ord. No. 582, Pt. 2, 8-2-2018)



B. Neighborhood Courtyard

1. Description. The neighborhood courtyard apartment building consists of structures that contain multiple attached and stacked units. The units have access to a courtyard or series of courtyards. Each unit may have its own individual entry or up to three units may share a common entry. Neighborhood courtyard apartments are modest in scale, at up to three-stories in height, and they mix well in neighborhoods with other similar medium-density building types such as fourplexes, sixplexes, and townhouse buildings.



Building Envelope Min. / Max. Setback Area

d. Building Dimensions

Maximum Building Dimension on Longest Side 100'

3. Intensity

- a. Lot Coverage 60% max.
- b. Min/Max. Number of Units 4 / 8

4. Open Space & Courtyard

a. Dimensions of Courtyard

- i. Width 25 feet min.
- ii. Depth 25 feet min.

b. Courtyard Relationship to Building Width

Courtyard width shall not exceed 50% of the combined width of the building as calculated from the front of building.

c. Edge Wall Required

A 30" to 36" high wall shall define the edge of the courtyard. The edge wall shall be located within 5 feet of the front lot line and shall be constructed of 1) brick, stone or similar material or 2) brick or stone piers, at least 24" wide and no more than 15 feet apart, connected by a black, gray or brown metal decorative fence comprised of vertical bars, with supplemental shrub or ornamental grass plantings. All walls and piers shall have a stone cap.

2. Building Form

a. Principal Building Height		
Overall Height	48' max.	A
Frontage Height ¹	36' max.	B
b. Accessory Building Height		
Overall Height	28' max.	A
Frontage Height	16' max.	B
c. Setbacks		
i. Front Yard and Street-facing Side Yard, Minimum ²	10'	C
ii. Front Yard and Street-facing Side Yard, Maximum	20'	D
iii. Interior Side Yard, Minimum	10'	E
iv. Interior Side Yard, Maximum	30'	F
v. Rear Yard, Minimum	20'	G

¹ If a flat roof is proposed, the maximum Frontage Height for a principal structure is 36' and may be increased to up to 39.5' to accommodate a 3.5' parapet wall.

² A projecting porch, stoop or similar allowed front facade feature may extend from the facade to a line no closer than 5' from the street-facing lot line.



5 Façade Composition Requirements

a. Allowed Roof Types

- i. Flat Cornice expression line at roofline is required.
- ii. Pitched (sloped)

b. Transparency of façade glazing

- i. Upper Floors Building facades facing streets shall contain a minimum of 10 percent clear glass[□] between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned.
- ii. Ground Floor Building facades facing streets shall contain a minimum of 10 percent clear glass[□] between the finish ground floor elevation and the top of the ground floor.
- iii. All Floors All non-street facing facades shall have at least 5 percent glass per floor.

6. Building Floor Heights

Building floor to ceiling heights shall meet the following minimum dimensions.

- a. Ground Floor: 10 feet
 - b. Upper Floors: 9 feet
 - c. Overall Height: See [Section 98-3.47.B.2.a.-b.](#)
- Attic space may be developed to include occupied floor area as a half story provided all other regulations of this Chapter are met.

7. Other Standards

a. Parking

- i. Parking spaces may be enclosed, covered or open.
- ii. Parking shall not be permitted in a front yard or any other street-facing yard.
- iii. Garages shall be detached or tuck-under.
- iv. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also [Section 98-5.7](#)

b. Pedestrian Access

Each unit shall have an individual entry except that up to 3 units may have a combined entry.

c. Allowed Building Frontage Types

- i. Projecting Porch [Section 98-3.48.A](#)
- ii. Stoop [Section 98-3.48.C](#)
- iii. Flex Dooryard [Section 98-3.48.E](#)

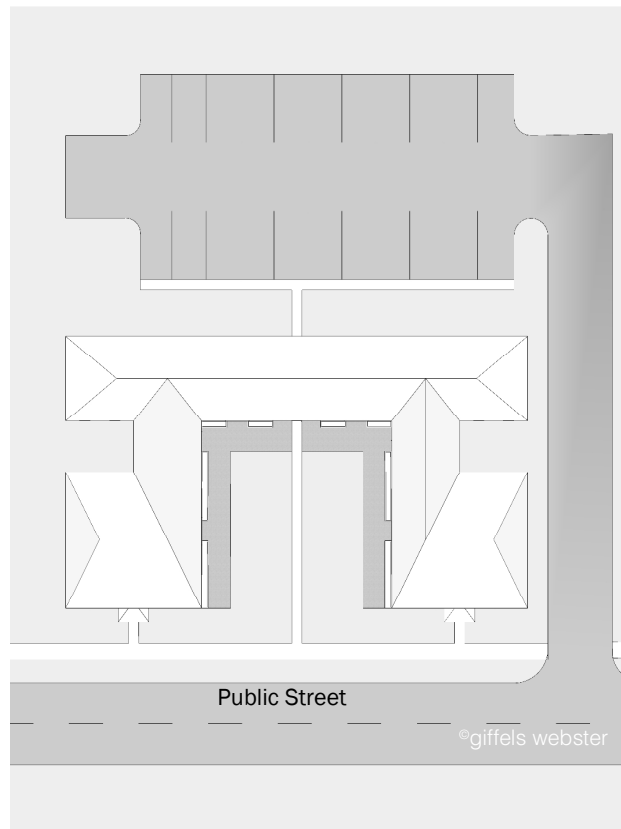
d. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.B. and other provisions of this Ordinance, this Section shall control.

e. Building Materials and Appearance

See [Section 98-4.6.C.2](#) for more information.

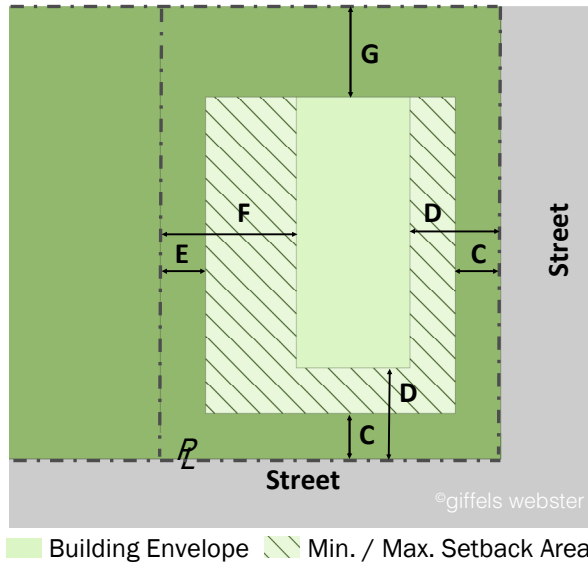
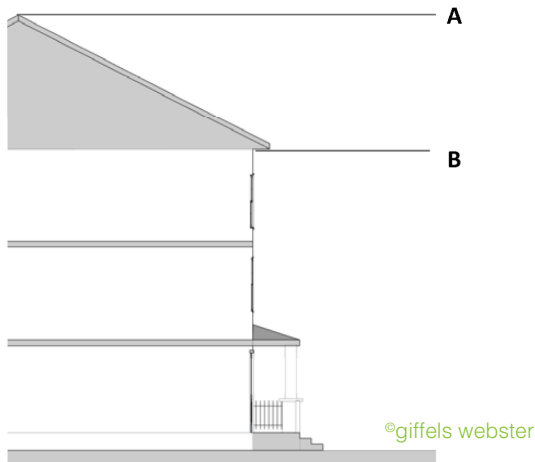
Concept Sketch showing Neighborhood Courtyard Development (for illustrative purposes)



(Amended by Ord. No. 582, Pt. 2, 8-2-2018)

C. Multiplex

1. Description. The multiplex residential building consists of a single structure that contains multiple attached side-by-side or stacked dwelling units. The units are accessed from one shared entry. This building type has the appearance of a large single family home, but contains 4-6 dwelling units. It is a building type that is modest in scale, at up to three stories in height, and it mixes well in neighborhoods with other similar medium-density building types such as neighborhood courtyard developments and townhouses.



2. Building Form

a. Principal Building Height

Overall Height	48' max.	A
Frontage Height ¹	36' max.	B

b. Accessory Building Height

Overall Height	28' max.	A
Frontage Height	16' max.	B

c. Setbacks

i. Front Yard and Street-facing Side Yard, Minimum ²	10'	C
ii. Front Yard and Street-facing Side Yard, Maximum	20'	D
iii. Interior Side Yard, Minimum	10'	E
iv. Interior Side Yard, Maximum	30'	F
v. Rear Yard, Minimum	20'	G

¹ If a flat roof is proposed, the maximum Frontage Height for a principal structure is 36' and may be increased to up to 39.5' to accommodate a 3.5' parapet wall.
² A projecting porch, stoop, or similar allowed front facade feature may extend from the facade to a line no closer than 5' from the street-facing lot line.

d. Building Dimensions

Maximum Building Dimension on Longest Side	100'
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Two multiplex structures may be built on single lot provided there is 20' of green space between structures.

3. Intensity

a. Lot Coverage	60% max.
b. Min/Max. Number of Units	4/8

4. Building Floor Heights

Building floor to ceiling heights shall meet the following minimum dimensions.

- a. Ground Floor: 10 feet
- b. Upper Floors: 9 feet
- c. Overall Height: See 98-3.47.C.2.a.-b.

Attic space may be developed to include occupied floor area as a half story provided all other regulations of this chapter are met.



5. Façade Composition Requirements

a. Allowed Roof Types

- i. Flat Cornice expression line at roofline is required.
- ii. Pitched (sloped)

b. Transparency of façade glazing

i. Upper Floors Building facades facing streets shall contain a minimum of 10 percent clear glass[□] between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned.

ii. Ground Floor Building facades facing streets shall contain a minimum of 10 percent clear glass[□] between the finish ground floor elevation and the top of the ground floor.

iii. All Floors All non-street facing facades shall have at least 5 percent glass per floor.

6. Other Standards

a. Parking

- i. Parking spaces may be enclosed, covered or open.
- ii. Parking shall not be permitted in a front yard or any other street-facing yard.
- iii. Garages shall be freestanding, attached or tuck-under.
- iv. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also [Section 98-5.7](#).

b. Pedestrian Access

Units are serviced by a single shared entry facing the front lot line, but some individual units may have their own entryways in a side or rear yard.

c. Accessory Dwelling Units

Up to two additional dwelling units may be constructed in a detached or attached annex building or garage. These additional units shall have a design style and building materials similar to the principal multiplex.

d. Allowed Building Frontage

- i. Projecting Porch [Section 98-3.48.A](#)
- ii. Integral Porch [Section 98-3.48.B](#)
- iii. Stoop [Section 98-3.48.C](#)
- iv. Forecourt [Section 98-3.48.D](#)

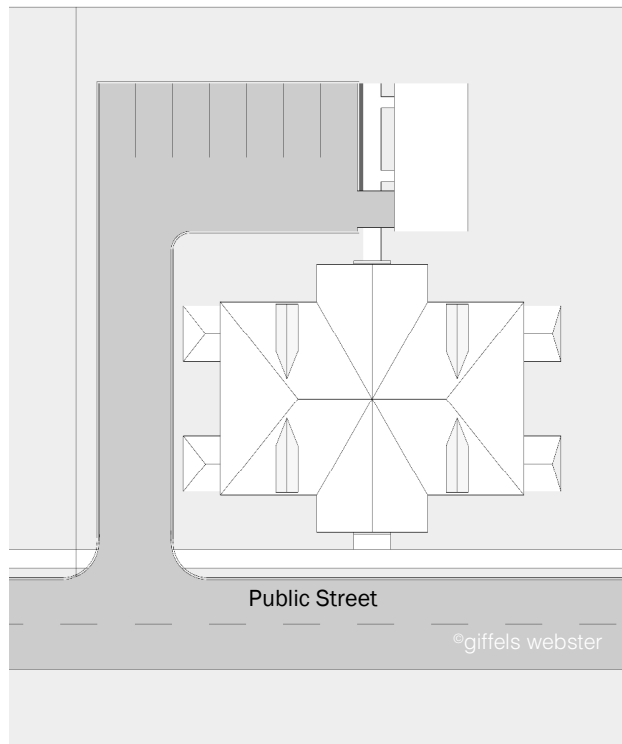
e. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.C. and other provisions of this Ordinance, this Section shall control.

f. Building Materials and Appearance

See [Section 98-4.6.C.2](#) for more information.

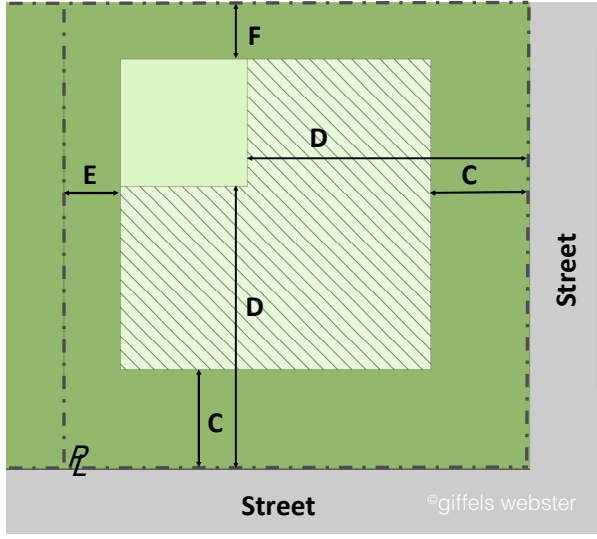
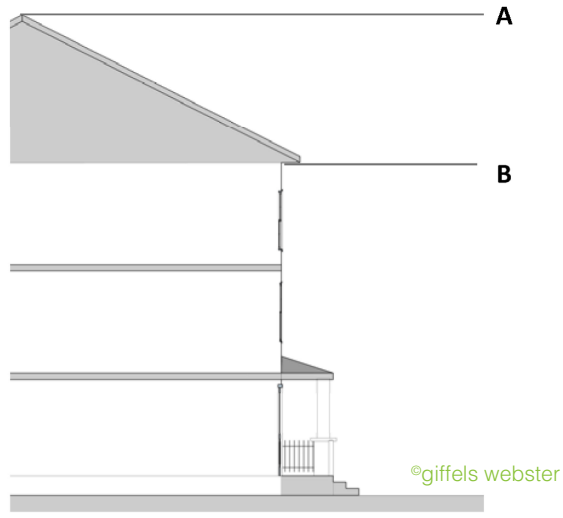
Concept Sketch showing Multiplex Development (for illustrative purposes)



(Amended by Ord. No. 582, Pt. 2, 8-2-2018)

D. Apartment

- 1. Description. The Apartment building consists of a single structure or a series of structures that each contain multiple attached side-by-side or stacked units, with a minimum of six units. The units are accessed from one shared entry per building, and may have one or more secondary shared access locations. Although this building type may be large in scale, the exterior facade is divided into smaller pieces to minimize the appearance of the massing. It is limited to three-stories in height, but may have four stories if certain conditions are met. Apartments may be constructed in a courtyard style.



Building Envelope Min. / Max. Setback Area

2. Building Form

a. Principal Building Height ¹		
Overall Height	48' max.	A
Frontage Height	36' max. ²	B
b. Accessory Building Height		
Overall Height	32' max.	A
Frontage Height	20' max.	B
c. Setbacks		
i. Front Yard and Street-facing Side Yard	35' min.	C
ii. Front Yard and Street-facing Side Yard	100' max.	D
iii. Interior Side Yard ³	10' min.	E
iv. Rear Yard ³	20' min	F

¹ The Overall Building Height shall be 60' max. and Frontage Height shall be 48' max. if the conditions in 98-3.47.D.4., Additional Building Height, are met.

² If a flat roof is proposed, the maximum Frontage Height for a principal structure is 36' (or 48' if 4-story qualification is met). This may be increased to 39.5' and 51.5' respectively to add a parapet wall.

³ If a structure exceeds an overall height of 32 feet and abuts a single-family residential district, the yard abutting the single-family district shall be increased to equal the height of the building.

d. Building Dimensions

- i. Maximum Building Dimension on Longest Side 250'
- ii. Minimum distance between Buildings 25'

3. Intensity

Lot Coverage 60% max.

4. Additional Building Height

- The Overall Building Height (max.) and Frontage Height (max.) for principal structures may be increased to 60 feet and 48 feet, respectively, to permit four floors, if any two of the conditions below are met. For flat roofs, the Frontage Height may be increased to 48'.
- a. Structured or underground parking that accommodates at least 50 percent of the total parking demand for the development site is provided on site.
 - b. Open space parks, plazas, and/or boardwalk areas are provided that give access to or viewing of natural features or waterbodies.
 - c. A park or playground is developed that is accessible to the general public.
 - d. A wildlife habitat, wetland, woodland or similar environmental feature is preserved in a manner that goes beyond what would be otherwise required by a conventional development on the site.
 - e. A substantial off-site public benefit is provided by the applicant that would not otherwise be a part of a conventional development.



5. Façade Composition Requirements

a. Allowed Roof Types

- i. Flat Cornice expression line at roofline is required.
- ii. Pitched (sloped)

b. Transparency of façade glazing

- | | |
|------------------|---|
| i. Upper Floors | Building facades facing streets shall contain a minimum of 10 percent clear glass ² between the floor elevation of the second story and the bottom of the cornice expression line or bottom of eave. Windows shall be square or vertically proportioned. |
| ii. Ground Floor | Building facades facing streets shall contain a minimum of 10 percent clear glass ² between the finish ground floor elevation and the top of the ground floor. |
| iii. All Floors | All non-street facing facades shall have at least 5 percent glass per floor. |

6. Building Floor Heights

Building floor to ceiling heights shall meet the following minimum dimensions.

- a. Ground Floor: 10 feet
- b. Upper Floors: 9 feet
- c. Overall Height: See [Section 98-3.47.D.2.a-b](#).

7. Parking

Parking may be located in any yard. If it is located in a front or street-facing side yard, it shall subject to the following:

- a. Parking spaces shall be screened from view using a 30" opaque screen of brick or stone (wall), continuous hedgerow, or decorative black, grey or brown fencing with vertical bars, supplemented with landscaping.
- b. Parking lots shall be set back at least 10 feet from any lot line (5' for interior side). If along a street, 1.5" caliper min. deciduous trees shall be planted every 30 feet, on average.
- c. Whenever a parking structure is visible from a street, it shall be designed to be compatible with the residential structures it serves, with high quality facing materials such brick and stone, or an equivalent material of equal durability and aesthetics, as determined by the City Council, on at least 75 percent of the street-facing façade.
- d. Parking spaces may be enclosed, covered or open.
- e. Garages may be freestanding, attached or tuck-under.
- f. The above parking regulations may be modified by the body approving the site plan upon a finding that the spirit and intent of this district is maintained and unique circumstances exist that warrant consideration of alternative parking regulations.

See also [Section 98-5.7](#).

8. Other Standards

a. Pedestrian Access

Units are serviced by single or multiple shared entry points.

b. Allowed Frontages

- i. Projecting Porch [Section 98-3.48.A](#)
- ii. Forecourt [Section 98-3.48.D](#)
- iii. Flex Dooryard [Section 98-3.48.E](#)

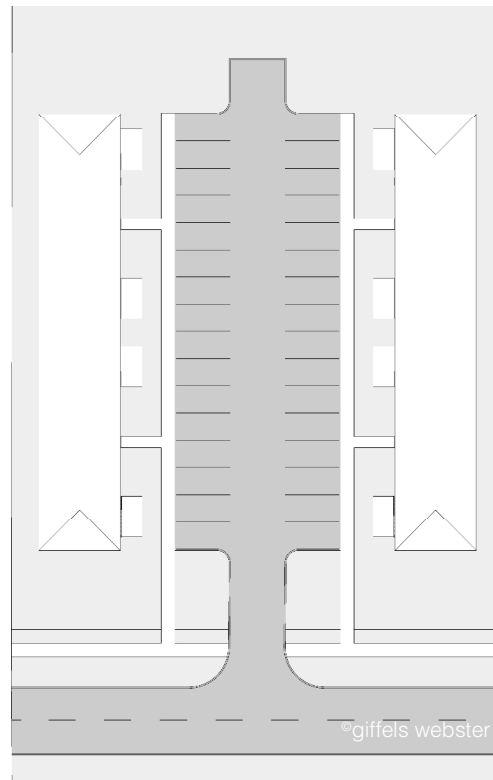
c. Conflicts

Whenever there is a conflict between standards in this Section 98-3.47.D and other provisions of this Ordinance, this Section shall control.

d. Building Materials and Appearance

See [Section 98-4.6.C.2](#) for more information.

Concept Sketch showing Apartment Development (for illustrative purposes)



(Amended by Ord. No. 582, Pt. 2, 8-2-2018)

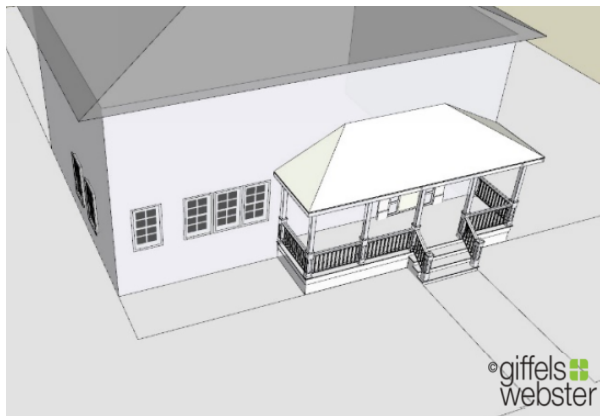
98-3.48 FRONTAGE TYPES

The purpose of this section is to identify the frontage types allowed in the DBD and R-5 Districts, intended for specified building types as specified in the respective district regulations and, for each type, provide a description, a statement as to the type's intent and design standards, to ensure that proposed development is consistent with the City's goals for walkability and residential character by providing proper building form, character, and quality.

A. Projecting Porch.

1. Description. The main facade of the building typically has a small-to-medium setback from the property line. The resulting front yard is typically small and may or may not be defined by a fence or hedge to separate the edge of the street right-of-way and private property.
2. Standards. The projecting porch shall be open on three sides and shall have a roof form that is separate from the main house. The porch may extend one or two stories. The minimum width is 10 feet, the minimum depth is 8 feet, and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure. The porch should be elevated above the private sidewalk that connects the porch to the public sidewalk running along the lot frontage.
3. Districts: R-5

Figure 98-3.48.A. Projecting Porch



B. Integral Porch.

1. Description. The main facade of the building has a small setback from the property line. The resulting front yard is typically small and may be defined by a fence or hedge to spatially maintain the edge of the street. An integral porch is part of the overall massing and roof form of a building. With an integral porch it is not possible to remove the porch without major changes to the overall roof form.
2. Standards. The integral porch shall be open on two or three sides and has a roof form that is part of the roof structure of the main building. The porch may extend one or two stories. The minimum width is 8 feet, the minimum depth is 8 feet, and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure. The porch should be elevated above the private sidewalk that connects the porch to the public sidewalk running along the lot frontage.
3. Districts: R-5

Figure 98-3.48.B. Integral Porch Frontage



1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

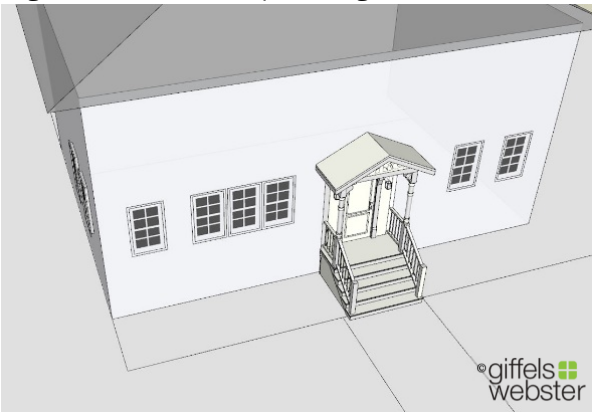
7 Admin and Enforcement



C. Stoop.

1. Description. The main facade of the building is near the property line and the elevated stoop engages the sidewalk. The stoop may or may not have a roof form.
2. Standards. The stoop should be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be accessed from the side. The minimum width is 5 feet and the maximum is 10 feet; the minimum depth is 5 feet and the maximum is 10 feet; and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure, when provided.
3. Districts: R-5

Figure 98-3.48.C. Stoop Frontage



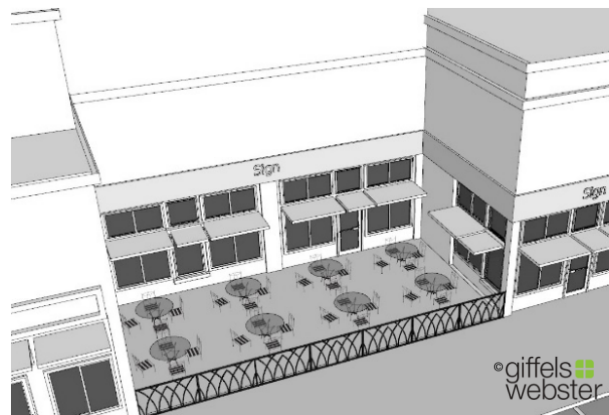
D. Forecourt.

1. Description. A portion of the main facade of the building is at or near the property line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas, where permitted. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

2. Standards. A forecourt shall be a minimum of 12 feet wide and 12 feet deep. A 30" to 36" high edge wall shall define the edge of the courtyard. The edge wall shall be located within 5 feet of the front lot line and shall be constructed of 1) brick or stone or 2) brick or stone piers, at least 24" wide and no more than 15 feet apart, connected by a black metal decorative fence of the same height, with supplemental shrub or ornamental grass plantings. All walls and piers shall have a suitable stone cap. This frontage type should be used sparingly along a block frontage. If constructed as a neighborhood courtyard apartment building type, the size standards of [Section 98-3.47.B](#) shall apply.
3. Additional standards for non-residential ground floor forecourts. The building façade facing a street may retreat up to forty (40') feet from the lot line, into the building mass, to provide an open space plaza or courtyard, not to include parking, provided that at least thirty-five percent (35%) of the total first floor building façade is placed within the build-to zone. The forecourt / courtyard may be formed using building walls that are within the zoning lot or up to one wall may be formed by a building on an adjacent zoning lot. Planning Commission may waive or modify the frontage wall requirement in 2. above if the proposed design is in keeping with the spirit and intent of the district.

4. Districts: R-5 and DBD

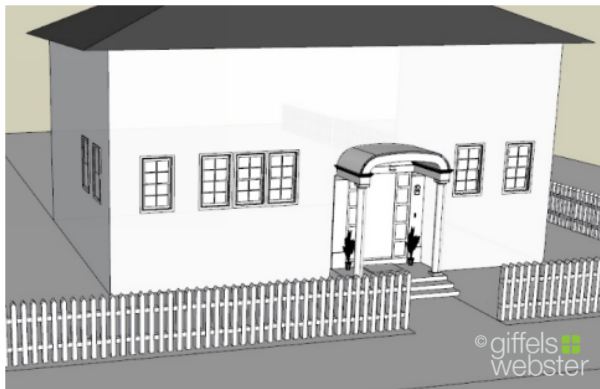
Figure 98-3.48.D. Forecourt Frontage



E. Flex Dooryard

1. Description. The façade of the building that contains the main entry fronts on a greenspace area that may be a street-facing yard or internal greenspace or pedestrian plaza (e.g., courtyard). The greenspace may be defined by a edgewall, decorative fencing, landscape hedge or other similar method. The entry from the internal greenspace or plaza may be recessed or it may include a projecting element.
2. Standards. A dooryard shall be constructed for access at grade or it may be raised. There shall be a sidewalk connecting the flex dooryard entryway to an internal sidewalk. The internal sidewalk shall connect to a public sidewalk or internal private sidewalk system.
3. Districts: R-5 and DBD

Figure 98-3.48.E. Flex Dooryard Frontage



F. Lightwell

1. Description. The façade of the building that faces a street is set back a small distance from the primary and side streets, typically within a build-to-zone. This frontage has a combined elevated terrace and sunken lightwell between the building wall and property line. This frontage type buffers uses from nearby sidewalks.

2. Standards. The lightwell shall extend across at least 50 percent of the building frontage. The lightwell depth shall be six feet maximum, measured from the building wall to front edge of lightwell. Required exterior stairs from adjacent sidewalk grade down to sunken lightwell shall be parallel to the building wall and sidewalk.
3. Districts: R-5 and DBD

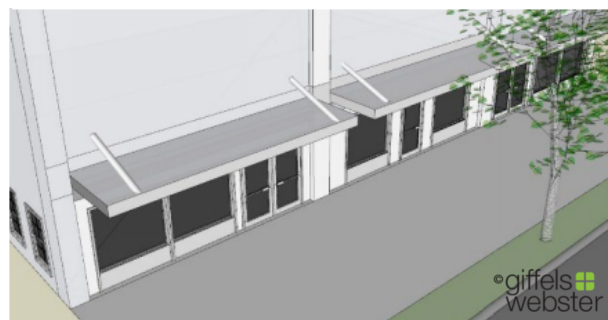
Figure 98-3.48.F. Lightwell Frontage



G. Shopfront.

1. Description. The façade of the building that faces the street is built to the street-facing lot line or setback a small distance from primary and secondary streets, within a build-to zone. The pedestrian entry is at grade with the public sidewalk unless there is unusual topography. This frontage type is typically enriched with canopies or awnings, which may be fixed or retractable to shelter pedestrians and to shade shopfront glass from glare.
2. Standards. Shopfronts shall be placed along the frontage of the street-facing façade that is the primary storefront to the minimum percent specified in the district. Side facing frontage(s) that are secondary to the primary frontage shall also incorporate some shopfront openings. Recessed pedestrian entryways are strongly encouraged.
3. Districts: DBD

Figure 98-3.48.G. Shopfront Frontage



H. Arcade

1. Description. A passage or walkway covered over by habitable space that is supported by a colonnade. Arcades may be applied to mixed-use, multi-story buildings, civic buildings, or stacked flats. Arcades shelter pedestrians and shades the storefront glass from glare.
2. Standards. All architectural elements of an arcade shall be consistent with character and style of the building to which they are attached. For mixed-use buildings, arcade columns or piers should be coordinated with shopfront openings.
3. Districts: DBD

Figure 98-3.48.H Arcade Frontage



G. Gallery

1. Description. A roof or deck projecting over the façade of a building supported by a colonnade. Arcades may be applied to mixed-use, multi-story buildings, civic buildings, or stacked flats. Arcades shelter pedestrians and shades the storefront glass from glare, but the space above the walkway is unenclosed. These can be applied to mixed use, civic and stacked flat buildings.

2. Standards. All architectural elements of a gallery shall be consistent with character and style of the building to which they are attached. For mixed-use buildings, columns or piers should be coordinated with shopfront openings. Galleries may be one or two stories in height and may provide covered or uncovered outdoor space at the second and third floors.
3. Districts: DBD

Figure 98-3.48.G Gallery Frontage



98-3.49 BUILDING TYPES (DBD)

For the Downtown Business District, the regulations in this Section 98-3.49 shall apply based on building type. Only the building types listed in the district shall be permitted and building types shall be regulated as specified by the applicable building type below.

- A. **Mixed-Use, Multi-story Building.** This building type is intended to include ground floor commercial uses and similar uses that engage the interests of pedestrians. Upper-story residential and office uses are also envisioned. Substantial window openings with clear glass are provided at the ground floor to engage the pedestrian on the adjacent sidewalk with the internal space and show activity, products and services within the building. This is a place for merchandise window displays and open views into activity areas such as dining, barber and beauty services, exercise facilities, performing and fine arts, and the like. Primary entrances are prominent and street facing, and they are placed at or near the adjacent sidewalk within a build-to zone.

Figure 98-3.49.A Mixed-Use Multi-Story Building



- B. **Single Story Shopfront.** This building type is intended to permit single-story buildings for retail, restaurant, and other permitted uses in the district. The DBD District is intended to foster the construction of buildings from two to five stories in height. This district has historically also included one-story buildings, and this building typology provides an opportunity for existing single-story buildings to continue as a conforming building type. New construction should be limited to those areas identified on the Regulating Plan for 2-3 stories unless the Planning Commission finds there is a compelling reason to permit a new single-story structure elsewhere in the district. Single-story structures shall have distinguishing architectural features and design characteristics that building upon local influences, greater height than suburban type single-story buildings, and shall promote interaction of pedestrians with the storefront.

Figure 98-3.49.B. Single Story Shopfront Building



- C. **Civic Building.** This building type is intended to accommodate community, religious or public uses that serve the surrounding community. Civic buildings are often sited adjoining or surrounded by civic spaces and they provide a visual landmark by being placed at a terminating focal point (e.g., end of a street).

Figure 98-3.49.C. Civic Building



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- D. Open Lot. An open lot accommodates temporary or permanent open areas. This may include natural areas worthy of preservation, parks, parking lots and similar uses. Small, one-story structures may be placed on an open lot provided lot coverage limits are met and the use of the structure is accessory to the principal open space use.
- E. Multi-family Stacked Flats. This building type consists of three or more attached structures and contains two or more floors. Some units may be stacked vertically and others horizontally. Units that are exclusively on one floor will be stacked with at least one unit above. Each unit may have its own external street facing entrance or there may be a common entrance facing the street that connects to other units using internal hallways and pathways. This building type may be used for live/work units.

Figure 98-3.49.E. Multi-Family Stacked Flats Building



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98-4.0 Use Standards

98-4.1 HOME OCCUPATIONS[□]

Home occupations shall be permitted in any zoning district, within an otherwise permitted residential dwelling unit, provided the following criteria are met:

- A. The home occupation shall not generate pedestrian or vehicular traffic, parking, sewerage, fire and safety hazards, noise, dirt, odor, dust, gas, glare, fumes, vibration or water use in excess of what is normal in a residential neighborhood.
- B. Traffic generated by a home occupation shall not exceed the volume that would normally be expected in the zoning district in which the home occupation is conducted. Truck deliveries or pick-ups associated with the home occupation shall be permitted only between 7 a.m. and 7 p.m. Customers may visit the site only between 7 a.m. to 9 p.m.
- C. Signs for home occupations are limited to one square foot.
- D. Home occupation shall be conducted entirely within the dwelling unit and only by family members. Up to one (1) employee not living in the home is permitted.
- E. No home occupation may occupy more than twenty-five (25%) percent of the living area of said dwelling.
- F. There shall be no change to the outside appearance of the residence.
- G. The sale of goods manufactured elsewhere is prohibited.
- H. No equipment or process shall be used which creates noise, vibration, glare, dust, fumes, odors, electrical interference, or water use greater than what is customary in a residential neighborhood.
- I. Exterior storage of materials, equipment or refuse shall be prohibited.
- J. Home occupations including tutoring or lessons in a craft, music, dance or other fine arts shall be permitted provided not more than four (4) students are instructed simultaneously.
- K. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of this Chapter, shall be allowed as a home occupation. 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 Michigan 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:

- 1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
- 2. 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.
- 3. Not more than one primary caregiver shall be permitted to service qualifying patients on a parcel.
- 4. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
- 5. 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 building official and the Brighton Police Department.
- 6. 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.

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- 7. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 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.
- 8. 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 Brighton Area Fire Department to insure compliance with the Michigan Fire Protection Code.

- 3. In the event that sufficient landscaping, screen walls, other methods or combinations thereof can be utilized to effectively screen parking from adjacent residential uses, the City Council, upon recommendation from the Planning Commission, may permit parking closer than 35 feet, but not less than ten feet, from any side or rear lot line.
- F. In the R-4 district, height, area, and site regulations shall be in accordance with the R-4 district.

98-4.2 PLACES OF WORSHIP AND ACCESSORY USES

Places of worship and accessory uses where assembly (i.e. meeting halls, recreational facilities and etc.) and/or non-single-family housing occurs are permitted as a special land use in the A1, A-2, R-1, R-1-O, R-3 and as a permitted use in the R-4 districts, provided that the following conditions are met:

- A. In the A-1, A-2, R-1, R-1-O, R-3, and R-4 districts, off-street parking in accordance with Article III is provided.
- B. In the A-1, A-2, R-1 and R-1-O districts, there shall be no parking in any front yard, nor closer than 35 feet from any side or rear lot line.
- C. In the A-1, A-2, R-3 and R-4 districts, the site shall contain a minimum area of one acre of land. In addition, one half acre shall be provided per 100 seats in the primary worship space, auditorium, or hall.
- D. In the A-1 and A-2 districts, no building shall be closer than 50 feet to any property line.
- E. In the R-1 and R-1-O districts:
 - 1. No building shall be closer than 35 feet to any property line.
 - 2. Any building or structure that exceeds 25 feet in building height is required to be setback a minimum of 40 feet from any property line.

98-4.3 PRIVATE SCHOOLS

Private schools having no rooms regularly used for housing or sleeping purposes are permitted as a special land use in the A-1, A-2, R-1, and R-1-O districts, provided that the following conditions are met:

- A. In the A-1, A-2, R-1, and R-1-O districts:
 - 1. The site shall contain a minimum area of one acre.
 - 2. The ratio of students to total size of the lot shall be 500 square feet per student.
 - 3. There shall be no parking in any front yard, nor closer than 35 feet from any side or rear lot line.
 - 4. That off-street parking in accordance with Article III is provided
- B. In the A-1 and A-2 districts, no buildings shall be closer than 50 feet to any property line.
- C. In the R-1 and R-1-O districts:
 - 1. No buildings or structures shall be closer than 35 feet to any property line.
 - 2. Any building or structure that exceeds 25 feet in building height is required to be setback a minimum of 40 feet from any property line.
 - 3. In the event that sufficient landscaping, screen walls, other methods or combinations thereof can be utilized to effectively screen parking from adjacent residential uses, the City Council, upon recommendation from the Planning Commission, may permit parking closer than 35 feet, but not less than ten feet, from any side or rear lot line.



98-4.4 PARKS, PLAYGROUNDS, LIBRARIES, MUSEUMS AND COMMUNITY BUILDINGS OWNED OR OPERATED BY PUBLIC AGENCIES

Parks, playgrounds, libraries, museums and community buildings owned or operated by public agencies are permitted as a special land use in the A-1, A-2, R-1 and R-1-O districts, provided that the following conditions are met:

- A. In the A-1, A-2 R-1, and R-1-O districts:
 - 1. There shall be no parking in any front yard, nor closer than 35 feet from any side or rear lot line.
 - 2. That off-street parking in accordance with Article III is provided.
- B. In the A-1 and A-2 districts:
 - 1. The site shall contain a minimum area of one acre.
 - 2. No building shall be closer than 50 feet to any property line.
- C. In the R-1 and R-1-O districts:
 - 1. In the event that sufficient landscaping, screen walls, other methods or combinations thereof can be utilized to effectively screen parking from adjacent residential uses, the City Council, upon recommendation from the Planning Commission, may permit parking closer than 35 feet, but not less than ten feet, from any side or rear lot line.
 - 2. No building shall be closer than 35 feet to any property line.
 - 3. Any building or structure that exceeds 25 feet in building height is required to be setback a minimum of 40 feet from any property line.

98-4.5 GOLF COURSES, EXCEPT MINIATURE COURSES AND DRIVING TEES OPERATED FOR COMMERCIAL USE

Golf courses, except miniature courses and driving tees operated for commercial use are permitted as a special land use in the A-1, A-2, R-1 and R-1-O districts, provided that the following conditions are met.

- A. In the A-1, A-2, R-1, and R-1-O districts:
 - 1. Buildings, outdoor swimming pools, tennis courts or similar concentrated recreation use areas (not including tees, fairways or greens) shall have setbacks of not less than 100 feet.

- 2. The site shall contain a minimum of 20 acres.
 - 3. There shall be no parking in any front yard, nor closer than 35 feet from any side or rear lot line.
 - 4. That off-street parking in accordance with Article III is provided.
- B. In the R-1 and R-1-O districts, in the event that sufficient landscaping, screen walls, other methods or combinations thereof can be utilized to effectively screen parking from adjacent residential uses, the City Council, upon recommendation from the Planning Commission, may permit parking closer than 35 feet, but not less than ten feet, from any side or rear lot line.

98-4.6 MULTIPLE-FAMILY DWELLINGS¹ OF TWO OR MORE AND FOUR OR MORE APARTMENT² UNITS

Multiple-family dwellings of two or more individual apartment units are a permitted use in the R-3 district. They are permitted in the SHD district when uses for senior citizen housing. Multiple-family dwellings of four or more individual apartment units are permitted in the R-4 and R-5 districts, as regulated by those districts. All multiple dwellings are permitted in any of the following general building types (structural configurations) including but not limited to cluster housing, row housing, zero lot line housing, townhouses, terrace apartments, as well as duplex and quadplex dwellings, providing:

- A. In the R-3, R-4, R-5, and SHD districts.
 - 1. These foregoing uses shall allow such ownership forms as collective, condominium, shared and cooperative developments. However, in every such or similar case whether upon initial project inception or upon later conversion before any offer of sale may take place the association bylaws and other related agreements must be reviewed and approved by the Planning Commission for compliance with the standards of this Article.
 - 2. Where permitted in R-3 and R-4 districts, no two-family residence shall be built on a lot having a width at the front line of less than 60 feet and not fronting upon a public street.

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3. Room regulations. All multiple-dwelling units, with the exception provided for efficiency apartment units, shall have at least one living room, one bedroom, and one kitchen room. All such dwelling units are subject to the following further limitations.

a. Apartment units containing three or more bedrooms are permitted but may comprise no more than ten percent of the total number of dwelling units in the overall multiple-dwelling residential development.

b. All apartment units shall contain not fewer than two rooms of not less than 120 square feet each, exclusive of separate kitchen, dining, laundry, bathing, entry and circulation corridors, or storage rooms, closets and similar spaces.

(1) No apartment unit (except efficiencies) shall contain less than 1,200 square feet of usable floor space in an R-3 district, 600 square feet of usable floor space in an R-4 and R-5 district, and 550 square feet of usable floor space in the SHD district.

(2) Efficiency apartments.

(a) In the R-3 district, efficiency-type apartments are permitted but only as part of a total multiple-dwelling residential development integrated within the overall project. Furthermore, they shall not comprise in number more than five percent of the total number of dwelling units in the overall multiple-dwelling residential development or two such efficiency apartments whichever quantity is greater. No efficiency apartment unit shall contain less than 900 square feet of usable floor space.

(b) In the R-4 and R-5 districts, no efficiency apartment unit shall contain less than 400 square feet of usable floor space. In the R-4 and R-5 districts, no individual special care residential apartment shall contain less than 240 square feet of usable floor space.

(c) In the R-4 and R-5 districts, with the exception of special care residential facilities, efficiency-type apartments are permitted only as part of a total multiple-dwelling residential development integrated within the overall project. Furthermore, they shall not comprise in number more than ten percent of the total number of dwelling units in the overall multiple-dwelling residential development or two such efficiency apartments, whichever quantity is greater.

B. In the R-3 district.

1. That in all cases the dwelling units are configured in such a fashion that the primary entrance to each individual apartment unit shall be at the principal perimeter building grade on a common building face and directly into a principal living space of each such apartment unit.

2. Each multiple-dwelling unit shall be so configured that at least 50 percent of the primary entrances to individual apartment units shall be on a common principal face of the structure. All other apartment entrances shall be located on a face of the structure immediately contiguous to this common principal face of the structure.

C. In the R-5 District:

1. Building types are limited to those specified in the district ([Section 98-3.7.1](#)).



2. Exterior Finish Materials, Appearance and Details in R-5 District.

- a. All buildings shall be designed and constructed using quality building materials appropriately applied to contribute to the overall character of the neighborhoods in which they are built. Buildings shall have prominent architectural features that reflect the importance of the building's setting near downtown. Examples include pilasters, columns, and arches; porches, stoops or other context-sensitive frontages; and quality building materials and architectural details. A street-facing building facade design shall provide texture and rhythm to a wall. This includes natural colors that are harmonious with the natural and manmade environment, using nonvernacular color as accents.
- b. Unless otherwise indicated, all new buildings and additions to existing buildings shall be subject to the standards of this section as it pertains to their specific zoning district and building type classification as described in the zoning ordinance.
- c. Buildings may vary in size and scale based on Building Type regulations, but all should strive to maintain a residential character through appropriate massing, materials and detailing. Material transitions shall correspond to building massing changes, recesses, and projections and shall be articulated through architectural detailing such as joints, trim, moulding, or cornice.
- d. Acceptable building materials be divided into three (3) classes (see below). Materials are described as follows:

Table 98-4.6.C.2.d Acceptable Building Materials	
Class A Materials	
	Fired clay brick (2 inches thick or greater)
	Natural stone (2 inches thick or greater)
	Glass
	Fiber-cement lap siding (7/16 inch thick or greater)
	Other comparable or superior materials as determined by the body approving the plan
Class B Materials	
	Manufactured or cast stone veneers (adhered and properly drained)
	Textured architectural concrete panels
	Integrally colored, specialty concrete block such as textured, burnished or split-face concrete masonry units (CMU)
	Other comparable materials as determined by the body approving the plan
Class C Materials	
	Smooth or scored concrete block
	Vinyl siding or panel
	Brick or stone veneer
	Glass block
	Metal wall panel systems, insulated
	Water-managed Exterior Insulation and Finish System (EIFS)
	Wood composite or wood lap siding
	Other comparable materials as determined by the body approving the plan

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- e. In Uptown South, all buildings must incorporate at least two materials from the Class A materials list, and all together Class A materials shall comprise at least 50% of the façade area on all street-facing sides of the building and 40% of facades that are not street facing. Glass is a mandatory material on all facades and it shall comprise one of the two minimum number of Class A materials. See building types for minimum glazing percentage. The remaining 50% of any street-facing façade (and 60% of facades that are not street facing) shall be comprised of Class A, Class B, and Class C materials provided no more than 20% of the total façade area is of a Class C material.
- f. In Uptown North, all buildings must incorporate at least two materials from the Class A and Class B materials list, and all together Class A and Class B materials shall comprise at least 50% of the façade area on all street-facing sides of the building and 40% of facades that are not street facing .Glass is a mandatory material on all facades and it shall comprise one of the two minimum number of materials from the approved lists. See building types for minimum glazing percentage. The remaining 50% of any street-facing façade (and 60% of facades that are not street facing) shall be comprised of Class A, Class B, and Class C materials provided no more than 20% of the total façade area is of a Class C material.
- g. The requirement for glazing on all facades may be waived or modified by the body approving the site plan in the case of facades that are less that 15 feet wide and part of a unique architectural treatment where providing glazing is not necessary to meet the spirit and intent of this ordinance.
- h. The material for trim, customary mechanical penetrations, and other similar features may be excluded from this material calculation.
- i. Façade area includes the total exterior wall area of all vertical and near-vertical surfaces of the building when viewed in elevation. Calculations shall include the area of any parapets, cornices and similar wall projections, but shall not include doors.
- j. Exterior finish materials meeting the percentages described herein shall be distributed around all sides of the building. Each façade shall be calculated separately.
- k. Building additions and expansions totaling less than 25% of the floor area of an existing building shall be exempted from the specific percentage requirements of this section provided identical or superior materials are used in a manner consistent with the existing architectural design.

(Amended by Ord. No. 582, Pt. 7, 8-2-2018)

98-4.7 TOURIST HOMES^{EQ} AND BED AND BREAKFAST ACCOMMODATIONS

Tourist homes and bed and breakfast accommodations are a permitted uses in the R-3 district when housing a single operator along with his immediate family and no more than four guest sleeping rooms and providing for no more than a total of eight guests and only within premises existing prior to the date of the Ordinance from which this Article was derived and in which no individual guest may spend more than 30 days per year. This use is permitted only when off-street parking space is provided upon the same or commonly owned building site, and in compliance with Article III.



98-4.8 SPECIAL CARE RESIDENTIAL FACILITIES¹

Special care residential facilities including convalescent and nursing homes, congregate and extended care centers, homes for the elderly, senior citizen housing, and life care homes of 80 or fewer occupants, and in which an attendant manager or other supervisor shall be present at least six hours each 24-hour day are a permitted uses in the R-4 and R-5 districts. These uses are permitted only when the scale, arrangement and general characteristics of the development are compatible with the surrounding neighborhood and has a distinctly small scale residential appearance and quality. In the R-5 districts, special care residential uses shall conform to the building type and building frontage regulations and all other requirements of the R-5 district, which will reduce the total occupant capacity maximum to fewer than 80 for several allowed building types.

(Amended by Ord. No. 582, Pt. 8, 8-2-2018)

98-4.9 BUSINESS OFFICES

Business offices, such as auditing and bookkeeping services, consumer credit reporting agencies, insurance offices, manufacturers representatives offices, advertising agency offices, mailing and stenographic services, business and management services are permitted as special land uses in the R-T district, where no product is produced, warehoused or sold.

98-4.10 RESIDENTIAL FACILITIES

Residential facilities are permitted as a special land use in the R-T and C-3 districts where these facilities are a part of the existing structure but separated from the business portion of the structure. Separation can be accomplished through the use of separate primary entrances or through the use of other distinctive entry configurations. In no case shall the primary access to the residential use be through the business use. Only one residential use shall be permitted per structure which may be for a tenant, proprietor or owner. It shall have its own sanitation, food preparation, living and sleeping facilities occupying an area of not less than 650 square feet.

98-4.11 FRATERNITIES, SORORITIES, PRIVATE CLUBS¹ AND LODGES

Fraternities, sororities, private clubs and lodges are permitted uses in the C-1, C-2 and C-4 district, excepting those the chief activity of which is the service customarily carried on as a business or whose activities predominately serve nonmembers.

98-4.12 PUBLIC GARAGES¹

Public garages are a permitted use in the C-1 district, except that the repair or storage portion of such building shall occupy not more than 60 percent of the total floor area, and shall not be less than 30 feet from the front of the building, and no lot or portion thereof shall be used for the display of used cars.

98-4.13 THEATRES

Theatre, except open-air drive-in theatres are a permitted use in the C-1 and C-2 districts provided, however, that no theatre shall be erected or reconstructed unless there is provided on the same lot within 300 feet of the principal entrance thereof spaces for off-street parking as regulated in [Section 98-5.6](#).

98-4.14 CARNIVAL, OUTDOOR CIRCUS OR MIGRATORY AMUSEMENT ENTERPRISE

A carnival, outdoor circus or migratory amusement enterprise may be permitted in the C-1 and C-2 districts by specific approval of the City Council; to the application for such a permit shall be attached a letter of consent from the owner or owners of the property to be used for such purpose and an affidavit that such location is a minimum distance of 200 feet from any existing residential building and a minimum distance of 30 feet from the street or highway right-of-way. Building and electrical permits must be obtained from the City prior to the construction of the carnival, outdoor circus, or migratory amusement enterprise.

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98-4.15 ADULT ENTERTAINMENT BUSINESS⁶³

A. Purpose. In the development and execution of this division, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this division. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities, which are prohibited in other Sections of this Code.

In regulating sexually oriented businesses, it is the purpose of this Article to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this division have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this division to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this division to condone or legitimize the distribution of obscene material.

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of Pap's A.M. v. City of Erie, 529 U.S. 277 (2000); Thomas v. Chicago Park District, 122 S. Ct. 775 (2002), City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); California v. LaRue, 409 U.S. 109 (1972); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); East Brooks Books, Inc. v. City of Memphis, 48

F.3d 220 (6th Cir. 1995); Broadway Books v. Roberts, 642 F.Supp.. 486 (E.D. Tenn. 1986); Bright Lights, Inc. v. City of Newport, 830 F.Supp.. 378 (E.D. Ky. 1993); Richland Bookmart v. Nichols, 137 F.3d 435 (6th Cir. 1998); Dj vu v. Metro Government, 1999 U.S. App. LEXIS 535 (6th Cir. 1999); Bamon Corp. v. City of Dayton, 7923 F.2d 470 (6th Cir. 1991); Threesome Entertainment v. Strittmather, 4 F.Supp..2d 710 (N.D. Ohio 1998); J.L. Spoons, Inc. v. City of Brunswick, 49 F.Supp..2d 1032 (N.D. Ohio 1999); Triplett Grille, Inc. v. City of Akron, 40 F.3d 129 (6th Cir. 1994); Nightclubs, Inc. v. City of Paducah, 202 F.3d 884 (6th Cir. 2000); O'Connor v. City and County of Denver, 894 F.2d 1210 (10th Cir. 1990); Dj vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County, 2001 U.S. App. LEXIS 26007 (6th Cir. Dec. 6, 2001); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); Connection Distrib. Co. v. Reno, 154 F.3d 281 (6th Cir. 1998); Sundance Assocs. v. Reno, 139 F.3d 804 (10th Cir. 1998); American Library Association v. Reno, 33 F.3d 78 (D.C. Cir. 1994); American Target Advertising, Inc. v. Giani, 199 F.3d 1241 (10th Cir. 2000); Z.J. Gifts D-2, L.L.C. v. City of Aurora, 136 F.3d 683 (10th Cir. 1998); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 2002 U.S. Dist. LEXIS 1896 (D. Md., Feb. 6, 2002); Currence v. Cincinnati, 2002 U.S. App. LEXIS 1258 (6th Cir., Jan. 24, 2002); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually



Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the City Council finds that sexually oriented business as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to the problems that Brighton is seeking to abate and prevent in the future.

- B. Locations Restricted. No such business shall be located within 1,000 feet of a school, church or community building.
- C. Use Regulations.
 - 1. No person shall reside in or permit any person to reside in the premises of an adult entertainment business.
 - 2. No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
 - 3. No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution.
 - 4. No person shall operate an adult entertainment business without obtaining a license. Such license shall be issued by the City Clerk following the completion of the promulgated application procedure outlined in Chapter 22 of this Code.
 - 5. No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of such business either as an employee or customer.
 - 6. No person shall become the lessee or sublessee of any property for the purpose of using such property for an adult entertainment business without the express written permission of the owner of the property for such use.

- 7. No lessee or sublessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

98-4.16 DYEING AND CLEANING WORKS

Dyeing and cleaning works are permitted in the C-2 district, providing the cleaning fluid used has a base which is of a nonexplosive material.

98-4.17 PROFESSIONAL OFFICES

Professional offices, such as architectural, engineering, legal, medical, dental, psychiatric, and other similar offices are permitted as a use in the C-3 district, excepting therefrom clinics, hospitals, or other similar uses which provide for overnight care or treatment.

98-4.18 VETERINARY HOSPITALS, CLINICS^m, AND PET DAYCARE FACILITIES

Veterinary hospitals, clinics, and pet daycare facilities are permitted as a use in the C-1, C-2, and C-3 districts, providing medical, surgical, boarding, grooming, or bathing for small nonfarm animals provided that all boarding of animals shall be within the structure.

98-4.19 MORTUARY ESTABLISHMENTS

Mortuary establishments are a permitted use in the C-4 and O-S districts, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking areas. A caretaker's residence may be provided within the main building of mortuary establishments

98-4.20 HEALTH CLUBS AND PERSONAL RECREATIONAL FACILITIES

Health clubs and personal recreational facilities are a permitted use in the C-1, C-2, and C-4 districts when entirely within an enclosed structure.

98-4.21 PRINTING REPRODUCTION AND ART SERVICES

Printing, reproduction, and art services are permitted uses in the C-4 district when the public area is less than ten percent of the total floor area.

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98-4.22 NURSERY, FLORAL, LANDSCAPE, GARDEN, AND SWIMMING POOL SALES

Nursery, floral, landscape, garden and swimming pool sales are permitted uses in the C-1, C-2, and C-4 districts when including only enclosed outdoor sales and display areas.

98-4.23 BUILDINGS THAT EXCEED THE MAXIMUM HEIGHT AND NUMBER OF STORIES STATED IN THE DOWNTOWN BUSINESS DISTRICT REGULATING PLAN

Buildings exceeding the maximum height and number of stories stated in the Downtown Business District Regulating Plan may be permitted as a special land use in the DBD district subject to the following standards, in addition to the standards for special land uses as provided in **Section 6.2.B.:**

- A. The proposed building meets all development standards of the Downtown Business District.
- B. The proposed building height is compatible with adjacent and nearby building heights and building heights within 100 ft. of the proposed building;
- C. The overall building scale and mass is appropriate for the site on which the building is proposed, taking into account the width of the street, other structures on the block and other structures on the opposite side of the street;
- D. The building architecture and character warrant the additional height;
- E. The proposed building and its use(s) are in conformance with the objectives and specific elements of the currently adopted Master Plan and any special studies references therein.

98-4.24 EDUCATION, RESEARCH, DESIGN AND TECHNICAL TRAINING, EXPERIMENTAL PRODUCT DEVELOPMENT, AND LIGHT INDUSTRIAL USES

Education, research, design and technical training, experimental product development, and light industrial uses are permitted uses in the O-R district. Light industrial uses are a permitted use in the LIP district. All must be conducted wholly within a completely enclosed building. Outdoor storage of goods, material, and equipment is prohibited.

98-4.25 HOUSING FOR STUDENTS ENROLLED IN, AND QUARTERS FOR INSTRUCTORS EMPLOYED BY, EDUCATIONAL OR RESEARCH INSTITUTIONS

Housing for students enrolled in, and quarters for instructors employed by, educational or research institutions are permitted uses in the O-R district when incidental to any permitted principal use.

98-4.26 PARKING STRUCTURES

Parking structures shall be permitted as a special use in the O-R district as governed by article V and subject to current parking standards.

98-4.27 PERMITTED USES IN THE I-A DISTRICT

These uses are permitted in the I-A district, uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with six-foot, obscure fence or solid wall. Such fence shall be completely obscuring on all sides.

98-4.28 CONTRACTOR OR BUILDER'S OFFICE

Contractor or builder's offices including a storage equipment yards are a permitted use in the I-A and I-B districts, if related to the contractor or builder's business.



98-4.29 RENTAL SPACE FOR THE STORAGE OF VEHICLES

Rental space for storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats and the like are permitted in the I-A district, subject to the following

- A. Space may be rented for construction and contractor's equipment so long as all property lines shall abut land zoned I-A light industrial.
- B. The storage shall be enclosed within a building or within an obscuring wall or fence on those sides abutting a building or within an obscuring wall or fence on those sides abutting a public thoroughfare. The extent of such obscuring wall or fence shall be as determined by the Planning Commission.

98-4.30 LUMBER AND PLANING MILLS

Lumber and planing mills are permitted in the I-A and I-B district, when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-A light industrial district when in the I-A district and no property line shall form the exterior boundary of the I-B intermediated industrial district when in the I-B district.

98-4.31 METAL PLATING, BUFFING AND POLISHING

Metal plating, buffing and polishing, are permitted in the I-A and I-B districts, subject to appropriate measures to control the types of process to prevent noxious results and/or nuisances.

98-4.32 ANCILLARY SERVICES

In the SHD district, senior citizen housing uses shall also be permitted to include ancillary services including, but not limited to fitness centers, arts and crafts studios, mini-theaters, beauty shops, barber shops or similar uses for exclusive service to residents of a senior citizen housing building or complex provided that such building houses 50 or more residents, and provided that no direct street access is provided to those uses.

98-4.33 FAMILY DAY CARE HOMES⁶³ AND STATE LICENSED RESIDENTIAL FACILITIES⁶⁴

Family day care homes

In the A-1, A-2, R-1, R-1-0 and R-3 districts, family day care homes are permitted as regulated pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, Section 206, MCL 125.3206, provided the licensee shall occupy the dwelling as a residence.

98-4.34 GROUP DAY CARE HOMES⁶⁵

In the A-1, A-2, R-1 R-1-0, and R-3 districts, group day care homes are permitted as a special land use as regulated pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, Section 206, MCL 125.3206, provided the licensee shall occupy the dwelling as a residence. Special land use standards include:

- A. Licensing. In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities
- B. The proposed use shall be located a minimum of 1,500 feet from any other state licensed residential facility with 7 or more residents, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.
- C. Outdoor Play Area. A minimum of 150 square feet of outdoor play area shall be provided and maintained per child at the licensed capacity of the day care home, provided that the overall play area shall not be less than 1,500 square feet. The play area shall be located in the rear yard area of the group day care home premises and shall be suitably fenced and screened.
- D. Pick-Up and Drop-Off. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts and allows maneuvers without affecting traffic flow on the public street.
- E. Hours of Operation. Group child day care homes shall not operate more than 16 hours per day.

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98-4.35 WIRELESS COMMUNICATION FACILITIES²⁴ AND SERVICES

- A. Purpose. The purpose of this Section is to permit facilities within the City that are necessary for the operation of wireless communications systems.
1. In recognition of the public need and demand for advanced telecommunication and information technologies and services and the impacts such facilities may have on properties within the City, it is the further intent of this Section to:
 - a. Maximize the use of existing and future wireless communication facilities by encouraging co-location of multiple antennae on a facility where feasible.
 - b. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and buildings from potential adverse impacts of such facilities.
 - c. Minimize the adverse visual and other impacts of such facilities through innovative design, adequate screening, sufficient setback area, and timely removal of facilities upon the discontinuance of use.
 - d. Minimize the adverse impacts caused by these facilities on the public health and safety of persons and property within the City, as well as to minimize the adverse aesthetic impacts caused by these facilities.
 2. It is not the intent of this Section to materially limit wireless transmission or reception, or unnecessarily burden access to wireless services or competition among different communication providers.
- B. Application Review.
1. Application. The City of Brighton shall prepare and make publicly available an application form which shall be limited to the information necessary for the City of Brighton to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
 2. Type of Review. Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, the Planning Department shall review such application to determine whether the application so qualifies.
 3. Timeframe for Review. No more than 60 days from the date on which an applicant submits an application seeking approval under this Chapter, the City of Brighton shall approve the application unless it determines that the application is not covered by this Section for Eligible Facilities.
 4. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the City of Brighton and the applicant, or in cases where the Planning Department determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - a. To toll the timeframe for incompleteness, the City of Brighton must provide written notice to the applicant within 14 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - b. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City of Brighton's notice of incompleteness.
 - c. Following a supplemental submission, the City of Brighton will notify the applicant within 5 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this Section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.



C. Collocations Allowed by Administrative Approval or Requiring Site Plan Approval. For proposed collocations that meet 1-4 below, review fees shall not exceed the actual review and processing fees or \$1,000, whichever is less. Any proposed collocation that meets items 1 & 2 below, but not 3 & 4, shall follow the procedures for site plan review as provided in Chapter 82. Administrative approval shall be granted if the following conditions are met:

1. Equipment must be collocated on an existing wireless communications support structure or in an existing wireless equipment compound.
2. The existing wireless support structure or existing equipment compound is in compliance with the provisions of this Ordinance or was approved by the City of Brighton.
3. The proposed collocation would not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the approving body.

D. New Facilities Permitted as Special Land Uses in the O-R, I-A and I-B Districts. Wireless communication facilities with monopole support structures shall be permitted as special land uses only, in the O-R, I-A and I-B districts, except that they shall not be located within five hundred (500) feet of any district zoned for single-family residential. If located on the same parcel with another permitted use, such facilities and any other structures connected therewith shall not be located in a front yard.

E. New Facilities Permitted as Special Land Uses in Other Districts. If an applicant can demonstrate to the satisfaction of the Planning Department that a location permitted in Sections C and D above cannot reasonably meet the coverage and/or capacity needs of the applicant, and the applicant can demonstrate that it has reasonably exhausted all efforts to locate its facility in accordance with subparagraph c and d above, a wireless communication facility with a monopole support structure may be permitted as a special land use or a special accessory use within all other non-single-family residential zoning districts, subject to the following standards:

1. They shall not be located within five hundred (500) feet of any district zoned for single-family residential.
2. They shall be located on a priority basis only on the following sites:
 3. Municipally owned sites;
 4. Other governmentally owned sites;
 5. Religious or other institutional sites;
 6. Public park and other large permanent open space area when compatible; or
 7. Public or private school sites.
8. Wireless communication support structures in such locations shall be of an alternative or stealth design such as (without limitation) a steeple, bell tower, tree, or other form which is compatible with the existing character of the proposed site, the adjacent neighborhoods, and the general area, as approved by the Planning Commission.

F. Required Information. The following information shall be provided for all new wireless communication facilities permitted as special land uses in Sections D-E above:

1. Site Plan. A site plan shall be prepared in accordance with this Ordinance, showing drawings for all proposed attached wireless communication facilities or wireless communication support structures.
2. Demonstration of Need. The applicant shall demonstrate the need for the proposed wireless communication support structure due to a minimum of one of the following:
 - a. Proximity to an interstate or limited-access highway or major thoroughfare.



- b. Proximity to areas of population concentration.
 - c. Proximity to commercial or industrial business centers.
 - d. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
 - e. Other specific reasons.
3. Service Area and Power. As applicable, a description of the existing and planned service areas, wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.
4. Map of Nearby Facilities. A map showing existing or proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within a seven-mile radius which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If the information is on file with the City, the applicant shall update as needed. A written request for confidentiality must be prominently stated by the applicant.
5. Data on Nearby Facilities. For each location identified by the applicant/provider, the applicant shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain information:
- a. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - b. Evidence of property owner approvals.
 - c. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility; if the location cannot be used, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing services.

6. Fall Zone Certification. To determine the required setbacks, a State of Michigan registered engineer shall submit a determination and certification regarding the manner in which the proposed structure will fall. The fall zone or collapse distance as cited in the certification shall be the minimum setback required from a property line or occupied structure. In the absence of an engineer's certification, the minimum setback shall equal 75 feet or the height of the tower, whichever is greater.
7. Description of Security for Removal. A performance guarantee shall be required for the wireless communication support structure to ensure removal and maintenance, in accordance with this Section. The security shall be in the form of a performance bond or dedicated escrow account placed with the City for coverage of stated purposes, and may be required as part of a development agreement between the City and the applicant. The security shall be a promise of the applicant and owner of the property to remove the facility in accordance with the requirements of this Section, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the City in securing removal.
8. FCC and FAA Approval. The applicant shall provide proof of approval for the location and design of the wireless communication facility from the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and Michigan Aeronautics Commission (MCC).
9. Lot Area. All wireless communication facilities shall be located on a minimum of a one-half acre parcel and shall have direct or deeded access to a public road right-of-way. Verification of said access shall be provided upon application for approval.
10. Screening. All existing vegetation shall be shown on the site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping shall be required in accordance with the provisions of this Chapter for the district in which it is located.



11. Security Information. All wireless communication sites shall be fenced with appropriate material with a minimum height of six feet and a maximum height of eight feet. All accessory buildings shall be located within the fenced area. The use of barbed wire, electric current or charge of electricity is strictly prohibited.
- G. Compatibility of Support Structures. Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.
- H. Maximum Height. The maximum height of wireless communication support structures with capacity for collocation shall be the lesser of 190 feet, the minimum height demonstrated to be necessary by the applicant, or such lower heights as required and approved by the Federal Aviation Administration.
1. The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs that might result in lower heights.
 2. Accessory buildings shall be limited to the maximum height for accessory structures within respective zoning districts.
- I. Setbacks from all Zoning Districts. Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for the principal buildings for the zoning district in which the support structure is located. But in no case shall the required setback be less than 75 feet. Wireless facilities shall be set back not less than 500 feet from any residential district.
- J. Variances. The Zoning Board of Appeals may grant variances for the setback of a wireless communication support structure to accommodate a change that would reduce its visual impact, to meet the required collocation standards, or otherwise be in compliance with federal and state laws or regulations. The Zoning Board of appeals may also grant variances for the height of a support structure in cases where a variance would permit additional collocations.
- K. Compatibility of Accessory Structures. Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which they are located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms with all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.
- L. Appearance of Support Structures. The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility, maximize aesthetics, and ensure compatibility with its surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition, as well as maintaining the safety of the site and structural integrity of any structures.
- M. Federal and State Requirements. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. Furthermore, if more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the City. The cost of testing and verification of compliance shall be borne by the operator of the antenna.
- N. Lighting. Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration or Michigan Aeronautics Commission. The Planning Commission may require a height reduction to eliminate the need for lighting unless the applicant provides adequate technical data demonstrating the need for the requested height, including an analysis demonstrating that other sites are unavailable or inadequate for their purposes.



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- O. Collocation Offer Required. An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. If, during a period of 30 days after the notice letters are sent to potential users, a user requests in writing to collocate on the new support structure, the applicant shall accommodate the request(s) unless collocation is not feasible based on the criteria of this Section.
- P. Removal. When a wireless communication facility has not been used for 180 consecutive calendar days, the party who owns or controls such a facility shall notify the City in writing of its discontinued use and shall undertake removal of all or parts of the wireless communication facility by the users or owners or their successors of the facility and owners of the property on which the facility is located within 90 days of notifying the City.
 1. The removal of antennae or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communication facility is required may be applied and limited to a portion of the facility.
 2. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communication facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
 3. If the required removal of the wireless communication facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice sent by certified mail, the City may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility or, if necessary, through appropriate judicial remedies.

- Q. Radio frequency emission standards. Wireless communication facilities shall comply with applicable federal and state standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.
- R. Effect of approval. Final approval for a wireless communication support structure shall be effective for a period of 180 calendar days. One extension of up to an additional 180 calendar days may be granted, provided that a written request is submitted prior to the expiration date.

98-4.36 ONE-FAMILY ATTACHED^{BA} DWELLING UNITS

For one family attached dwelling units, each dwelling unit shall have direct access from outdoors from at least the front and rear or front and side of the unit.

98-4.37 TEMPORARY OR GARAGE DWELLINGS

Substandard temporary basement dwellings or garage dwellings, which have been heretofore erected or occupied, are hereby declared to be unlawful dwellings and shall be vacated within a period of two years or otherwise altered so as to comply with the provisions of this Chapter. Buildings erected as garages shall in no case be occupied for dwelling purposes unless they comply with all the provisions of this Chapter.

98-4.38 PUBLIC BUILDINGS

On a lot occupied by a church or other building in which persons congregate, or which is designed, arranged, remodeled, or normally used for the congregation of persons in numbers in excess of 25, the width of each side or rear yard shall be not less than 25 feet.

98-4.39 DOMESTIC EMPLOYEES DWELLINGS

In all districts of the City, separate dwellings for the use of domestic employees of the owner, lessees or occupants of the principal dwelling on the lot shall be considered accessory buildings, but if containing a complete housekeeping unit or units, shall conform to all the height and yard requirements for dwellings in the district in which they are located.



98-4.40 REMOVAL OF SOIL, SAND OR OTHER MATERIAL

The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any district except under a temporary certificate from the board of appeals, which may be denied or issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect, or leave the surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or other land uses permitted in the district in which such removal occurs.

98-4.41 DISPOSAL AND DUMPING OF GARBAGE, REFUSE, JUNK

The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or byproducts is not permitted in any district, except under a temporary certificate from the board of appeals which may be issued in appropriate cases upon the filing of application accompanied by a suitable agreement or bond that such dumping or disposal will not pollute the waters of the City or cause stagnant water to collect, or leave the surface of the land, at the expiration of such permit, in an unstable condition, or unfit for the growing of turf or for other land uses permitted in the district in which such dumping occurs. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district.

98-4.42 RENTAL SPACE FOR STORAGE OF VEHICLES

In the I-B district, rental space for storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats, etc. is a permitted use. Space may be rented for construction and contractor’s equipment so long as all property lines shall abut land zoned I-A light industrial or I-B intermediate industrial. The storage shall be enclosed within a building or within an obscuring wall or fence on those sides abutting a building or within an obscuring wall or fence on those sides abutting a public thoroughfare. The extent of such obscuring wall or fence shall be as determined by the planning commission.

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98-5.0 Site Standards

98-5.1 REFUSE CONTAINERS

- A. In the R-3, R-4, R-5, and SHD districts, refuse containers shall be provided in such numbers and manner as to adequately serve the development but in a discrete, harmonious and inconspicuous manner. Refuse containers must be fully screened within a six-foot high masonry brick wall with a lockable gate.
- B. In the R-T and C-3 districts, refuse containers shall be screened through the use of any combination of opaque fences, wall, shrubbery, or earth berms to achieve a five-foot high visual barrier.
- C. In the R-M district, refuse containers shall be screened on all sides and located in the least intrusive area of the site. Screening shall be a 6-foot masonry screenwall with a wheeled gate comprised of a decorative and durable material that complements the principal building.

(Amended by Ord. No. 582, Pt. 9, 8-2-2018)

98-5.2 REFUSE DISPOSAL

The occupant or occupants of every building where waste accumulates, and in case of a semidetached or terrace dwelling, the owner, lessee or agent, shall cause to be provided for said building, kept clean and in place, proper receptacles for said wastes, either stationary or portable. No occupant whether owner, lessee or agent, shall permit the storing or accumulation of rubbish or waste, or permit it to be kept in open yards or lots unless placed in an accessory building.

98-5.3 STORMWATER MANAGEMENT SYSTEMS

The City of Brighton has developed design standards requiring new and redevelopment projects to implement storm water management systems standards set forth by the Livingston County Drain Commissioner (LCDC) and City Engineering Design Standards. The City of Brighton Downtown Development Area (DDA) has special requirements for storm water management and site layouts. The use of Low Impact Development (LID) techniques provided in the LID Manual for Michigan issued by Southeast Michigan Council of Governments are encouraged, subject to Planning Commission review and approval of concept based on City Engineering review.

98-5.4 EXTERIOR LIGHTING

- A. Intent. The purpose of this Ordinance is to provide regulations for outdoor lighting that will:
 - 1. Permit the use of outdoor lighting that meets the minimum levels specified in this Ordinance for night-time safety, utility, security, productivity, enjoyment, and commerce.
 - 2. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
 - 3. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
 - 4. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
 - 5. Conserve energy and resources to the greatest extent possible.
 - 6. Promote traffic safety by minimizing glare and promoting the even distribution of lighting in parking lots
- B. Lighting Standards:
 - 1. Subject to the provisions set forth herein, open space and recreational uses, all non-single-family residential parking areas, walkways, driveways, building entryways, off street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.
 - 2. Unless otherwise permitted in this Ordinance, only downward-directed, fully-shielded, full cut-off lighting shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjacent properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare or interfere with the vision of motorists. Fixtures attached to canopies or eaves of a building or structure shall be recessed and flush with the surface of the structure. ✎

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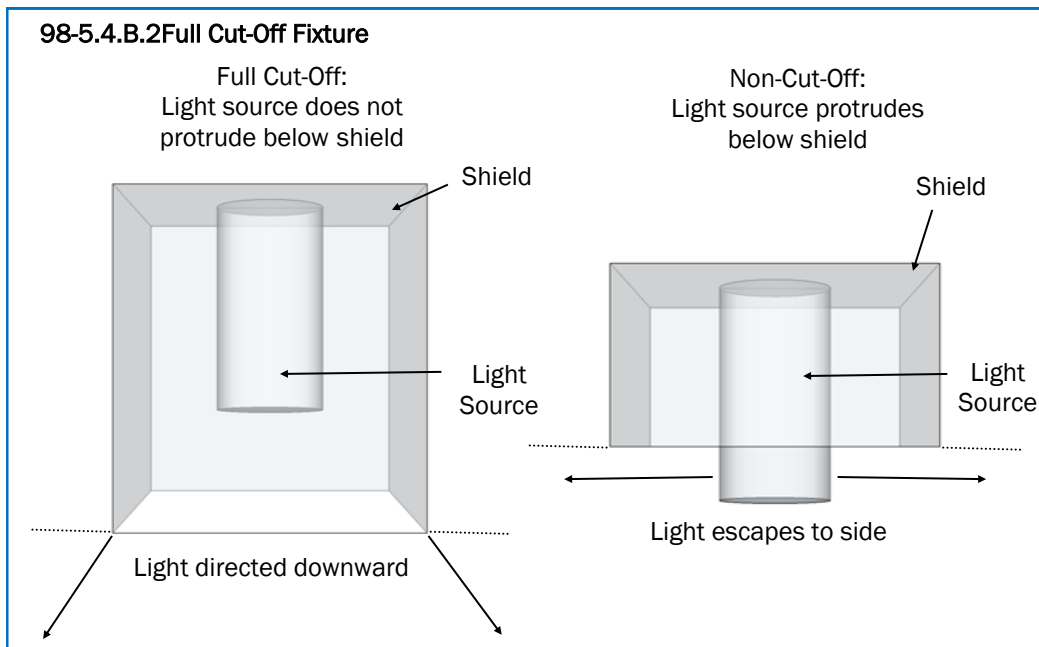
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3. Lights shall not flash, blink, strobe, or create the impression of movement.
 4. All lighting used to illuminate any off-street parking area shall be so designed, located, and shielded to prevent glare unto adjacent properties and prevent adverse impacts on motorist visibility.
 5. Any lighting applied to the wall, roof edge, window or other exterior structure that is not regulated as a sign shall also meet the lighting standards of this Ordinance and shall be limited an illumination level not to exceed 0.3 footcandle above ambient light conditions, as measured from the property line or lines nearest to each source of illumination. In no case shall light levels at any property line exceed 0.5 footcandle.
 6. The following illumination levels shall act as standards for all exterior lighting. Lighting will be governed by the four to one (4:1) ratio of average to minimum illumination of surface being lit. Illumination levels shall not exceed one half (0.5) foot-candle at any property line, nor shall they exceed ten (10) foot-candles at any point within the site. In cases where the minimum lighting is less than 0.5 foot candles, 0.5 shall be used as the minimum level for purposes of calculating the 4:1 ratio. In the case of separate distinct parking fields (e.g., one in the rear yard and one in the front yard), the 4:1 ratio shall be calculated separately for each illuminated area.
 7. Height. Light fixtures shall be mounted so that the top of the fixture does not exceed twenty (20) feet. Fixture height shall be measured from the grade of the illuminated surface to the bottom of the fixture. In the case of a yard that does not abut nor is across a street from any residential district, the fixture height may be increased to a maximum of thirty (30) feet.
 8. The use of high-efficiency lighting types such as LEDs is encouraged.
- C. Sign lighting. Sign illumination shall be in accordance with the regulations set forth in Chapter 66, Signs.
 - D. Subdivision Entrances. All subdivision and site condominium development road entrances shall be lighted and shall be subject to review by the Planning Commission.
 - E. Site Plan Requirements
 1. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects.

2. A detail of the lighting fixture, including manufacturer's specifications for shielding, wattage and illumination, shall be provided on a site plan. The location and height of all fixtures shall be noted on the site plan.
 3. A photometric plan shall be required showing all lighting levels and average to minimum ratio to determine compliance.
- F. Exemptions. The following uses shall be exempt from the provisions of this Section:
1. Roadway and airport lighting required by the appropriate public agency for health, safety and welfare purposes;
 2. Construction lighting approved by the building department as part of a building permit;
 3. Flag lighting, provided that the illumination is the minimum level necessary, and that the light source is aimed and shielded to direct light only onto the intended target and to prevent glare for motorists and pedestrians;
 4. Emergency lighting approved by the City, provided the lighting is discontinued upon the abatement of the emergency necessitating said lighting; and
 5. Other temporary lighting that does not result in light trespass or glare on adjacent property as determined by the Building Official.
- G. Modifications.
1. Low voltage, upward-directed lighting for flags, landscaping or other decorative feature may be permitted by the Planning Commission upon a finding that such lighting is supplementary and keeping with the spirit and intent of the Ordinance.
 2. The Planning Commission may modify the requirement for existing developed sites seeking modest expansions to bringing all lighting into compliance with these lighting standards based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of surrounding land use; and the extent of the proposed change in floor area and/or land use.

98-5.5 TRAFFIC STUDY REQUIREMENTS

Any proposed use or combination of uses that generate 100 or more peak hour trip ends (as defined by the Institute of Transportation Engineers (ITE) Trip Generation), shall be required to submit a traffic impact study. A traffic impact study (as outlined by Michigan Department of Transportation Traffic & Safety Division Guidelines) shall include the following:

- A. A transportation system inventory which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services;
- B. Including but not limited to, peak hour volumes (existing and projected), number of lanes, a cross-section, intersection traffic signals and configuration, traffic signal progression, percentage of heavy trucks, adjacent access point locations, jurisdiction and grades;
- C. A capacity analysis shall be performed at each access point. Default values shall not be used when actual values are reasonably obtainable;
- D. Address interaction of conflicting traffic movements;
- E. Analyze any proposed signalized access within one-half mile of an existing signalized intersection for coordination and timing. A time-space diagram shall be included;
- F. A traffic impact study on the trunkline shall be analyzed with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes (assume total build out);
- G. The complete analysis shall be summarized in a table showing all the measures of effectiveness (MOE) for all the above conditions.

98-5.6 OFF-STREET PARKING AND LOADING REGULATIONS

- A. Intent. Any building, structure or use of land that is constructed, established or enlarged, or which use changes, shall provide on-site, well-designed, landscaped and illuminated vehicle parking and loading areas that meet the following minimum provisions. Such parking and loading areas shall not be encroached upon so long as the building, structure or use remains, unless an equivalent number of parking spaces are provided elsewhere in conformance with this Section.

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B. General Parking Requirements.

1. **Parking of Commercial Vehicles.** All company vehicles shall be parked in an area specifically identified for such purpose. Any parking space provided for company vehicles shall be in addition to the parking requirements designated for that use unless otherwise specified. Loading and unloading shall be strictly prohibited in any area other than the designated, approved loading and unloading areas.
2. **Parking of Vehicles in Residential Zones.** Parking in the front or side yard of any residential property shall be strictly prohibited except on an asphalt, concrete or masonry-type material driveway. Parking on grass is strictly prohibited.
3. **Shared Parking.** Except as provided for herein, all off-street parking shall be located on the same lot as the building or use the parking is intended to service. Two or more adjacent, non-residential uses, may jointly provide and use parking spaces when the hours of operation do not normally or significantly overlap. Each use and the hours of operation for each use shall be submitted for review. The City Council shall approve or reject requests for shared parking. A recordable document detailing the shared parking provisions shall be recorded with the Livingston County Register of Deeds and a copy shall be made a part of the City’s zoning file prior to any permits being issued.

The number of shared parking spaces may be calculated as follows:

- a. Determine the minimum amount of parking required for each land use as a separate use;
- b. Multiply each amount by the corresponding percentage for each of the five time periods;
- c. Calculate the column total for each time period;
- d. The column total with the highest value is the parking space requirement.

<i>Land use</i>	<i>Weekday 9:00 a.m.– 4:00 p.m.</i>	<i>6:00 p.m.– midnight</i>	<i>Weekend 9:00 a.m.– 4:00 p.m.</i>	<i>6:00 p.m.– midnight</i>	<i>Nighttime Midnight– 6:00 a.m.</i>
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%

For example, in a mixed-use development—Office, Retail and Entertainment, the assumption is that the individual land uses would have the following parking space requirements:

- Office 300 spaces
- Retail 280 spaces
- Entertainment 100 spaces
- Total 680 spaces



Table 98-5.6.B.3 Shared Parking Calculation Example

Land use	Weekday 9:00 a.m.– 4:00 p.m.	6:00 p.m.– midnight	Weekend 9:00 a.m.– 4:00 p.m.	6:00 p.m.– midnight	Nighttime Midnight– 6:00 a.m.
Office	300	30	30	15	15
Retail	168	252	280	196	14
Entertainment/Recreation	40	100	80	100	10
Total	508	382	390	311	39

The shared parking requirement for the above hypothetical development is 508 parking spaces. Shared parking results in a 25 percent decrease in the number of required parking spaces.

Alternatively, data and methodology found in the latest edition of the publication entitled Shared Parking, by the Urban Land Institute – typically applied via the associated Shared Parking Model – may be used to determine the number of shared parking spaces required, subject to Planning Commission review and approval of a shared parking study prepared and submitted by a qualified parking expert retained by the applicant.

- 4. Deferred Parking. The deferred parking option has been established to allow the construction of a portion of the parking required by this Section to be deferred, provided the conditions set forth below are satisfied and approved by the City Council.

In the event that an applicant provides evidence to demonstrate that the proposed use will utilize less parking than that required by the Table of Off-Street Parking Requirements, a portion of the required parking may be deferred, subject to the following:

- a. The amount of parking to be deferred shall be determined by the City Council. An evaluation of the evidence provided by the applicant may result in a deferred parking approval that shall not exceed 20 percent of the total maximum parking spaces required by this Section.
- b. Deferred parking shall be on the same site as the required parking.

- c. The area reserved for deferred parking shall be shown on a site plan. The site plan shall show the proposed parking layout, including striping, utilities, lighting, drives curb cuts and related information. The deferred parking area shall be clearly labeled “deferred parking.”
- d. No building, structure, or other encumbrance shall be placed in or on the area that has been reserved for deferred parking. Landscaping may be installed in the deferred parking area, however, it shall be removed at the owner’s expense in the event that the City determines that the deferred parking shall be installed.
- e. The deferred parking may be constructed by the owner at any time.
- f. At such time as the City Council determines that the deferred parking is necessary, the owner shall install the deferred parking pursuant to the approved site plan.
- g. No permits authorizing construction shall be issued to the owner until proof is provided to the City that the approved site plan depicting the deferred parking has been filed with the Livingston County Register of Deeds.
- h. In the event that circumstances warranting a modification of the area reserved for deferred parking arises, the owner may submit an amended site plan in conformance with the Ordinances of the City to the Planning Commission for review and recommendation and to the City Council for approval.



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5. Signs. Signage for off-street parking shall be governed in accordance with Chapter 66 of this Code.
6. Site Plan Review. Site plans submitted for review pursuant to this Section shall be governed by Chapter 82 of this Code.
7. Downtown Business District Parking Exemptions. The City of Brighton creates the following parking exemption for the downtown business district in recognition of the available public parking in the downtown, and to encourage development in the downtown.
 - A. Uses within the defined downtown business district boundary that are required by this section to provide less than 65 parking spaces, shall be exempt from providing any parking spaces required by this section. For uses which exceed the parking requirements shall be calculated by deducting 65 parking spaces from the parking calculation set forth in Section [98-5.6.C](#) through [E](#) of this section. The DBD is established by Ordinance and its boundaries are shown on the city's zoning map.
 - B. Transitional parking lots shall be permitted within the defined downtown business district boundary, and immediately adjacent to properties within the downtown business district as a special land use. Such lots shall be exempt from the requirements of [98-5.6.C\(7\)](#) and [98-3.42F\(2\)](#) and all parking lot spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, may be surfaced and curbed or gravel, and shall be constructed as set forth in the city's design standards, as amended, but shall be subject to the following conditions.
 1. Approval for a transitional parking lot under this section is limited to a three (3) year period of time with the ability to obtain additional extensions for three (3) years per extension, when owner is able to demonstrate significant attempts to transition the property to a legally permitted use.
 - C. Overflow parking lots shall be permitted within the defined Downtown Business District boundary, and on railroad rights-of-way immediately adjacent to the properties within the Downtown Business District as a special land use. Such lots shall be exempt from the requirements of [Section 98-5.6.C\(7\)](#) and [98-3.42.F\(2\)](#), and all parking lot spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, may be surfaced and curbed or gravel, and shall be constructed as set forth in the City's design standards, as amended, but shall be subject to the following conditions.
 1. Overflow lots shall only be used for the portion of of the year where overflow parking is determined to be needed by City Council in the special land use approval process, and shall be a condition of the special land use permit.
2. Property owner and lessee, if property is leased, shall be responsible for cleanup of any gravel from the parking lot that is found within the street, including, but not limited to, any cost of street-sweeping.
3. Property owner and lessee, to hold and comply with the terms of a maintenance agreement with the City.
4. None of the spaces within a transitional parking lot may be used to satisfy the off-street parking space requirements for a use located on that property or on another property.
5. Violation of any of the requirements set forth herein shall be subject to municipal civil infraction as detailed in Section 1-16, with each day of violation constituting a separate violation.
6. City Council shall have the authority to revoke a special land use permit for transitional parking if it is not in compliance with the standards for a special land use set forth in this ordinance or the conditions of the special land use permit.



2. Property owner and lessee, if the property is leased, shall be responsible for cleanup of any debris from the parking lot that is found within the street.
3. All overflow parking lots must be able to prohibit access with a closed, lockable gate.
4. Property owner and lessee, if property is leased, to hold and comply with the terms of a maintenance agreement with the city.
5. None of the spaces within an overflow parking lot may be used to satisfy the off-street parking requirements for a use located on that property or on another property.
6. Violation of any of the requirements set forth herein shall be subject to municipal civil infraction as detailed in Section 1-16, with each day of violation constituting a separate violation.
7. City Council shall have the authority to revoke a special land use permit for overflow parking if it is not in compliance with the standards for a special land use set forth in this ordinance or the conditions
8. Snow storage, is hereby deleted.
9. Access to Parking Spaces and Parking Lots. All parking spaces and parking lots shall have defined access to a public or private street. There shall be no more than two curb cuts accessing a parking lot or parking spaces from any single public or private street frontage.
10. Prohibited Access to Parking Areas. Access to non-residential uses shall not be made by way of residentially zoned property, except by way of a dedicated public right-of-way.

C. Specific Parking Requirements. All off-street parking including driveways, entrances, exits, circulation and maneuvering areas, aisles and interior lanes, and parking spaces, shall be designed, constructed and maintained in accordance with the following minimum standards and specifications. The construction of any parking lot shall be completed and approved by the building official before a certificate of occupancy is issued.

1. Parking Space. All new or altered parking lots shall provide parking spaces with a stall width of nine feet, center to center, and a stall depth of 18 feet. Parallel parking spaces may be utilized where appropriate. Parallel parking spaces shall be nine feet wide and 20 feet in length with a six-foot maneuvering space between each two parallel parking spaces.

Where natural and/or man-made obstacles, obstructions, or other features such as landscaping, support columns, or grade difference exists, the City Council may approve a reduction in required stall width (to no less than 8 feet), stall length (to no less than 17 feet), and/or aisle width (to no less than 20 feet for two-way operation) as part of the site plan review process. In all instances where a reduction is requested, emergency vehicle access shall be considered and incorporated into the parking lot design and the City Engineer shall review the proposed reductions and determine that no detrimental effect will result.

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2. Loading Space. Loading areas shall be provided for any use that requires delivery of items for sale, repair, manufacture, assembly or service. Each loading area shall be a minimum of ten feet by 40 feet, and a sufficient number to accommodate all delivery vehicles. Loading/unloading spaces shall not interfere with internal traffic circulation nor access directly from any road. A loading space shall not be considered a parking space. Loading and unloading areas shall be located on those sides of the building which do not face on any street or proposed street, except where such areas are obscured by a solid masonry wall not less than six feet in height. Loading spaces shall be provided as follows:

Gross floor area in square feet	Loading/unloading spaces required
0 to 5,000	None
5,001 to 20,000	One space
20,001 to 100,000	One space plus one space for each additional 20,000 square feet over 20,000 square feet
100,001 to 500,000	Five spaces plus one space for each 40,000 square feet over 100,000 square feet

3. Barrier-free parking space. Off-street barrier-free parking spaces and associated curb-cuts and signage, shall be provided and designed in full compliance with the requirements of the Americans with Disabilities Act (ADA). A barrier-free parking space shall be counted as a required parking space. The number of barrier-free parking spaces shall be as listed below or as required by the ADA whichever requirement is greater:

Parking spaces provided	Barrier-free parking spaces required
1–25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8
401–500	9
501–1,000	2% of total

4. Driveway/drive aisle. The drive aisle shall be a minimum of 24 feet wide at the right-of-way line. For single- or two-family residential dwellings, driveways shall be a minimum of nine feet wide.
5. Backing into streets prohibited. Parking spaces and parking lots shall be designed to discourage vehicles from backing onto public and private streets.
6. Setbacks from residential uses.
 - a. Whenever any non-residential use abuts a residential district, the off-street parking for the non-residential use shall not be located closer than ten feet from the residential district boundary.
 - b. No part of any loading space shall be permitted closer than 20 feet to any residential district.



- c. Whenever any non-residential use adjoins a residential district, the off-street parking or loading for the nonresidential use shall be setback a minimum of the required front yard setback of the adjacent residential district or, the average front yard setback of the adjacent residential area, whichever is greater, and shall not be located within 12 feet of any right-of-way.
- 7. Surfacing and curbing. All off-street parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be surfaced and curbed prior to occupancy of the building. Surfacing and curbing shall be accomplished according to the City's Design Standards, as amended. The use of curb blocks is prohibited.
In lieu of improvements prior to occupancy or use, a bond, letter of credit or other surety shall be provided to insure that the required improvements will be made in the future.
- 8. Drainage. All parking spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, shall be graded and drained to City Engineer Standards. Any required retention or detention area may be required to be landscaped.
- 9. Maintenance. Parking areas shall be maintained in good condition, and free of dust, trash or other debris.
- D. Determination of Required Spaces. In computing the number of parking spaces required by this Section, the following shall apply:
 - 1. Each use on any site shall comply with the off-street parking space requirements, with the exception of those set forth in [Sections 98-5.6.B.3](#) and [98-5.6.B.7](#).
 - 2. The total number of parking spaces required on-site shall be the sum of the requirements for each use or function within the building or on the premises unless otherwise specified. No building or use shall be changed or expanded unless the minimum required parking spaces and landscaping for the entire site can be provided.
- 3. When the total sum computed for required off-street parking includes a fraction, any fraction up to and including one-half, may be disregarded. Fractions over one-half shall require one parking space.
- 4. For purposes of off-street parking requirements, "gross floor area" (GFA) means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.
- 5. Where seating capacity is the standard for determining parking space requirements, the seating capacity shall mean the occupancy standard set by the fire chief.
- 6. Parking for company vehicles shall be provided on-site and in addition to the number of parking spaces required by this Section unless otherwise specified.
- 7. The parking space requirements for a use not specifically identified in this Section shall be the parking requirements for the use that is most similar. If the requirements for a similar use do not accurately reflect the number of required parking spaces for the proposed use, the Zoning Administrator shall determine the parking space requirement.
- E. Parking Space Requirements. The number of off-street parking spaces required for new uses, buildings or structures, or additions to existing uses, buildings or structures, shall be no less than the minimum set forth. Parking provisions shall be clearly identified on the site plan submitted for review and / or on the application for a building permit.



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Table 98-5.6.E Off-Street Parking Requirements

Use	Minimum Parking Spaces
A. Residential	
1. Single-family and two-family dwellings	Two (2) per dwelling unit
2. Multi-family apartments or condo	Two (2) for each dwelling unit, plus one-half (½) parking space for each bedroom over two (2), plus one (1) for every four (4) dwelling units. Efficiency dwelling units shall require one (1) parking space each.
3. Multi-family, Senior housing	One-half (1) for two dwelling units, and one (1) for each employee on the largest work shift
4. Assisted living facility	One (1) for two (2) dwelling units, plus one (1) for each employee on the largest work shift
5. Rooming or boarding house	One (1) for each two (2) sleeping rooms
6. Mobile home park	Two (2) for each mobile home site and one (1) for each employee on the largest shift that does not live on-site
7. Bed and breakfast	Two (2) parking spaces plus one (1) for each guest room
B. Commercial / Office / Service Uses	
1. Automobile gas station	One (1) for each employee on maximum work shift
2. Automobile gas station with convenience mart	One (1) for each 200 square feet of GFA, plus one (1) for each employee on maximum work shift
3. Automobile service or repair	Two (2) for each service bay, plus one (1) for each employee on the largest shift
4. Bank or financial institution	One (1) for every 200 square feet of GFA, plus required stacking
5. Barber and beauty salon	Three (3) for each hair or nail chair, and one (1) for each tan bed/booth
6. Bowling center	Five (5) per lane
7. Car wash (automatic or self-service)	One (1) for each employee on the largest shift, plus four (4) stacking spaces per bay for self-serve, and seven (7) stacking spaces for each automatic bay. A washing space is not a parking or stacking space



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Table 98-5.6.E Off-Street Parking Requirements (continued)

Use	Minimum Parking Spaces
B. Commercial / Office / Service Uses (continued)	
8. Caterer	One (1) for each employee on the largest shift, plus one (1) for each company vehicle
9. Day care facility	One (1) space for each employee on the largest work shift, plus one (1) for each 500 square feet of GFA
10. Funeral home or mortuary	One (1) for every 150 square feet of GFA
11. Furniture, Household equipment	One (1) for each 600 square feet of GFA
12. Golf course	Six (6) for each hole
13. Grocery store	One (1) for each 325 square feet of GFA
14. Hotel or motel	One (1) per guest room plus one (1) for each employee on the largest work shift
15. Laundromat	One (1) for each two (2) washing machines
16. Manufacturing, utility, research, and development facilities	One (1) for each employee on the largest work shift plus one (1) for each 200 square feet of office reception area
17. Motor vehicle body/paint shop	One (1) for each employee on the largest work shift, including one (1) for each company vehicle. In addition, two (2) parking spaces are required for each service bay. No required parking space may be used for the temporary storage of vehicles to be serviced
18. Motor vehicle sales and service	One (1) per 200 square feet of office and showroom, plus three (3) for each service bay
19. Office, General business	One (1) for each 200 square feet of GFA when walls are fixed. Offices with moveable walls require one for each 150 square feet of GFA
20. Office, limited business (no on-site service or clientele)	One (1) for each employee on the largest shift plus one (1) for each 1,000 square feet of floor area
21. Office, medical or dental (clinic)	General practice, pediatrician—One (1) per 100 square feet of GFA Specialty practice—One (1) per 150 square feet of GFA
22. Open air business	One (1) for each 600 square feet of lot area
23. Outdoor recreation	One (1) for each 500 feet of use area



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Table 98-5.6.E Off-Street Parking Requirements (continued)

Use	Minimum Parking Spaces
B. Commercial / Office / Service Uses (continued)	
24. Retail (except as otherwise specified)	One (1) for each 300 square feet of GFA
25. Restaurant or Tavern	One (1) for each 100 square feet of GFA. If an establishment has no provision for on-site consumption, the parking requirement is one (1) parking space for each 200 square feet of GFA
26. Salvage yard	One (1) space per acre
27. School, trade or business	One (1) space for each instructor and employee on maximum work shift and one (1) parking space for each two (2) persons up to the maximum capacity established by the fire chief
28. Self-service storage facility	Two (2) spaces for each employee that lives on site and/or one (1) parking space for each employee on the largest work shift
29. Veterinarian	One (1) for each employee on the largest work shift, plus two (2) for each exam room
30. Warehouse	One (1) for each employee on the largest shift plus one (1) for each 200 square feet of office reception area
C. Institutional Uses	
1. Club or lodge	One (1) for each three (3) people allowed by fire chief
2. Correctional facilities	One (1) for every two (2) beds
3. Nursing home	One (1) for every three (3) beds plus one (1) for each employee on the largest shift
4. Places of worship, theaters, auditoriums, clubs, lodges, and assembly halls	<ul style="list-style-type: none"> ■ One (1) space for each three (3) seats. For pew or bleacher seating, one (1) seat is considered to be 24 inches of seating area width. ■ In cases where seating is not provided, one (1) space for each three (3) persons allowed by capacity, as determined by the fire chief



Table 98-5.6.E Off-Street Parking Requirements (continued)	
Use	Minimum Parking Spaces
C. Institutional Uses (continued)	
5. School, Elementary/ Middle (K-8)	One (1) for each teacher and employee, in addition to parking requirements for the auditorium
6. School, High (9-12)	One (1) for each teacher and employee, in addition to one for each five students, plus the parking requirements for the auditorium and/or school sports facility
7. Hospital	One (1) space per every four (4) beds. (One (1) space for each 600 square feet of GFA
8. Library or museum	One (1) for each 400 square feet of gross floor area

F. In the R-3, R-4, R-T, C-3, C-4, O-S, and O-R districts, off street parking facilities shall be provided and constructed in accordance with the following regulations:

1. There shall be no parking in any front yard and there shall be only one point of site access per street frontage to the project area which may pass through the front yard.
2. The access drive shall be no greater than 24 feet wide unless modified by the body approving the site plan after reviewing a recommendation from the City Planner and/or City Engineer.

In the R-5 district, refer to parking regulations by building type in [Section 98-3.47 Building Types](#).

F. In the R-3 and R-4 districts:

1. Enclosed garages shall provide parking space for not more than three motor vehicles per living unit, unless otherwise specified for building types in [Section 98-3.47](#), and not more than one garage parking space may be for a commercial vehicle, which shall not exceed 1 1/2-ton capacity, provided such commercial vehicle is owned and operated by a resident member of the family occupying such living unit.

2. All outdoor parking and drive areas required herein shall be hard-surfaced with asphalt, concrete, or similar acceptable surfacing materials approved by the Planning Commission. All such parking lots, related drives, approaches and roadways shall be curbed with six-inch high cast in place reinforced concrete continuous barrier curbing. All parking and related driveways must be drained by underground structures approved by the Planning Commission.
3. There shall be clearly accessible and adequately paved and drained areas for snow storage. Such snow storage areas shall be in excess of any required parking spaces.

H. In the R-3 district, no more than one-half of the off-street parking provided on the site may be exposed to view. All other parking must be housed in fully enclosed buildings, matching in appearance, scale, and structure the prevailing style and materials of the residential building types.



- I. In the R-4 and R-5 districts, no more than three quarters of the off-street parking provided on the site may be exposed to view. All other parking must be housed in fully enclosed buildings, matching in appearance, scale, and structure the prevailing style and materials of the residential building types. The number of required parking spaces for multiple-family residential units may be reduced as part of the site plan approval process based on review and acceptance of a parking study provided by an applicant demonstrating that the unique characteristic of a proposed development require fewer parking spaces than otherwise required by this ordinance. In no case shall there be fewer than one and one half (1.5) spaces per multiple-family dwelling unit.
- J. In the R-T district.
 - 1. No exposed overnight automobile parking is allowed.
 - 2. Each new or existing residential occupancy in this district must provide at least one enclosed automobile parking space of suitable domestic appearance per living unit.
- K. In the R-T, C-4, and O-S districts, parking area required herein shall be hard surfaced with asphalt, concrete, or similar surfacing materials with underground drainage provision approved by the Planning Commission.
- L. In the C-1, C-3, and O-R districts, parking area required herein shall be hard surfaced with either asphalt, concrete, or any similar surfacing materials approved by the Planning Commission.
- M. In the C-4 district:
 - 1. Wherever possible vehicular access to any site in a C-4 district shall be from other than a principal City street.
 - 2. Vehicular traffic within a C-4 district should be collected and diverted to secondary streets, service drives and roads so as to deliver a maximum amount of customer and service traffic to principal City streets in controlled fashion so as to limit the impact of intersecting local traffic.
 - 3. Where traffic control is impossible or impractical to achieve as required in [Section 98-5.6.F](#), [Section 98-5.6.M.1](#) and [Section 98-5.7.C-D](#), the use of acceleration/deceleration lanes, 50-foot minimum driveway/roadway spacings and other safety considerations may be required at the discretion of the Planning Commission.

(Amended by Ord. No. 582, Pt. 10, 8-2-2018)

98-5.7 LANDSCAPING AND SCREENING REQUIREMENTS

- A. Intent. The intent of this Section is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as buffer zones between uses, along roadways and adjacent to the building. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values and the overall character of the City. The standards of this Section shall apply to all projects subject to site plan review.

The standards of this Section are intended to help achieve a number of aesthetic, functional and environmental objectives, such as to:

 - 1. Promote implementation of the Master Plan;
 - 2. Provide incentives to preserve quality mature trees rather than planting new but smaller trees;
 - 3. Screen headlights to reduce glare and accident potential;
 - 4. Integrate various elements of a site;
 - 5. Screen or filter views between incompatible land uses;
 - 6. Control soil erosion by slowing the effects of erosive winds or water;
 - 7. Moderate harsh or unpleasant sounds;
 - 8. Remove air pollutants;
 - 9. Control glare and reflection;
 - 10. Assist in directing safe and efficient traffic flow at driveways and within parking lots;
 - 11. Insure adequate sight distance;
 - 12. Distinguish and separate vehicular and pedestrian circulation;
 - 13. Moderate the effects of climate and to create a more desirable microclimate; and,
 - 14. Provide reasonable standards to gradually bring into compliance developed sites which existed prior to the adoption of these standards in relation to the extent of improvements, expansion or change in use.



The landscape standards of this Section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

B. Types of Landscaping Standards. This Section provides minimum standards for four elements of a site:

1. **Greenbelts.** Minimal greenbelts along and within public street rights-of-way and within required parking lot setbacks in all multiple-family, office, commercial and industrial districts.
2. **Buffer Zones.** Required landscaping, walls and screening between various zoning districts.
3. **Parking Lot Screening.** The minimum landscape screening requirements within parking lots of various sizes in various zoning districts.
4. **General Site Landscaping.** Standards for placement of landscaping within a site.

C. Required Greenbelts Along and Within Rights-of-Way. A greenbelt shall be planted along the right-of-way of any public street, except in the DBD district. If planting in the right-of-way is not permitted by the road agency with jurisdiction in the right-of-way, or is not acceptable to a utility company, the greenbelt plantings shall be within the required parking lot setback, which shall be a minimum of ten feet (10') wide unless otherwise specified in this Ordinance. The Planning Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The greenbelt shall meet the following standards:

1. The greenbelt shall include only living materials and planting beds, except for approved sidewalks, bikepaths, signs, driveways and essential services.
2. The greenbelt shall include one (1) canopy tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks or easements. The number of trees required shall be rounded upward at fifteen (15) foot increments (e.g., 45 feet of frontage equals 2 required trees).
3. The Planning Commission may approve substitution of evergreen trees for up to

fifty percent (50%) of the required greenbelt trees upon determining evergreens would be consistent with the existing character of the area.

4. Greenbelt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the character of an area.
 5. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
 6. If there is parking in the front yard or a street-facing side yard, the Planning Commission shall require a two (2) to three (3) foot high continuous screen consisting of 1) an undulating berm, 2) continuous hedgerow, 3) ornamental metal fence with brick or stone pillars and shrubs, or 4) masonry wall of brick or stone within the greenbelt to help screen the parking lot. A combination of the above techniques may be used if considered by the Planning Commission to meet the intent of the Ordinance and be consistent with the surrounding streetscape character. If a wall or berm is provided, there shall be supplemental plantings of shrubs at a rate of four (4) per thirty (30) lineal feet of frontage. Commercial signs shall not be placed on top of the berm unless the berm is continuous along the frontage greenbelt.
- D. Minimum Residential Buffer Zones.** A landscape buffer shall be provided within the required setback between the subject site and all adjacent single-family residential districts. Screening shall be a combination of dense landscaping consisting of a variety of plant types, screen walls or other acceptable screening methods, or combinations thereof, to create a six feet high solid visual barrier. The Planning Commission shall determine whether landscaping, a wall, a berm or a combination is needed to attain the screening intended by this Section. Walls taller than three (3) feet shall typically be prohibited along a public street right-of-way or in a front yard unless specifically approved by the Planning Commission.

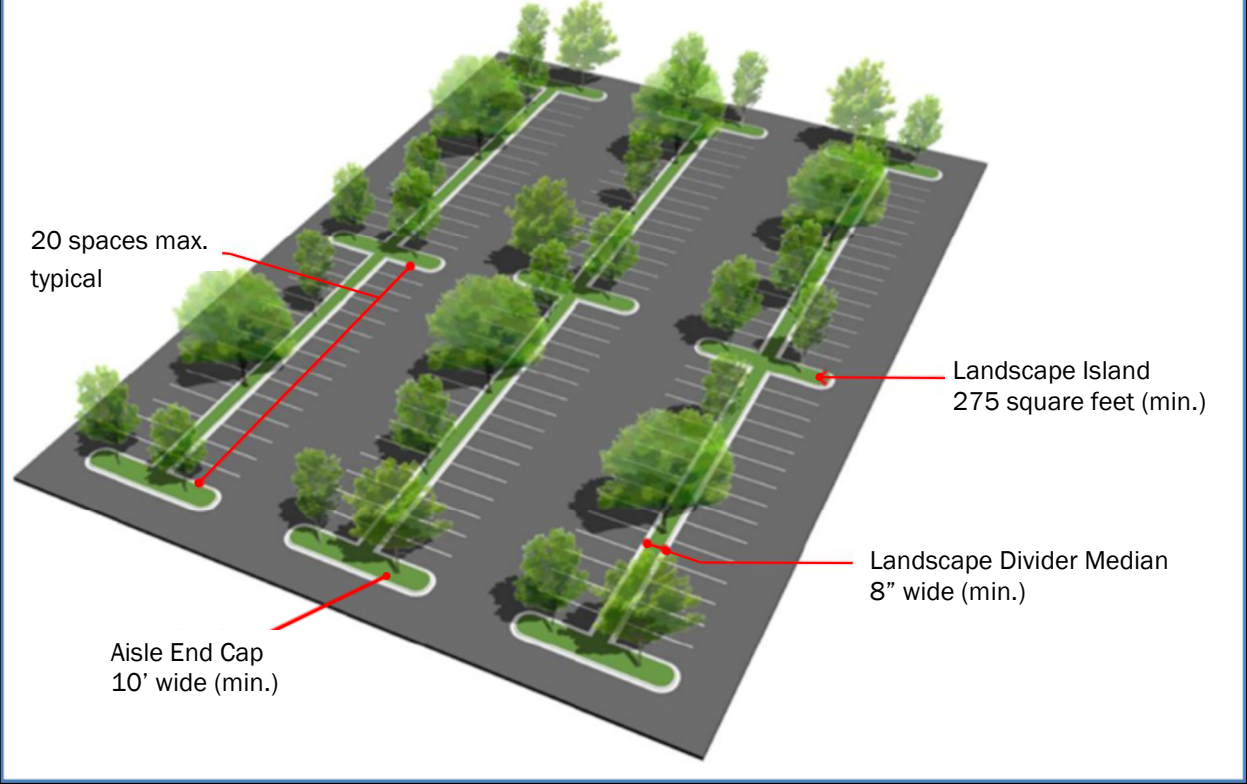
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E. **Parking Lot Landscaping.** Landscaping within parking areas is not only necessary to improve the appearance of off-street parking areas, but also to reduce the generation of heat and stormwater management. Landscaping also visually breaks-up the expanse of paved areas. Any required landscaping shall be significant and comprehensive in design and incorporate existing natural features where appropriate. The following specific requirements shall not apply to areas within the DBD zoning district, however, the spirit and intent of the provisions shall be incorporated into the design and construction of parking lots within the DBD zone. Future development shall incorporate Low Impact Development (LID) techniques for stormwater management where practical. This shall include infiltration and on-site retention. Developers are encouraged to consult the “Low Impact Development Manual for Michigan” developed by the Southeast Michigan Council of Governments. Possible LID techniques include but are not limited to: Inverted parking lot islands; Pervious paving materials; Bioswales; Other techniques for infiltration and on-site retention.

1. General Requirements.
 - a. Landscaping shall be provided at the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and dissimilar land uses;
 - b. Landscaping shall be provided in the interior of parking lots to provide shade;
 - c. Landscaping shall be provided along walls or fences utilized for screening purposes;
 - d. Landscape areas required to satisfy [Section 98-5.7.E](#) Parking Lot Landscaping shall not include any portion of the right-of-way;
 - e. All loading areas shall be screened and landscaped;
 - f. Underground irrigation system or water outlets (hose bibs) shall be installed in all required landscape area.
2. Design requirements ✍
 - a. Perimeter — See [Section 98-5.7.C Required Greenbelts Along and Within Rights of Way.](#)

98-5.7.F.5.b Parking Lot Landscaping



- b. Aisle End Cap—The use of curbed, parking aisle end caps shall be required and utilized as landscape islands. The parking aisle end cap shall not be less than 275 square feet in area and ten (10) feet in width and shall include at least one shade tree and ground cover such as grass, flowering perennials, and/or shrubs. Appropriate irrigation shall be provided.
- c. Internal—In addition to the perimeter landscaping required along a right-of-way and the landscaped parking aisle end caps, the following landscaping is required internal to the parking lot:
 - (1) An area equal to three percent of the total area devoted to parking spaces and drive aisles shall be landscaped and permeable. If the parking area has less than 20 parking spaces, this requirement may be waived by the Planning Commission and/or City Council where appropriate. Existing tree stands or significant natural topography or vegetation that is incorporated into the parking area, may be considered as part of the internal landscaping area requirement.
 - (2) For parking areas over 30,000 square feet in size, the required landscaping shall be designed with features such as boulevards, landscape divider medians, larger end aisle caps, or areas of preserved on-site vegetation such as tree stands.
 - (3) The required plant materials for the interior of parking areas shall be, one deciduous or evergreen tree for every 250 square feet of landscape area. When landscaping is provided in a continuous row at least six (6) feet wide, one deciduous tree for each 30 lineal feet shall satisfy this requirement. Evergreen trees shall not be provided on island end caps or in any areas that may block sight distance. Evergreen trees may be permitted to be substituted for deciduous trees in limited areas, subject to approval by the Planning Commission.
- (4) Where sight distance or maneuvering conflicts exist, trees shall have a clear trunk of at least six feet above the ground, and the remaining required landscape areas shall be planted with ground cover such as grass, flowering perennials and/or shrubs, not to exceed two feet in height.
- d. Plant Material Specifications. The following Sections include specifications for plant materials. Alternatives to these specified plant materials which demonstrate both the intent and requirements of this Section may be approved as part of a site plan:
 - (1) Deciduous Trees. A minimum caliper of at least two and one-half inches measured 12 inches above ground level at time of planting.
 - (2) Evergreen Trees. A minimum of six feet high and a minimum spread of three feet at time of planting.
 - (3) Shrubs. Shrubs shall be at least 30 inches average height and 24 inches width at the time of planting.
 - (4) Ground Cover and Grass. Ground cover other than grass, shall be planted a minimum of eight inches on center and shall be planted in such a manner so as to present a finished appearance and, 75 percent coverage after one complete growing season. Rocks and wood chip are prohibited as ground covers. Shredded bark may be used as mulch around plantings.
 - (5) Prohibited Tree/Shrub Species. The following tree and shrub species shall not be used:

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Table 98-5.7.F.5(4)(e) Prohibited Tree / Shrub Species

Common Name	Species Name
Black Locust	Robinle pseudo-acacia
Black Walnut	Juglans nigra
Tree of Heaven	Allanthus Altissima
Siberian Elm	Urmus pumila
Silver Maple	Acer Saccharinum
Common Buckthorn	Rhamnus cathartica
Autumn Olive	Eleeagnus Umbellmta
European Alder-Buckthorn	amnus frangula
Box Elder	Acer negundo
Willow	Salix babylonica
Catalpa	Numerous species
Cottonwood	Populus deltoides
Mulberry	Morus alba
Hickory	Carya Numerous species
Poplar	Populus
Multiflora Rose	Rosa multiflora

(6) Quality. Plant and grass materials shall be of acceptable varieties and native species, free of pests and diseases, and shall conform to standards of the American Association of Nurserymen, and shall have passed any inspections required under State Regulations. No plant materials used to satisfy some or all planting requirements of the Administrative Rules and the Zoning Ordinance shall be comprised of non-living materials, such as petrochemical plan

- e. Maintenance and Replacement Requirements. All landscape areas and plants shall be maintained in excellent condition. At any time, diseased or dead plantings shall be removed and replaced. In the event that a property owner does not maintain the landscape area(s), the City shall provide written notice to the property owner setting forth the manner in which there has been a failure to maintain the landscape area(s). All maintenance shall be completed within 30 days of notice. If the property owner does not respond to the notice within 30 days, the property shall be determined a nuisance and nuisance abatement action taken. In addition:
 - (1) Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard;
 - (2) Within two years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive;
 - (3) Replacement plants shall conform to the approved plan.
- f. Landscaping Exceptions.
 - (1) A solid brick screen wall may be required by the Planning Commission and/or City Council when a parking area is adjacent to a dissimilar use or when landscaping alone does not sufficiently provide screening. The solid brick screen wall shall be four feet high unless otherwise required by the Planning Commission and/or City Council.
 - (2) A solid brick screen wall shall not be located within any right-of-way and sufficiently setback from any property line to provide access for maintenance purposes. Landscaping may still be required in addition to the brick screen wall.



- (3) Any existing parking area or expansion of a parking area shall meet all parking landscaping provisions when a change in use or number of parking spaces, or reconfiguration of the parking area is requested by the owner/agent. Where practical difficulty exists with incorporating all of the parking landscaping requirements into an existing parking area, the Planning Commission and/or City Council may approve a modified parking landscaping plan.
 - (4) All landscaping shall be installed prior to an occupancy permit being issued. If there is practical difficulty installing the landscaping due to the time of year, the Planning Commission and/or City Council may determine a date specific to accomplish the landscaping requirements and accept in the interim, a cash bond, letter of credit or other surety in an amount equal to the estimated costs for the landscaping. The cash bond, letter of credit or other surety shall be deposited with the City to ensure completion.
 - g. **Deferred Parking Landscaping.** In addition to required landscaping, landscaping may be provided in lieu of ten percent of the total number of parking spaces required, provided the landscaping is arranged such that parking may be installed at a later date if such a demand arises, and further provided, that the owner agrees to provide such parking at the City's request.
- F. General Landscape Standards. Landscaping Minimum Standards for Installation, Irrigation and Maintenance.**
- 1. Artificial plant materials shall not be permitted in required landscape areas.
 - 2. **Minimum Amount of Landscaping.** Not less than five percent of the site, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five feet shall be considered in the five percent minimum landscaping requirement.

- 3. **Time of Planting.** Parking lot trees, required greenbelts, or plantings shall be planted within six (6) months from the date of completion of the building or improvement. A Final Certificate of Occupancy shall be withheld until planting has been installed and approved. A Temporary Certificate of Occupancy shall be issued in the interim.
- 4. **Projects in Phases.** For projects developed in phases, the landscape may be constructed in phases. The Building Department shall determine the extent and timing of landscaping within each phase based on the necessity to buffer the proposed development from adjacent uses, anticipated commencement on subsequent phases, building heights and physical characteristics of the site such as topography or existing vegetation.
- 5. **Material Removal.** Tree stakes, guy wires and tree wrap are to be removed after one year.
- 6. **Irrigation.** All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred (100) feet of all planted material to be maintained.
- 7. **Maintenance.** Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice.

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8. Standards for Compliance for Pre-Existing Sites. In any case where the building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site plan or the use is being changed to a more intense use, as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in parking area is less than twenty-five percent (25%) over the original site plan, the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in parking footprint (for example, a parking area increase of ten percent (10%) requires a forty percent (40%) compliance with the landscape standards.

98-5.8 ENVIRONMENTAL PROTECTION CONTROLS AND REGULATIONS

Uses permitted shall conform with the following performance standards. These standards are hereby established as the minimum requirement to be maintained within the I-A, I-B, LIP, R/M districts and in I-A district Mixed Use Developments.

- A. In the I-A, I-B, LIP districts and I-A district Mixed Use Developments.
 - 1. Smoke and particulate matter. Air contaminants are measured not less than 100 feet and not more than one-quarter mile from stack or source. Air contaminants less dark in shade than that designated as No. 2 on the Ringelmann chart, as published by the United States Bureau of Mines are permitted except that No. 2 is permitted for one four-minute period in each one-half hour.
- Particulate matter and dust as measured at convenient measuring point nearest to stack outlet or source and by any generally accepted manner shall not be emitted in excess of 0.3 grains per cubic foot, of flue gases at stack temperature of 500 degrees Fahrenheit when the excess air does not exceed 50 percent at a full load, except for periods of four minutes in any one-half hour, when it can equal but not exceed 0.3 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit when the excess air does not exceed 50 percent at a full load.

- 2. Noise. Every use shall avoid the emission of noise of such pressure, loudness, pitch, or frequency of occurrence, or any combination thereof, which would interfere with the reasonable enjoyment of any present or prospective legally conforming use of any adjoining nearby premises. The emission of measurable noises from the premises shall not exceed 65 decibels as measured at the boundary property lines, except that where normal street traffic noises exceed 65 decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises.
- 3. Vibration. Machines or operations operating in such manner so as to cause building or ground vibration shall not cause a ground displacement exceeding 0.003 of one inch measured at the property line.
- 4. Machinery:
 - a. Automatic screw machines are permitted only when operated with noise silencers, and when not less than 300 feet from any zoned residential district.
 - b. Stamping machines, punch presses and press brakes must be placed on shock absorbing mountings and on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.
 - (1) In the I-A, I-B, LIP districts and I-A district Mixed Use Developments:
 - (a) For punch and stamp presses, other than hydraulic presses up to 100 tons capacity permitted when 300 feet from the nearest residential zone.
 - (b) All press brakes must be located at least 300 feet from nearest residential zone.
 - (2) In the I-B district:
 - (a) For punch and stamp presses, other than hydraulic presses. Up to 50 tons capacity when located at least 250 feet from the nearest residential zone.
 - (b) Up to 150 tons capacity when located at least 500 feet from the nearest residential zone.



- (c) For hydraulic presses, up to 500 tons capacity when located at least 250 feet from the nearest residential zone.
 - (d) Up to 750 tons capacity when located at least 300 feet from the nearest residential zone.
 - (e) Up to 1,000 tons capacity when located at least 500 feet from the nearest residential zone.
 - c. In the I-A, LIP districts and I-A district Mixed Use Developments, hot forgings, steam or board hammers are not permitted.
- 5. Open Storage.
 - a. In the I-A district, the open storage of junk, scrap or salvage, or other waste products where the operations are for the conversion to saleable materials, shall not be permitted. Any other storage shall be within an enclosure consisting of a masonry wall not less than six feet high.
 - b. In the I-B, LIP districts and I-A district Mixed Use Developments, the open storage of junk, scrap or salvage, or other waste products where the operations are for the conversion to saleable materials, shall be screened from public view, from adjoining properties not of a similar nature, by an enclosure consisting of a masonry or wood wall not less than eight feet high.
- 6. Glare and Radioactive Material.
 - a. In the I-A district, glare from any process (such as or similar to arc welding or acetylene torch cutting) whether of harmful ultraviolet rays or not shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes shall not be permitted which exceed quantities established as safe by the U.S. Bureau of Standards, when measured outside any enclosing structure.
 - b. In the I-B, LIP districts, and I-A district Mixed Use Developments, glare from any process, such as or similar to arc welding or acetylene torch cutting, which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- B. In the RM District.
 - 1. Air contaminants. Any use that discharges airborne materials shall comply with the Michigan Environmental Act 451 and as amended;
 - 2. Odor. Any use that creates noxious odors directly or as a result of combining with other matter, is prohibited as outlined in the Michigan Environmental Act, R336.1901 commonly known as “Rule 901” or as amended;
 - 3. Vibration. No activity shall cause a ground displacement exceeding 0.003 of one inch as measured at the boundary of the property line;
 - 4. Glare and radioactive materials. Any process that emits glare from ultraviolet rays, shall be performed within a completely enclosed building. Any use, storage or by-product of radioactive materials and wastes shall meet the requirements of and comply with, all applicable state and federal guidelines including but not limited to, Title 10 CFRS, Parts 0–50 and as amended, and Michigan Department of Environmental Quality “Ionizing Radiation Rules, Part V”;
 - 5. Measurable Noise. For any R/M property that abuts a residential area, noise levels shall not exceed the levels established by the Department of Housing and Urban Development.

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6. Fire and Safety Hazards. The storage, use, or manufacture of materials ranging from incombustible to moderate burning and from free to active/intense burning, as determined by the fire chief, may be permitted subject to compliance with all other performance standards listed above and the 1996 Fire Prevention Code for BOCA (and as amended) and any applicable NFPA Standards (and as amended) referred to in BOCA additional requirements include:

- a. All such activities shall take place within a completely enclosed building having incombustible exterior walls, meeting the requirements of the City Building Code;
- b. All buildings shall be protected throughout by an automatic sprinkler system that complies with the installation standards of the National Fire Protection Association and the City's Fire Prevention Code;
- c. The storage and handling of flammable liquids, liquefied petroleum, gases or explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941, as amended, and/or by the City's Fire Prevention Ordinance, whichever is most restrictive.

7. Sewage. No industrial/manufacturing wastes shall be discharged into sewers that do not comply with the standards established by the City. Any industrial/manufacturing wastes that will cause the following are prohibited:

- a. Chemical reaction, either directly or indirectly, that will impair the strength or durability of sewer structures;
- b. Mechanical action that will destroy or damage sewer structures;
- c. Restriction of the hydraulic capacity of the sewer structures;
- d. Unusual demand on sewage treatment equipment or process;
- e. Limit the effectiveness of the sewage treatment process.

98-5.9 SLOPE

A minimum sloping grade of one foot fall within the first 25 feet and a grade of not less than one percent thereafter from the front of the foundation of the house to the front lot line at the sidewalk level, and from the rear wall of the foundation of the house to the rear lot line, shall be established and maintained in order to provide adequate drainage away from the foundation of the dwelling.

98-5.10 FRONT YARD RESTRICTIONS

Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, edge walls (where permitted), fences or items of similar nature. All shrubs on corner lots planted along the street boundary line and which may interfere with safe intersection vision clearance, shall be kept trimmed to not more than 24 inches in height.

(Amended by Ord. No. 582, Pt. 11, 8-2-2018)

98-5.11 FENCES

All fences, including walls, within the City of Brighton must conform to the following regulations, in addition to all applicable building codes:

- A. Permit Requirements.
 - 1. The construction of any fence on private property shall require a permit from the City of Brighton prior to construction.
 - 2. The construction of a solid fence (i.e. privacy fence) shall require a footing of no less than 42 inches in depth and a footing inspection by the City of Brighton.
 - 3. The following information shall be provided with any permit application for a fence:
 - a. Plot plan and construction drawings. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, structures, easements and setback dimensions. An elevation sketch or photograph of the proposed fence shall also be provided, with appropriate dimensions noted.
 - b. A boundary survey prepared by a registered and licensed land surveyor showing the location of all existing and proposed fences, structures, easements and setback dimensions, may be required for fences at or near a property line.



4. The fee for a fence permit issued by the City of Brighton shall be in an amount as set by the City Council.
- B. All zoning districts.
1. Fences located within the side yard or rear yard in any district shall not exceed a height of seventy-two (72) inches. Fences and walls located in the front yard in any district shall not exceed a height of thirty-six (36) inches and shall be decorative in style. Chain link fences are not allowed within a front yard area.
 2. Fences shall not be erected within any public right-of-way, and shall not be erected or maintained in such a way so as to obstruct the vision of motorists and pedestrians or create a safety hazard by blocking clear vision for motorists and pedestrians.
 3. Buried electronic fences are permitted in all districts.
 4. Fences for pools shall comply with the regulations of the State Construction Code.

5. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall face the interior of the parcel, with the finished or decorative side facing the adjacent parcel(s) or public rights-of-way.
- C. Residential zoning districts.
1. Residential through and interior lots. A fence that does not extend beyond the foremost position of the building on the site shall be not more than seventy-two (72) inches in height, and a fence not more than thirty-six (36) inches in height may be constructed beyond the foremost position of the building.
 2. Residential Corner Lots. A fence located within the addressed side of the front yard and within the 25 foot front yard setback may be not more than thirty-six (36) inches in height. A fence located within the nonaddressed side of the front yard that extends beyond the foremost portion of the principal building may be not more than thirty-six (36) inches in height. Fences located within the rear yard as determined by the above requirements may be not more than seventy-two (72) inches in height as indicated for residential through and interior lots.



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- D. Non-Conforming Fences. A non-conforming fence shall not be structurally altered so as to prolong the life of the fence.
- E. A Person Violating this Section:
 1. For the first time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$50.00, plus costs.
 2. For the second time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$100.00, plus costs.
 3. For the third time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$200.00, plus costs.
 4. For the fourth time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$500.00, plus costs.
 5. Any person or entity guilty of violating this Section shall also be subject to civil proceedings for damages and/or injunctive relief by the City or by any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies.

98-5.12 PRINCIPAL BUILDINGS

Except as may otherwise be provided in this Code, no more than one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as outlots, upon which no structures shall be placed.

98-5.13 OPEN STORAGE OF OBNOXIOUS MATTER

No garbage, sewage, filth, refuse, or other obnoxious matter shall be kept in open containers or piled on the open ground. No business or industrial use shall permit waste material, cans, cartons, etc., to be scattered over open ground. All waste material must be periodically disposed of at least once in each three-month period.

98-5.14 PUBLIC IMPROVEMENTS

Road improvements required at the time of property development shall be those City specifications in effect at the time of development and shall include at a minimum concrete sidewalks, curb and gutter; storm sewers; and a concrete or asphalt roadway. This standard does not apply to platted residential lots.

98-5.15 REGULATED WETLANDS AND WATERCOURSES SETBACK

- A. Intent. It is the intent of this Section to require a minimum setback from regulated wetlands and watercourses, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a regulated wetlands and watercourses. It has been determined that, in the absence of such a minimum setback, intrusions in or onto regulated wetlands and watercourses would occur, resulting in harm, impairment and/or destruction of wetlands and watercourses contrary to the public health, safety and general welfare. The purpose of the regulated wetlands and watercourses setback is to recognize and make provision for the special relationship, interrelationship and interdependency that exists between the wetlands and watercourses and: plant and animal species and the encouragement of their diversity and richness; overland and subsurface hydrology; water table; water quality; soil erosion and deposition of sediment. If a greater setback is required or the development feature is prohibited by another ordinance or another provision of this Ordinance, such greater setback or prohibition shall apply.
- B. Regulation. A regulated wetlands and watercourses setback shall be maintained in relation to all areas defined in [Sec. 98-2.2](#) Definitions as being a "regulated wetlands or regulated watercourse," unless, and to the extent, it is determined to be in the public interest not to maintain such setback.
- C. Setback Standards. The following setbacks shall apply to all development features except permitted trails, boardwalks, observation platforms or other similar structures that enhance the passive enjoyment of a site's natural amenities located within the setback, as determined by the Planning Commission:



1. Twenty-five (25) feet from the boundary or edge of a regulated wetland.
 2. Twenty-five (25) feet from the ordinary high-water mark of a regulated watercourse.
- D. Appeals. An interested person who is aggrieved by a determination of the Planning Commission under this Section may request relief from the Zoning Board of Appeals.

98-5.16 ACCESSORY BUILDINGS OR USES

Accessory buildings or uses, including garages, may be erected subject to the requirements of the applicable district regulations, all applicable building codes, and the requirements of this Section.

A. Permit Requirements:

1. Placement of any accessory building exceeding 50 square feet on private property shall require a permit from the City of Brighton.
2. Placement of an accessory building of 50-200 square feet on private property shall require, as a part of the permit process with the City of Brighton, a site plan showing the proposed accessory building location.
3. Placement of an accessory building exceeding 200 square feet on private property shall require, as a part of the permit process with the City of Brighton, a boundary survey prepared by a registered and licensed land surveyor showing the proposed accessory building location.
4. One accessory building under 200 square feet shall be permitted on a parcel of private property.
5. The fee for an accessory building permit issued by the City of Brighton shall be in an amount as set by the City Council.

B. Design Criteria:

1. Attached Accessory Buildings - Accessory buildings may be attached to and made structurally a part of the principal building on private property, provided that two side yards of not less than five feet each exist for such principal building with attached garage.

2. Detached Accessory Buildings - Detached accessory buildings shall not exceed one story, nor ten feet in height to the eaves, shall not occupy more than 30 percent of the area of any rear yard, and shall not be closer than two feet to the side lot line; provided, however, that where there are existing accessory buildings on the same or an adjacent lot, such accessory building shall not be constructed closer than four feet to such existing accessory building.

3. In residential districts, detached accessory buildings under 200 square feet shall not be closer than five feet to the rear lot line.

- C. A detached garage or other legal accessory building or use, shall be located only in the rear yard.

- D. Private garages shall be not more than one story or 15 feet (4.5720 meters) in height and no service for profit may be conducted within the structure.

- E. In the A-1, A-2, R-1 and R-1-O districts, accessory buildings and uses are permitted when located on the same or adjoining lot and not involving any business, profession, trade or occupation. One private garage for each residential lot in which there is housed not more than three motor vehicles, not more than one of which may be a commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed three-quarters ton capacity.

- F. In the C1, C-2, and C-4 districts, any building used primarily for any of the permitted uses may have not more than 40 percent of the floor area devoted to industry, manufacturing or storage purposes incidental to such primary use. No more than five employees shall be engaged at any time on the premises in the use which is incidental to the primary use.

- G. In the SHD district, accessory buildings must be located on the same or adjoining lot of the permitted use.

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98-6.0 Development Procedures

98-6.1 SITE PLAN REVIEW

A. Purpose & Authority

1. General Authority. The planning commission is hereby vested with the power to approve, approve with conditions, or deny site plans, or to
2. Purpose. This Section is intended to establish procedures and standards for the review of Site Plan applications as herein prescribed. This Section is further intended to ensure a thorough evaluation of a site and the potential impacts on public health, safety and welfare in relationship to the city's Master Plan, drainage, utilities, natural resources, traffic patterns, adjacent parcels, landscaping, and signs.

The site plan review standards and procedures provide an opportunity for the Planning Commission and City Council to review a proposed use in terms of site preparation and grading, building footprint, parking supply and design, service areas, easements, access points, vehicular and

pedestrian traffic flow, landscape design, relationship to adjacent uses, adequacy of utilities, stormwater management, placement of signs and lighting fixtures, and preservation of significant natural features and aesthetics. This Section is also intended to assist the city in ensuring that buildings, structures, and uses are in conformity with the provisions of this zoning ordinance, other ordinances of the city, and state or county or federal statutes.

- B. Uses Requiring Site Plan Review, Exceptions to Site Plan Review, and Types of Review. The following table identifies the types of development that require site plan review and whether a site plan may be reviewed administratively or by the Planning Commission, or whether City Council review is required. Where City Council review is required, the Planning Commission shall conduct a preliminary site plan review and submit findings and a recommendation to City Council.

Development Activity	Not Required	Administrative Review	Planning Commission Review	City Council Review
Building Improvements				
Single family and/or two family dwelling and accessory structure on a single lot	✓			
Accessory structures in any district, up to 200 sq. ft. in area	✓			
Accessory structures in any non-single family residential district, 200 sq. ft. in area or greater		✓		
Construction of any non-single-family residential building with up to ten dwelling units.			✓	
Construction of any non-single-family residential building with more than ten dwelling units, multiple-family residential building or development, or a manufactured housing community				✓
Construction of an addition to an existing structure that increases the building footprint or increases the interior or leasable floor area by up to ten percent (10%) in any twenty-four (24) month period		✓		

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Table 98-6.1.B Development Activity & Types of Site Plan Review (continued)

Development Activity	Not Required	Administrative Review	Planning Commission Review	City Council Review
Building Improvements (continued)				
Construction of an addition to an existing structure that increases the building footprint or increases the interior or leasable floor area by more than ten percent (10%), but less than fifty percent (50%) in any twenty-four (24) month period;			✓	
Construction of an addition to an existing structure that increases the building footprint or increases the interior or leasable floor area by fifty percent (50%) or more in any twenty-four (24) month period;				✓
Minor modifications to a building façade or architectural features that do not significantly alter the appearance of the building, increase height. Such modifications include repainting a building, replacing windows, replacing awnings or canopies, and the like.	✓			
Restoration and/or replacement of portions of legal nonconforming buildings and accessory structures that sustain fire or storm damage less than fifty percent (50%) of the true cash value of the original building or structure as defined by the value on the most current city tax roll	✓			
Remodeling and/or additions where the cost exceeds fifty percent (50%) of the appraised value of the existing building(s) and said existing building(s) is nonconforming or never previously received site plan approval			✓	
Remodeling and/or additions where the number of dwelling units are increased by more than fifty percent (50%).				✓
Use-Related Activities				
Change of use that does not require additional parking or drive-through activity and does not meet the description in the item directly below.	✓			
Change of use in land or building to a different occupancy or type or to a more intensive use, as determined by the Community Development Department, that requires up to an additional twenty percent (20%) of off-street parking spaces, or that may entail minor alteration of an important physical aspect of the site			✓	
Change of use in land or building to a different occupancy or type or to a more intensive use, as determined by the Community Development Department, that requires twenty percent (20%) or more of additional off-street parking, or involves substantial change in traffic flow, structural amenities, hours of operation, demand for public services, effluent discharge, drainage provisions or that may entail substantial alteration of an important physical aspect of the site				✓
Special land uses				✓



Table 98-6.1.B Development Activity & Types of Site Plan Review (continued)

Development Activity	Not Required	Administrative Review	Planning Commission Review	City Council Review
Other Site Improvements				
Fencing/Screening – Installation of fencing or screening that meets all zoning standards	✓			
Lighting – Installation of light fixtures that comply with Section 82-107	✓			
Landscaping - Installation of landscape materials and/or change to previously approved landscape materials to similar species consistent with the standards of this ordinance that do not reduce the total amount of landscaping on the site	✓			
Parking and loading areas - Increase in parking and loading areas of less than ten percent (10%) of the existing area, not to exceed two acres of new parking and/or loading areas.		✓		
Parking and loading areas - Increase in parking and loading areas of more than ten percent (10%) but less than twenty percent (20%) of the existing area or exceeding two acres of new parking and/or loading areas.			✓	
Parking and loading areas - Increase in parking and loading areas of twenty percent (20%) or more of the existing area or exceeding two acres of new parking and/or loading areas.				✓
Parking and loading areas – routine maintenance including resurfacing, re-striping, or repairs that do no increase the paved areas or change circulation patterns	✓			
Other minor changes during construction due to unanticipated site constraints, or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies		✓		

C. Site Plan Review Process

1. Administrative Site Plan Review. Site plans for certain small scale projects that do not impact neighboring properties may be reviewed administratively by a person in the Community Development Department so authorized by the city manager as provided in the table above. The authorized member of the Community Development Department or the applicant shall have the option to request Planning Commission consideration of plans eligible for administrative review. All appeals of administrative site plan decisions made by the Community Development Department shall be made to the Planning Commission. In such cases, the Planning Commission shall review the plan in accordance with the site plan review procedures set forth below.

2. Optional Conceptual Plan Review. The applicant may request review of a Conceptual Plan by the Planning Commission prior to submittal of a complete Preliminary Site Plan. The purpose of a Conceptual Plan is to permit the applicant to obtain reaction on the potential location of buildings, points of egress and ingress to the site, and an indication of other likely improvements necessary to facilitate the preparation of the preliminary plan. Generally, the submittal should include the building footprint, general parking lot layout, location of driveways, conceptual grading, conceptual landscaping and similar items. The direction given to an applicant during a Conceptual Plan Review is non-binding and shall be void after six (6) months from the time the advice is given.



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3. Application and fees. Any person with legal interest in a lot or parcel or an authorized representative of a lot/parcel owner may apply for review of a site plan by filing completed application forms provided by the city and submitting application fees as required by the city. The application shall be accompanied by the number of site plans as required by the Community Development Department.
4. Staff/Technical Review of Preliminary Site Plan. The Community Development Department or its consultant designee shall review the application and preliminary site plan submittal to determine if the preliminary site plan application is complete. If it is determined that the applications and exhibits are inadequate, the applicant shall be advised in writing of the revisions needed to comply with the requirements of this Section.
5. Preliminary site plan review by Planning Commission. The Planning Commission shall review the preliminary site plan for compliance with the standards of this ordinance and other appropriate ordinances and statutes, and take one of the following actions:
 - a. Table action and request the applicant revise the site plan or provide additional documentation or information; or
 - b. Approve the preliminary site plan upon a finding that applicable ordinance standards are met; or
 - c. Approve the preliminary site plan with conditions which the Planning Commission determines are reasonable and necessary to ensure conformance with applicable ordinances and statutes; or
 - d. Make a recommendation to the City Council (for projects within a Planned Unit Development or otherwise requiring City Council action); or
 - e. Deny the preliminary site plan upon a determination the site plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes. The applicant must then revise the plans and resubmit the revised site plan if she/he is still interested in pursuing the project.
6. Final site plan review. Per the type of review identified in [subsection 2](#) above, staff, the Planning Commission or City Council are authorized to postpone, approve, approve subject to conditions or deny a final site plan in the same manner as a preliminary site plan. After receiving preliminary site plan approval, the applicant may submit a final site plan for review by the approving body. The approving body shall review the final site plan, including any requested reports and recommendations from city staff, consultants, and other reviewing agencies as applicable. The approving body shall then make a determination based on the requirements of this ordinance, that standards for site plan approval ([Section 98-6.1.E](#)) and the following considerations:
 - a. The proposed site plan is consistent with the approved preliminary site plan
 - b. All conditions imposed during preliminary plan approval are met
7. Outside agency permits and/or approvals. The applicant shall be responsible for obtaining all necessary permits and/or approvals from applicable outside state and county agencies. All federal, state, and local laws and ordinances shall be met.
8. Implementation and conditions of final site plan approval.
 - a. The approving body shall provide the applicant with a signed and dated copy of the approved final site plan, specifying any conditions of approval. Two (2) copies shall be filed with the Community Development Department to ensure compliance. Where a final site plan is approved with conditions, the conditions shall be listed in the motion and noted on the site plan, with the signature of the approving body so noted. The applicant shall submit a revised site plan to the Community Development Department within one (1) year of conditional approval being granted that incorporates the conditions imposed by the approving body prior to the issuance of any building permits.



- b. The revised site plan must be in compliance with any Zoning Ordinance amendments or adoptions that had been enacted between the time of conditional approval and the submission of the revised site plan.
- c. The authorized member of the Community Development Department, as provided above, shall have the authority to sign the site plan as the final approved site plan upon determination that the conditions and requirements have been met.
- d. For all condominium projects, in addition to the above, all master deeds and bylaws must be reviewed by the city attorney prior to obtaining final site plan approval. Any amendments to the master deed shall be approved by the city attorney prior to recording with the County Register of Deeds.

- 9. Issuance of building permits.
 - a. Upon approval of a final site plan by the approving body, the Community Development Department will notify the Building Department in writing that they may proceed with review and approval of Building Permit and Construction Drawing Applications.
 - b. If the approving body denies a change or amendment to a site plan, any building permits issued pursuant to, or conditioned on that change or amendment to a site plan, shall be revoked until such time as the requirements for approval of the site plan by the approving body have been met.
- D. Required Site Plan Contents for Preliminary & Final Site Plans
 - 1. Required Information. The following information shall be included with all site plan applications, except where the authorized member of the Community Development Department or the Planning Commission determines that certain information is not necessary or applicable to review of the site plan.

Table 98-6.1.D.1 Site Plan Required Information			
Site Plan Required Information	Preliminary Site Plan	Final Site Plan	Administrative Review
Descriptive Information			
Name, address, email, and telephone number of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan, and the property location (address, lot number, tax identification number).	✓	✓	✓
Total area of land in acres or square-feet.	✓	✓	✓
Existing and proposed use(s) of the site	✓	✓	✓
Zoning classification of the property and surrounding parcels (including across street rights-of-way).	✓	✓	
Legal description of the property.	✓	✓	
Seal of registered architect, licensed engineer, licensed surveyor, or registered landscape architect.	✓	✓	

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Table 98-6.1.D.1 Site Plan Required Information (continued)

Site Plan Required Information (continued)	Preliminary Site Plan	Final Site Plan	Administrative Review
Site Plan Required Information			
Site plans shall be drawn to an engineer's scale of not less than one inch equals fifty feet (1" = 50'). A general plan sheet drawn at scale of not less than one inch equals two hundred feet (1" = 200') shall be provided if the project covers more than one plan sheet at 1" = 50'.	✓	✓	✓
Title block, including the scale, north arrow, revision date, name of the City, and a location map drawn at one inch equals 2,000 feet (1" = 2,000') showing surrounding land, water features and streets within one (1) mile of the site boundaries.	✓	✓	
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, overall height and number of units in each building, if applicable.	✓	✓	✓
Detailed parking (including accessible and van accessible parking), residential density and lot coverage calculations.	✓	✓	
Construction type and use group of all buildings as defined by the Michigan Building Code. If two or more uses not in the same occupancy classification are proposed, indicate if the structure is being designed for separated or non-separated uses.	✓	✓	
All plan sheets shall be labeled "not to be used as construction drawings."	✓	✓	✓
Existing Conditions			
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains and wetlands, with surface drainage flow directions, including high points, low points and swales.	✓	✓	
Existing topography on site and 50 feet beyond the site boundaries at two-foot contour intervals.	✓	✓	
Slopes greater than 20% with a 10' or greater elevation change.	✓	✓	
Buildings located within 100 feet of any property line.	✓	✓	
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	✓	✓	
Existing tree survey including the location of all trees 6" or greater d.b.h. The tree survey shall include a key showing the tag number, size, species, and condition of all trees located on the site.	✓	✓	
Existing site features, including significant natural, historical, cultural and architectural features, buildings and structures, driveway openings, fences, walls, signs and other improvements. The site plan shall clearly note which features will be removed, altered or preserved and provide information regarding the method of preservation or alteration.	✓	✓	



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Table 98-6.1.D.1 Site Plan Required Information (continued)			
Site Plan Required Information (continued)	Preliminary Site Plan	Final Site Plan	Administrative Review
Existing Conditions			
Existing and proposed right-of-way lines and the centerline of adjacent roads.	✓	✓	
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant's parcel and all abutting parcels (including across street rights-of-way).	✓	✓	
Site Plan Details			
Location, outside dimensions, setback distances and proposed uses of all site improvements.	✓	✓	✓
Gross and usable building floor areas.	✓	✓	✓
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, access and drainage.	✓	✓	✓
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamp types and methods of shielding.		✓	
A photometric grid overlaid on the site plan indicating light intensity throughout the site in foot-candles.		✓	
Specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.		✓	
Waste receptacle locations and methods of screening.	✓	✓	✓
Transformer pad location and method of screening, if applicable.		✓	
Outdoor sales, display or storage locations and method of screening, if applicable.	✓	✓	✓
Building and Architectural Details			
General architectural drawings sufficient to convey the intended look and appearance of the building, and to indicate the type and color of building materials, detailing, and other architectural features.	✓		
Detailed building façade elevations, drawn to an appropriate scale and indicating type and color of building materials, roof design, projections, canopies, awnings, window openings, entrance features, doors, overhangs, other architectural features and any building-mounted mechanical equipment, such as air-conditioning and heating units.		✓	
Building floor plans with all exits clearly delineated.		✓	
Carport locations and details, if applicable.	✓	✓	
Access and Circulation			
Names of abutting streets, and the width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces.	✓	✓	✓
Loading and unloading areas.	✓	✓	



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Table 98-6.1.D.1 Site Plan Required Information (continued)

Site Plan Required Information (continued)	Preliminary Site Plan	Final Site Plan	Administrative Review
Access and Circulation (continued)			
Designation of fire lanes and signs stating “no parking” and “fire lane.”	✓	✓	
Locations and dimensions of access points, including deceleration or passing lanes and distances between adjacent or opposing driveways and street intersections.	✓	✓	
Location and dimensions of existing and proposed interior sidewalks and sidewalks or paths within public rights-of-way.	✓	✓	✓
Parking space and maneuvering aisle dimensions (including accessible parking space and access aisle dimensions), pavement markings, traffic control signage, designation of fire lanes and location and dimension of loading areas.	✓	✓	✓
Proposed accessible routes from accessible parking spaces to accessible building entrances, with sufficient grade information along the route to verify compliance with the Michigan Building Code.	✓	✓	✓
Accessible access aisle and ramp slopes by indicating point elevations at the perimeter of such areas.	✓	✓	
Details along the proposed accessible route(s), including accessible parking signs, curb ramps, ramps, and maneuvering clearances of accessible building entrances/doors, as applicable.		✓	
Landscaping and Screening			
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved. All landscape plans shall be signed and sealed by a registered landscape architect.		✓	
Planting list for proposed landscape materials with quantity, caliper-size and height of material, botanical and common names, and standards of installation.		✓	
Location, dimensions, construction materials, cross-section and slope ratio for any required or proposed berms or greenbelts.		✓	
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.	✓	✓	
Complete irrigation system design.		✓	
Itemized cost estimate (including materials and labor) for all landscaping and irrigation improvements.		✓	
A basic annual landscape maintenance program.		✓	



Table 98-6.1.D.1 Site Plan Required Information (continued)

Site Plan Required Information (continued)	Preliminary Site Plan	Final Site Plan	Administrative Review
Utilities, Drainage, and the Environment			
Grading plan, with existing and proposed topography at a minimum of two-foot (2') contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.		✓	
General location of sanitary sewers and building leads upon which no structures or earth berms shall be located.	✓		
Detailed location of sanitary sewers and building leads.		✓	
Water mains, hydrants and building services and sizes.		✓	
General stormwater runoff calculations and approximate size and location of retention basins.	✓		
Detailed storm sewers, site grading, drainage, detention basins, and/or other pertinent facilities.		✓	
Project disturbing one or more acres shall provide a yearly maintenance program for the stormwater management system set forth by the zoning ordinance Stormwater Standards, Livingston County Drain Commissioner (LCDC) and City Engineering Design Standards.	✓	✓	
Additional Required Information			
Other information as requested by the Planning and Development Director, Planning Commission, or City Engineer to verify that the site and project are developed or improved in accordance with the spirit and intent of this ordinance and the City's Master Plan. Such information may include use or environmental impact assessments, traffic impact studies, market analyses and evaluations of the demand on public facilities and services. The Planning and Development Director may also require that information listed in this table be submitted even if the table indicates that the information is not required for the particular type of review.	✓	✓	✓

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2. Waiver for site plan items. The Community Development Department may grant an exception from particular site plan submittal item(s) upon determining that a complete site plan is not required for review of the project for compliance with this ordinance, or such a requirement would be unreasonable. A statement explaining the waiver shall be provided to the Planning Commission. In particular, the comprehensive list of submittal items may not be required under the following circumstances:

- a. The project involves a minor revision or improvement to an existing site, such as a parking lot improvement.
- b. The project involves a temporary building or structure to be approved by the Zoning Board of Appeals.
- c. The project involves one of the following uses in residential districts: utility/telephone exchange buildings, swimming pools, keeping of animals or family day care homes.
- d. The project involves a change in use within an existing building when the use will be similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts.

E. Standards for Reviewing Site Plans. The standards for a Site Plan Review shall be the conditions imposed pursuant to this Zoning Ordinance, the City’s Building Code, other city Ordinances, County Regulations and Federal and State statutes.

1. Dimensional standards. Buildings and structures will meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Maximum building and lot coverage (impervious surface ratios) are consistent with the standards listed in Article 3. Any accessory buildings or structures (garages, decks, fences, etc.), except those in an approved mobile home /manufactured housing park, will meet the standards of [Sections 98-4](#) and [98-5](#).

2. Impact on surrounding land uses and zoning. The proposed site plan will be harmonious with, and not harmful, injurious, or unreasonably objectionable to, existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with the other developments in the vicinity. Buffers are provided as required.

3. Views and building elevations. Placement and height of buildings, structures and parking shall preserve existing views of lakes, woodlands and other significant visual resources to the greatest extent reasonable. Proposed architecture shall complement the character of the surrounding area.

4. Preservation of natural features.

- a. Wetlands. Regulated and non-regulated wetlands, and organic soils are preserved or modified in an acceptable manner. A wetland setback from the boundary of any wetland regulated by the U.S. Army Corps of Engineers or Michigan Department of Environmental Quality will be provided, in accordance with [Section 98-5.14](#).

- b. Floodplain. Any uses proposed in a 100-year floodplain will meet the standards of [Section 98-5.XX](#).

- c. Stormwater management and soil erosion. The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing potential for flooding. Provisions have been made to accommodate stormwater, which complements the natural drainage patterns and wetlands, prevents erosion and the formation of dust. On-site storage or sedimentation ponds may be required to reduce or filter stormwater runoff. Stormwater runoff on paved areas will be collected at intervals, but will not obstruct the flow of vehicular or pedestrian traffic, create standing water or cause unnecessary erosion of soil or other material. The development shall meet the requirements of the city code.



- d. Topography. The site plan and impact assessment demonstrate judicious effort to preserve the integrity of the land, existing topography and natural drainage patterns. Grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
 - e. Woodlands and trees. The site plan will be designed to preserve existing woodlands to the extent practicable. Woodlands, trees and natural areas to be preserved will be protected during construction by fencing or other barrier obvious to construction personnel. If any trees are proposed for transplant, transplant methods shall be adequately described.
5. Use standards. The proposed use(s) meet all required standards. If the proposed project involves one or more Special Land Uses, any use related standards of Article 4 are met.
6. Site standards
- a. Parking. The number and dimensions of off-street parking and loading/unloading spaces, the design and setbacks of parking and loading areas and the number of barrier free spaces, meets the standards of [Section 98-5.6.C](#).
 - b. Landscaping. Greenbelts along public street frontage as described in [Section 98-5.7](#) and required trees within parking lots ([Section 98-5.7.E](#)) are provided. The amount, type and minimum size of landscaping meets ordinance standards and are properly labeled and identified in a plant list. Trees and shrubs native to Michigan should be used where appropriate.
 - c. Lighting. Site lighting fixtures are designed to direct lighting within the site. The height and intensity of fixtures meets the standards of [Section 98-5.4](#).
- d. Access and circulation. Streets and parking lots are designed to promote safe, convenient, uncongested and well defined vehicular and pedestrian circulation as provided in Chapter 5, Site Standards. Access to the site is designed to minimize conflicts between vehicles and pedestrians, and with traffic using adjacent streets and driveways. Shared access or service/frontage drives are used where appropriate.
 - (1) Suitable provision shall be made on the site for walkways for pedestrian circulation and access in accordance with City Engineering Design Standards and ADA requirements.
 - (2) Adequate access will be provided for emergency vehicles to the site and all buildings or groups of buildings, and has been approved by the Fire Department. Secondary access may be required by the city upon recommendation by the Fire Department and/or Planning Consultant.
 - e. Traffic impacts. Traffic impacts are addressed in the Impact Study, if required. Improvements such as bypass lanes, deceleration lanes or a traffic signal are planned, where warranted.
 - f. Utilities and site services.
 - (1) Waste receptacles (dumpsters, compactors and individual recycle stations) meet the standards of [Section 98-5.1](#).
 - (2) The development provides adequate sanitary sewer, either through on-site septic systems, connections to public or publicly approved sewer facilities, or by providing separate sewer facilities. All new utility distribution lines will be placed underground. The proposed utilities have been approved by the city engineer.

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(3) Information has been provided to help insure compliance with standards for hazardous waste storage and handling to minimize adverse effects on adjacent properties, the lakes, wetlands, and drinking water. Uses utilizing, storing or handling hazardous material have provided secondary containment facilities and provide documentation of compliance with state and federal regulations, as required.

- 7. Agency coordination. The applicant has demonstrated the site plan meets the standards of other government agencies, where applicable.
- 8. Phasing. Any phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

F. Validity of Approved Final Site Plan

- 1. Approval of the final site plan is valid for a period of twelve (12) months; however, approval of a site plan for a mobile home/manufactured housing park is valid for five (5) years. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, and if a written request for extension of the approval has not been submitted by the applicant, the approval of the preliminary or final site plan shall be deemed null and void.
- 2. Upon written application, filed prior to the termination of the twelve (12) month review period, the Planning Commission may authorize up to two one-year extensions of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on written evidence from the applicant that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within the extension period.

G. Deviations from Approved Final Site Plan. For all major or minor site plan amendments, any homeowner's or condominium association registered with the city clerk shall be notified of any site plan amendment(s) proposed to occur within the boundaries of the association of said development, whether it encompasses a subdivision, planned unit development, condominium or site condominium development.

Minor changes to the approved final site plan may be approved by the Community Development Department without requiring a resubmittal to the Planning Commission, provided that the applicant or property owner notifies the Community Development Department of any proposed amendment to such approved site plan prior to making said change on the site and the Community Development Department determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. For purposes of interpretation, the following shall be considered minor changes:

- 1. The size of approved principal or accessory structures may be reduced, or increased by up to five percent (5%) provided the overall density of units does not increase. One accessory structure may be added, provided that it is no greater than 864 sq. ft. in area.
- 2. Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.
- 3. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
- 4. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
- 5. Changes of building materials to another of higher quality, as determined by the Planning and Zoning Department.
- 6. Changes in floor plans which do not alter the character of the use.
- 7. Slight modification of sign placement or reduction of size.
- 8. Changes required or requested by the city, county, state or federal agency for safety reasons.



9. Situations similar to the above.
- H. Site Plan Compliance and Maintenance of Property After Approval. It shall be the responsibility of the owner of a property for which final site plan approval has been granted to maintain the property in accordance with the approved site plan and design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved final site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation (see also [Section 98-7.8](#)).

- I. Appeals of Final Site Plan. Any person aggrieved by the decision of the approving body in granting or denial of a site plan approval shall have the right to appeal the decision to the Zoning Board of Appeals.
1. The appeal shall be filed with the city clerk within five business days of the final decision by the approving body. The appeal shall state the aggrieved parties' grounds for appeal.
 2. The filing of an appeal of a decision of the approving body concerning a site plan shall act to stay any building permit issued for improvements on the property, which is the subject of the appeal.

3. On hearing such appeal, the Zoning Board of Appeals shall review the record before the approving body and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence. The Zoning Board of Appeals shall approve the site plan if the requirements of this zoning ordinance, other applicable city ordinances and applicable state and federal statutes are met, and prepare written findings on its decision on the appeal.

4. An appeal of a Zoning Board of Appeals decision concerning a site plan shall be to the Circuit Court of Livingston County.

- J. Revocation. Approval of a final site plan may be revoked by the approving body if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the approving body for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Community Development Department, Building Official, applicant and any other interested persons shall be given the opportunity to present information to the approving body and answer questions. If the approving body finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the final site plan.

- K. Bonding Requirements. The approving body may require the deposit of a performance bond in the form and amount of cash, certified check, irrevocable letter of credit, or surety bond determined by the Community Development Department, to assure the timely, qualitative and quantitative completion of any public improvements shown on the site plan, particularly when they are to be performed by a date certain. The Community Development Department shall make rebates against such bond, in appropriate amounts, as specified stages of development are completed.

Any rebates shall be subject to the withholding of ten percent (10%) of the amounts by the City. Such ten percent (10%) retainage shall be released by the Community Development Department upon the applicant's final satisfactory completion of all bonded conditions.



Failure of the applicant to complete the stated improvements by the relevant date(s) certain shall require the forfeit of surety up to the amount determined by the Community Development Department as necessary for the City to complete the required improvements. Upon the applicant's completing the required conditions of approval and paying for such required improvements, and the City being reimbursed for all such costs, if there are any remaining funds, or credit, in the performance bond, said remaining surety/bond/funds/etc. shall be remitted to the applicant.

98-6.2 SPECIAL LAND USE REGULATIONS

A. Intent. Special land uses are uses of land or buildings which may be appropriately permitted in specific locations within a district if special measures are taken to mitigate aspects of the use which could create incompatibilities between the special land use and uses generally permitted throughout the district. This Section authorizes establishment of certain special land uses in particular districts when compliance is found with specified standards.

B. Standards.

1. A special land use must meet general standards which involve judgment and leave room for interpretation. In general, special land uses are of larger scale or intensity with a potential impact which goes beyond the subject site and abutting uses. All special land uses shall meet the following minimum standards:

- a. The proposed use and its parking must be consistent with the spirit and intent of this Section.
- b. The proposed use and its parking must be compatible with adjacent uses of land, the natural environment and the capabilities of affected public services and facilities.
- c. The proposed use and its parking must be consistent with the public health, safety and welfare of the community.
- d. The proposed use and its parking shall be in conformance with the objectives and specific elements of the current adopted Comprehensive Plan of the City and with any special studies adopted as amendments thereto.

e. The proposed use and its parking must be compatible in size, location and character, viewed within the context of surrounding land uses and land use planning for such area, the proposed use and its parking shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area.

f. The proposed use and its parking shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.

g. The proposed use and its parking shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon a person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use and its parking shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use and its parking.

h. The proposed use and its parking shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land buildings or unreasonably affect their value.



- i. The proposed use and its parking shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the City.
 - j. The proposed use and its parking shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district and/or the present and/or intended character of the area.
 - k. The proposed use and its parking shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
 - l. The proposed use and its parking shall not unreasonable burden the capacity of public services and/or facilities.
 - m. The proposed use and its parking is consistent with the City's Growth Management Plan/Master Plan.
 - n. The proposed use and its parking will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities.
2. Additional standards may be specified in the district regulations of the applicable zoning district providing for the subject special land use. Reasonable conditions may be required to ensure conformance with the standards specified in this Section pursuant to the land development standards.
- C. Review Process. The City Council may, by resolution, grant permits for special land uses which are authorized in this Section. Such permits may contain conditions or restrictions consistent with the terms of this Section.
1. A written application and applicable fee shall be submitted to the Zoning Administrator at least 20 working days prior to the next Planning Commission meeting.
 2. The application shall describe the nature of the request and the property which is the subject of the request.
 3. Every application involving the construction of or addition to a building or structure shall be accompanied by a minimum of 16 copies of a site plan prepared pursuant to Chapter 82 of this Code. The Zoning Administrator may require additional copies of a site plan.
 4. Every application not involving construction of or addition to a building or a structure shall be accompanied by 12 copies of a plot plan. A plot plan shall include a scale drawing of the subject of parcel showing:
 - a. Building locations and dimensions;
 - b. Access drives and parking areas;
 - c. Abutting land uses;
 - d. Location and dimensions of all walls, fences and screen plantings;
 - e. Location and specifications of any proposed exterior lighting;
 - f. Legal description.
 5. The Zoning Administrator may require such additional information as may be reasonably required to determine compliance with this Section. The Zoning Administrator shall review the application and documentation as to form and content. If the application is complete, it shall be presented to the City Planning Commission at its next regular meeting or at a special meeting called for that purpose.
 6. The City Planning Commission shall hold a public hearing on the application for a special land use permit, subject to the following publication and notification procedures.
 - a. At least 15 days before the date of the public hearing notice shall be:
 - (1) Published in a newspaper of general circulation in the City; and
 - (2) Provided by mail or personal delivery to: The owners of the subject property, all persons to whom real property is assessed within 300 feet of the boundary of the subject property and occupants of all structures within 300 feet of the subject property.

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- b. Each notice shall:
 - (1) Describe the nature of the special land use request;
 - (2) Indicate the property which is the subject of the request;
 - (3) State when and where the request will be considered;
 - (4) Indicate when and where written comments will be received concerning the request.

The City Planning Commission shall review the particular circumstances and facts pertaining to each application in terms of the standards provided in this Section. The City Planning Commission shall submit to the City Council a summary of the comments received at the public hearing, its finding of fact in terms of the application of the standards in this Section, its recommendations and any proposed conditions together with the application and documentation.

- 7. The City Council shall act upon the proposed special land use permit after receipt of all materials described in subsection C.6.b. The City Council may conduct another public hearing, preceded by public notice. The City Council may require reasonable conditions, pursuant to Chapter 82 of this Code. A request for a special land use must be approved by the City Council if it is in compliance with the standards stated in this Code and the conditions imposed pursuant to this Code and state and federal statutes and regulations.



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Article 7.0

Administration, Appeals and Enforcement

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98-7.1 CONSTRUCTION PRIOR TO CODE

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a lawful building permit issued prior to the effective date of this Code, may be completed and used in accordance with the plans and applications on which such building permit was granted.

98-7.2 MOVING DWELLINGS

Any building or structure which has been wholly or partially erected on any premises located either within or outside of this City, shall not be moved to and placed upon any other premises in this City until a permit for such removal shall have been secured under [Section 98-7.6](#). Any such building or structure shall fully conform to all the provisions of this Chapter, in the same manner as a new building or structure. Any such building or structure shall not be used or occupied until a certificate of occupancy, as provided in [Section 98-7.6](#), shall have been endorsed on such permit. Any such certificate of occupancy shall not be endorsed on such permit until the building inspector shall have made an inspection of such building or structure and shall have found the same to be in a condition deemed safe for use and occupancy, and shall have made a written report, setting forth the facts as ascertained by such inspection, to the board of appeals.

98-7.3 DEDICATION OF PRIVATE PROPERTY FOR PUBLIC PURPOSE

Upon the dedication of private property for any City purpose, the dedication shall be accomplished by the execution and delivery of a warranty deed conveying marketable title in fee simple absolute. The City Council may accept a quitclaim deed or an easement in lieu of a warranty deed if the City Council determines an easement or quitclaim deed is sufficient.

98-7.4 VARIANCE

The Zoning Board of Appeals shall have authority to interpret this Article and may in specific cases, in accordance with Michigan law, grant a variance from the requirements of this Article provided the variance complies with Michigan law

98-7.5 NONCONFORMING USES AND STRUCTURES

The following provisions shall apply to nonconforming uses:

- A. The lawful use of land for storage purposes and for advertising signs and billboards which does not conform to the provisions of this Chapter shall be discontinued within five years from the date of the original approval of the City Code (July 17, 1964), and the same uses of land which become nonconforming by reason of a subsequent change in this Chapter shall also be discontinued within five years of the date of this change.
- B. Any lawful nonconforming use of a building existing at the time of the effective date of the Ordinance from which this Code was derived may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged unless such altered or enlarged building or use shall conform to the provisions of the Chapter for the district in which it is located or the alteration is proposed for a legal nonconforming single-family residence. The later exemption shall only apply under the conditions that the intent of the proposed alterations is the maintenance of the use of the property for a single-family residential purpose and the value of the alteration does not exceed 50 percent of its fair market value. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.
- C. No building which has been damaged by fire, explosion, lightning, earthquake, tornado or any other act of God or the public enemy, to the extent of more than 50 percent of its fair market value, shall be restored except in conformity with the regulations of this Chapter.
- D. If a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
- E. A nonconforming use shall not be extended or enlarged.

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- F. A nonconforming structure that was erected, converted or structurally altered in violation of the provisions of the Ordinance or Code then in effect shall not be validated by the adoption of this Chapter and such violations or any violations of this Chapter may be ordered removed or corrected by the City Council or other proper officials at any time.
- G. A nonconforming use affected by **subsection C** of this Section may be petitioned to the Zoning Board of Appeals for relief of those regulations cited. A determination of whether to grant relief shall be made by the Zoning Board of Appeals following a review and recommendation by the City Planning Commission. An established site plan review procedure shall be used in this process. In making their decision, the City Planning Commission and the Zoning Board of Appeals shall consider the location of the property, the use of surrounding property, the use of the structure in its relation to the zoning district in which it is located, and any other considerations deemed relative to rendering a decision in the best interest of the City. Prior to rendering a decision, the Zoning Board of Appeals shall by mail notify all property owners within 300 feet of the petitioned property and provide for newspaper notice at least 15 days prior to conducting a public hearing on the petitioned property. Public hearings shall be conducted by the Zoning Board of Appeals prior to rendering a decision on the petitioned property.

98-7.6 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

- A. No land or building hereafter erected or altered shall be occupied, used or changed in use until a certificate of occupancy and compliance shall have been issued by the department of buildings stating that the land or building or proposed use of a building or land, complies with all the building and health laws and ordinances and provisions of this Chapter.
- B. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building or the use of land shall have been completed in conformity with the provisions of these regulations. A record of all such certificates shall be kept on file in the office of the City Clerk and copies shall be furnished to any person having proprietary or tenancy interest in the building affected. No fee shall be

charged for an original certificate applied for coincident with the application for a permit; for all other certificates, or for copies of any original certificates, there shall be a charge of \$1.00 each.

- C. No permit for the excavation for, or the alteration of, any building or for any use of land, shall be issued before application has been made for a certificate of occupancy and compliance.

98-7.7 ENFORCEMENT

The provisions of this Chapter shall be administered and enforced by the City Building Inspector or by an agent appointed by the City Manager.

98-7.8 VIOLATION

It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work, to see that a proper permit has been granted therefor and that such work does not conflict with and is not in violation of the terms of this Chapter. Any such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing, or remodeling without such a permit having been issued or in violation of, or in conflict with the terms of this Chapter, shall be deemed guilty of violation hereof in the same manner and to the same extent as the owner of the premises or persons for whom such buildings are erected, repaired, altered, changed or remodeled or the use of land established in violation hereof and shall be subject to the penalties herein prescribed for such violation.



98-7.9 AMENDMENTS TO DISTRICT BOUNDARIES/ZONING ORDINANCE LANGUAGE

The City Council may from time to time, on its own volition or upon petition, amend, Supplement, or change, modify or repeal the boundaries or regulations herein or subsequently established, but only after following the procedure provided below:

- A. The City Council shall refer any proposed changes to zoning district boundaries or Zoning Ordinance language to the Planning Commission for review and comment.
- B. The Planning Commission shall hold at least one public hearing on the proposed amendments to permit public comment. The public hearing shall comply with the standards set forth in [Section 98-7.11](#)
- C. Following the public hearing, the Planning Commission shall make a written report to the City Council, summarizing their findings of fact and recommendation on all amendments to the Zoning Ordinance.
- D. The City Council shall hold at least one public hearing on the proposed amendments to permit public comment.
 - 1. The City Manager shall cause a notice to be published in a newspaper of general circulation in the City informing the public of the time, date and place of the public hearing; said notice must be published at least 15 calendar days in advance of the hearing.
 - 2. The City Manager shall provide each affected property owner (as indicated on the City's most current tax assessment roll) and each public utility company and railroad company owning or operating any public utility or railroad within the districts (that have registered their name and mailing address with the City Clerk for the purpose of receiving notice) with a notice by first class mail indicating the time, date and place of the public hearing at least 15 days prior to the event.

- E. If a written protest petition on a proposed amendment to the Zoning Ordinance is filed with the City Clerk prior to action on the amendment by the City Council, then the Zoning Ordinance amendment cannot be passed unless there is an affirmative vote of at least five members of the City Council. The protest petition must be presented to the City Council before final legislative action on an amendment and is to be signed by one of the following:
 - 1. The owners of at least 20 percent of the area of land included in the change.
 - 2. The owners of at least 20 percent 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.
 - 3. Any publicly owned land is to be excluded and calculated in the 20 percent land area requirement.
- F. Following adoption of a Zoning Ordinance or any amendments thereto, in accordance with requirements governing the adoption of ordinances by the City Council, one notice of adoption is to be published in a newspaper of general circulation in the City within 15 days after adoption by the City Clerk.

98-7.10 TRAILERS

Trailers are not permitted within the City except by special permit from the City Clerk. Permits may be granted to permit the use of a trailer for temporary living quarters for 30 days only. All trailers used as temporary living quarters must be connected to water and sewer facilities approved by the City Manager or his designee. Permits may also be issued for the parking of unoccupied travel trailers in rear and side yards.

98-7.11 PUBLIC HEARINGS

Any public hearing conducted by the Board of Appeals or the City Council in respect to a request for a variance, conditional use permit, special use permit, or zoning district boundary change shall only be held after the following conditions have been met:

- A. Written application shall be filed with the City by the persons seeking the relief, accompanied by the payment of the fee if required by the City. Under no condition shall such fee or any part thereof be refunded for failure of such request to be granted by the City Council.

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- B. Notice of the public hearing shall be published in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing, in accordance with Act. 110 of the Public Acts of Michigan of 2006, as amended.
- C. Notice shall be given as provided under subsection D. to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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.
- D. The notice under subsection C. is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- E. A notice under this section shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.

98-7.12 BOARD OF APPEALS

- A. Established. In accordance with Article VI of Act 110 of 2006 of the Public Acts of Michigan (MCL 125.3601 et seq.), as amended, there shall be a board of appeals on zoning for the City and such board shall comply with all the provisions and requirements as set forth in such Section.
- B. Jurisdiction.
1. The board of appeals may, in specific cases and subject to appropriate conditions and safeguards, and after public hearing as provided in [Section 98-7.11](#), determine and vary the application of the regulations herein established in harmony with their general purpose and incident:
 - a. To permit the structures or uses requiring the approval of or within the power of the board of appeals under the provisions of this Chapter.
 - b. Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several zoning districts accompanying and made a part of this Chapter, in those cases where the street layout actually on the ground varies from the street layout as shown on the aforesaid map.
 - c. In those cases where a district boundary line divides a lot of record, the board of appeals shall have power to permit the extension of a use permitted on the less restricted portion of such a lot to that portion of such lot which lies in the more restricted district, provided that such extension shall be made for a distance of not to exceed 50 feet beyond the district boundary line in any case.
 - d. Permit variation in the use and location of buildings on any lot abutting a different zoning district, provided that the use or location shall not have an undesirable effect upon the more restricted district and provided further that the yard requirements cannot be less than 50 percent of the requirements for the more restricted district, and provided further that the variation shall not extend more than 50 feet into the more restricted district.



- e. Permit in any district the keeping of fowl or rabbits for the use and consumption of the occupants of the premises. The board of appeals may require in granting such a permit, that all fowl or rabbits shall be so housed, fenced, or otherwise kept that their use will not constitute a nuisance.
- f. Permit the erection of a trailer court in an R-1 or R-4 district. Permit the erection of a motel or motor court in a C district, provided that each unit provides a lot area of 600 square feet for the first room of 80 or more square feet and an additional area equal to twice the room area for each additional room of 80 square feet or more and provided that each unit or group of units shall have two side yards of not less than ten feet each, a front yard of not less than 25 feet, a rear yard of not less than ten feet and separate buildings shall be not less than ten feet apart; and further provided that each unit shall have one room with not less than 150 square feet of floor area, a bathroom of not less than 25 square feet of floor area, and not less than 50 square feet of floor area for a kitchenette if provided; and further provided that no guest shall occupy such accommodations or location for a period of more than one month within any calendar year.
- g. To permit variations in the requirements for outer courts in dwellings, and to permit such variation or modification of yard, lot area, and percentage of lot coverage, and requirements of this Chapter as may be necessary to secure an appropriate improvement of a parcel of land which has such size, shape or dimension, or which has such peculiar or exceptional geographical, or topographical conditions, that it cannot be appropriately improved without such variation or modification, provided that the purpose and spirit of this Chapter shall be observed, public safety secured, and substantial justice done.
- h. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure, or use, if the board of appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service and provided further, that such building, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
- i. Permit the erection of a building to its full height or use, as originally planned, when foundations and structural members are designed to carry such buildings higher.
- j. To permit in residence zones the erection of bulletins, memorial markers or other signs not used for purposes of commercial advertising, in excess of eight square feet in surface area, under such temporary permit or permanent conditions as will prevent them from becoming dilapidated or unsightly or a menace to the public health, safety or general welfare.
- k. Permit a variation or modification in the required location of off-street parking facilities, or in the amount of off-street parking facilities required or both, if after investigation by the board of appeals, it is found that such variation is necessary to secure an appropriate development of a specific parcel of land which has such peculiar or exceptional geographical or topographical conditions or is of a size, shape or dimension that it cannot be reasonably developed in accordance with the provisions of Article III and that any variation will not be inconsistent with the spirit and purpose of this Chapter, with public safety and with substantial justice.



2. Where there are practical difficulties or unnecessary hardships in complying strictly with the provisions of this Chapter, the board of appeals may in specific cases, adjust any such condition in harmony with the general purpose and intent of this Chapter so that the public health, safety and general welfare may be secured and substantial justice done. The variance shall be granted due to undue hardship owing to the circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are practical difficulty, undue hardship and unique circumstances applying to the specific property involved. A variance is not justified unless all elements are present in each case..
3. A temporary use permit for the sale of Christmas trees and related items shall be effective for 30 days or less. No more than one temporary use permit for the sale of Christmas trees or related items shall be issued for any given location within a single calendar year.
4. A temporary use permit for the sale of produce, firewood, or other similar products shall be effective for 90 days or less. No more than one temporary use permit for such products shall be issued for any given location within a single calendar year.
5. A temporary use permit shall only be granted if the City Council determines as follows:
 - a. That there is adequate automobile and pedestrian traffic flow.
 - b. That there is adequate off-street parking.
 - c. That there is adequate access for fire and police protection.
 - d. That the use is compatible with the physical character of the surrounding neighborhood.
 - e. That the use complies with all zoning regulations for the district in which the use is located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking.

98-7.13 TEMPORARY LAND USES

- A. Temporary Land Uses. The City Council shall only have the authority to grant permits authorizing temporary land uses for the sale of produce, firewood and Christmas trees subject to the following conditions:
 1. The sale of the products shall be restricted to nonresidential zoning districts. The sale of products shall not be permitted in residential transitional districts.
 2. The owner of the property shall apply for the temporary use permit on a form to be provided by the City of Brighton. The application shall include a drawing, in triplicate, drawn to scale, which depicts the following:
 - a. The shape, location and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures existing on the lot.
 - c. A layout of existing and proposed off-street parking.
 - d. The location of designated fire lanes.
 - e. The shape, size and location of all temporary facilities to be erected or located upon the lot, including all tents, tables, stands, or display racks.
 - f. The materials to be utilized in the construction of any temporary facilities.
 - g. The proposed flow of automobile and pedestrian traffic to and from the lot and any adjacent thoroughfares.
6. The temporary use permit shall be in writing and shall stipulate all of the conditions of issuance such as, the term of the permit, the nature of the permitted use and the manner in which any facilities located on the lot shall be removed upon termination of the temporary use permit.
7. Prior to granting a temporary use permit, the City Council shall hold a public hearing. Notice of the public hearing shall be given in accordance with [Section 98-7.11](#).



8. The person(s) to whom the permit has been issued must comply with the terms and conditions of the permit and all applicable ordinances and state statutes. Failure to comply with the terms and conditions of the permit, ordinances of the City of Brighton, and statutes of the state of Michigan shall result in revocation of the permit by the City Manager or designee. Notice of revocation of the permit shall be given in writing and shall either be posted at the site of the temporary land use or shall be personally served upon the person (s) to whom the permit was issued. The use shall terminate immediately upon posting of the notice of revocation of the permit or upon personal service of the notice of revocation of the permit. In the event the use is not immediately terminated upon notice of revocation, the City Manager or designee shall be permitted to enter upon the site and close the temporary use.
 9. No temporary use permit shall be issued for the sale of appliances, furniture, artwork, crafts, clothing or other similar products.
 10. Renewal of a temporary use permit shall not require a public hearing or City Council approval if there are no documented violations of the permit, and the City has not received any complaints regarding the permitted use and location.
- B. Exemptions. Exempted from the requirements of this Section are the following:
1. Outside sales of products approved by the City Council as part of site plan approvals;
 2. All civic events approved by the City Council, including, but not limited to, the Farmer's Market, Art Fair and sidewalk sales;
 3. Sale of products by the owner of a business which is incidental to their principal business and occurs within 15 feet of the building in which the business is operated;
4. The sale of hot dogs, hamburgers, snow cones, peanuts, chips and/or other non-alcoholic beverages or other similar products as determined by the City Manager or designee from a temporary/portable stand. The sale of such products must comply with all requirements of the Livingston County health department.
- C. Prohibition of Premanufactured Buildings or Sales Trailers. The use of premanufactured buildings or trailers as temporary sales offices is prohibited.

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Appendix A - Amendments

2018 - Chapter 98 of the Code of Ordinance of the City of Brighton Amendments

Ordinance 582 Enacted August 2, 2018

Section 2.2	Definitions
Section 3.47	Building Types
Section 3.48	Building Frontages
Section 3.7.1	Uptown Multiple-Family (R-5)
Section 3.32.B	Notes to District Standards
Section 3.35	Multiple-Family Residential Districts
Section 4.6	Multiple-Family Units of Two or More and Four or More Apartment Units
Section 4.8	Special Residential Care Facilities
Section 5.1	Refuse Containers
Section 5.6	Off-Street Parking and Loading Requirements
Section 5.10	Front Yard Restrictions

Ordinance 584 Enacted April 18, 2019

Section 2.2	Definitions
Section 3.14	Downtown Business District (DBD)
Section 5.6.B	Off-Street Parking and Loading Regulations
Section 516.B	Accessory Buildings and Uses
Section 7.13.A	Temporary Land Uses

Ordinance 590 Enacted December 5, 2019

Section 2.2	Definitions
Section 3.14	Downtown Business District (DBD)
Section 3.47	Building Types (R-5)
Section 3.49	Building Types (DBD)
Section 3.42	Downtown Business District Regulations
Section 3.48	Frontage Types
Section 3.23	Buildings That Exceed The Maximum Height and Number of Stories Stated in The Downtown Business District Regulation Plan



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2018 - Chapter 98 of the Code of Ordinance of the City of Brighton Amendments (continued)

Ordinance 592 Enacted March 13, 2020

Section 2.2	Definitions
Section 3.8.C	Residential Transitional
Section 3.10.B.4	C-1 Community Shopping Center
Section 3.11.B and C	C-2 General Business
Section 3.12.B and C	C-3 Limited Business
Section 3.16.B, C, and D	O-S Office Service
Section 4.17	Professional Offices
Section 4.18	Veterinary Hospitals, Clinics, and Pet Daycare Facilities
Section 4.20	Health Clubs and Personal Recreational Facilities
Section 4.22	Nursery, Floral, Landscape, Garden, and Swimming Pool Sales

