

PROPOSED AGENDA

**CHARTER TOWNSHIP OF BRIGHTON
PLANNING COMMISSION
4363 BUNO ROAD
BRIGHTON, MI 48114**

**MAY 10, 2021
REGULAR MEETING
6:30 P.M.
(810) 229.0562**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. CALL TO THE PUBLIC**
- E. AGENDA**
- F. MINUTES**

1. APRIL 12, 2021 REGULAR MEETING

G. BUSINESS

1. RE-REVIEW OF LIVE-WORK ORDINANCE

- H. REPORTS AND CORRESPONDENCE**
- I. CALL TO THE PUBLIC**
- J. ADJOURNMENT**

The Charter Township of Brighton will provide the necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon 10 days' notice to the Charter Township of Brighton, Attn: Township Manager. Individuals should contact the Charter Township of Brighton by writing or contacting the following: Kelly Mathews, 4363 Buno Road, Brighton, MI 48114. Telephone: 810-229-0562 or e-mail at planner@brightontwp.com.

MEMORANDUM

TO: BRIGHTON TOWNSHIP RESIDENTS
FROM: JOSEPH R. RIKER, CLERK
SUBJECT: PLANNING COMMISSION ELECTRONIC PACKETS
DATE: JANUARY 31, 2019

Packets for the Brighton Township Planning Commission meetings posted to the website contain scanned original documents. These electronic packets are subject to change based on meeting material presented to the Planning Commission throughout the course of the meeting. For a complete original packet following the Planning Commission meeting contact the Clerk's Office at 810-229-0560 or via email: clerk@brightontwp.com

PROPOSED MINUTES

CHARTER TOWNSHIP OF BRIGHTON
PLANNING COMMISSION
4363 BUNO ROAD
BRIGHTON, MI 48114

APRIL 12, 2021
REGULAR MEETING
6:30 P.M.
(810) 229.0562

Chairperson S. Holden called the meeting to order at 6:30 P.M. The Pledge of Allegiance was said.
Present: C. Doughty, B. Prine, L. Herzinger, S. Holden, W. Hofsess, J. Rose
Absent: J. Stinedurf

CALL TO THE PUBLIC
None.

AGENDA
B. Prine moved and L. Herzinger seconded **to approve the agenda as presented.**
Motion carried.

MINUTES
C. Doughty moved and J. Rose seconded **to approve the March 8, 2021 regular meeting minutes as presented.**
Motion carried.

BUSINESS
PUBLIC HEARING ON REZONING FOR HARMONY AT BRIGHTON RZ# 21/01 FROM B-2 AND R-4 TO OS;
APPLICANT: SMITH PACKETT/MED-COM, LLC; OWNER: BRIGHTONLAND ONE, LLC AND BRIGHTONLAND TWO, LLC; TAX ID#: 12-29-400-005 AND 006 AND 12-32-203-001; ZONING: B-2 AND R-4
Applicant Representative Paul Burns, Law Office of Paul E. Burns, introduced the development team and overviewed the project. Also, in attendance was Applicant Representative Jeff Alber, Law Office of Paul E. Burns, Applicant Michele Sons, Smith/Packett, Applicant Wynn Bishop, Smith/Packett, and Applicant Representative Mark Szerlag, Duke and Company, as well as Applicant Representative Gaylen Laing, GHLA, by Zoom. Applicant Michele Sons, overviewed a PowerPoint presentation of the project. The conceptual plan for a three (3) story 106-unit memory care and assisted living building with a main access off of Duncan Rd. R.O.W. which would be set back about 250 ft. from Old 23 and abut US 23 was discussed and a secondary fire access only further south at Donald/Stuhrberg. It was discussed that the proposed zoning was for OS zoning since that was the simplest zoning for the proposed project and they felt that the proposed zoning met the master plan of mixed use for this area. A market demand letter was overviewed depicting demand for this use and the architecture for the building was reviewed. BAFAs' e-mail dated 2/17/21 was reviewed. K. Mathews, Township Planner, overviewed her letter dated 3/5/21. Geric Rose, Township Engineer, F&V, overviewed his letter dated 3/2/21.

PUBLIC HEARING
The public hearing opened at 7:20 p.m.
E-mail dated 3/7/21, Dzintars Grauds, vacant parcel ID# - 12-32-203-027 - support.
Dr. Janis, Janis Chiropractic, 4803 S. Old 23 - stated that he was concerned about the traffic at the proposed access at the Duncan Rd. R.O.W. access.
The public hearing closed at 7:23 p.m.

Additional discussion regarding other potential zoning districts including a conditional OS zoning was discussed.

B. Prine moved and C. Doughty seconded **to table the proposed rezoning from B-2 and R-4 to OS for up to 90 days in order for the developer to propose a suitable zoning and to provide the required rezoning materials; Address: Old 23 and Stuhrberg; Owner: Brightonland One LLC and Brightonland Two LLC; Applicant: Smith/Packett / Med-Com LLC; Tax ID: 12-29-400-005 and 006 and 12-32-203-001; Zoning: B-2 (General Business) and R-4 (Residential Single Family).**
Motion carried.

PUBLIC HEARING ON LIVE-WORK ORDINANCE

K. Mathews overviewed the final changes from the last meeting regarding the proposed live-work ordinance and stated that John Harris had reviewed the proposed ordinance and did not feel that we could legislate a master deed or other legal document. The PC had concerns regarding this and asked that John Harris come to the next meeting to discuss.

PUBLIC HEARING

The public hearing opened at 7:45 p.m.

Megan Farkas, 8115 W. Grand River - stated their development would have a master deed /by-laws.

Ronald Spangler, 8105 W. Grand River - questioned the number of employees and parking requirements.

The public hearing closed at 7:48 p.m.

B. Prine moved and C. Doughty seconded to table the proposed ordinance for up to 90 days in order to have the Township Attorney come to the next PC meeting to discuss.

Motion carried.

PUBLIC HEARING ON SPECIAL LAND USE PERMIT SU# 21/01 FOR DRIVE-THRU COFFEE SHOP FOR MARK SCHAFFER; ADDRESS: 10547 E. GRAND RIVER; TAX ID#: 12-33-302-027; ZONING: B-2

Applicant Mark Schaffer explained the history of his site and improvements that have been made and difficulty figuring out a tenant for the westerly building with COVID. Brent Lavanway, Applicant Representative, Boss Engineering, overviewed the site plan for the proposed drive-thru coffee shop and hair salon in a new building. The existing hair salon building will be demolished. The architecture is the same as previously approved. Geric Rose, Township Engineer, F&V, overviewed his SLUP components of his letter dated 3/19/21 and stated that overall, the SLUP was O.K. other than traffic study information and parking spaces. K. Mathews overviewed her SLUP letter dated 3/9/21.

PUBLIC HEARING

The public hearing opened at 8:12 p.m.

Mike Palmer, 10382 E. Grand River - questioned the sewer REU calculation, why no connection to FIB water, and whether there would be a curb cut opening to KVIH.

The public hearing closed at 8:15 p.m.

B. Prine moved and J. Rose seconded to approve the SLUP for 10547 E. Grand River for a drive-thru coffee shop; Address: 10547 E. Grand River; Owner and Applicant: Mark Schaffer; Tax ID: 12-33-302-027; Zoning: B-2 (General Business) conditioned upon the site plan being approved.

Motion carried.

PRELIMINARY SITE PLAN SP# 21/02 FOR DRIVE-THRU COFFEE SHOP FOR MARK SCHAFFER; ADDRESS: 10547 AND 10561 E. GRAND RIVER; TAX ID#: 12-33-302-027 AND 042; ZONING: B-2

Applicant Representative Brent LaVanway stated that BAFA's concerns with circulation stated in their letter dated 3/18/21 could be accommodated by shifting the building five (5) ft. to the east. Geric Rose, Township Engineer, F&V, overviewed his letter dated 3/19/21. K. Mathews, Township Planner, overviewed her site plan letter dated 3/9/21.

B. Prine moved and C. Doughty seconded to approve the preliminary site plan for 10547 and 10561 E. Grand River for a drive-thru coffee shop and hair salon; Address: 10547 and 10561 E. Grand River; Owner and Applicant: Mark Schaffer; Tax ID: 12-33-302-027 and 042; Zoning: B-2 (General Business) conditioned upon the items in the Township Planner, Township Engineer, BAFA, and all County agencies letters be complied with and includes approval of the proposed building materials.

Motion carried.

PUBLIC HEARING ON SPECIAL LAND USE PERMIT SU# 21/02 FOR NEW AND USED CAR LOT FOR SERRA WORKS OF BRIGHTON; ADDRESS: 8300 W. GRAND RIVER; TAX ID#: 12-19-300-021; ZONING: B-2

Applicant Jason Freeman, GM of Serra Brighton was in attendance. Also in attendance were Kevin Johnson and Jacie, Rhoads & Johnson, and Brent LaVanway, Boss Engineering. Brent LaVanway explained the plans for the site: expansion of outdoor car display for Serra Works on the old Pizza Hut site with underground storm detention. K. Mathews, Township Planner, reviewed her SLUP letter dated 3/23/21, and Geric Rose, Township Engineer, F&V, reviewed the SLUP components of his letter dated 3/18/21.

PUBLIC HEARING

The public hearing opened at 8:50 p.m.

None.

The public hearing closed at 8:50 p.m.

A concern was expressed about salt use and run-off on the site.

B. Prine moved and L. Herzinger seconded to approve the SLUP for 8300 W. Grand River for a new and used car lot; Address: 8300 W. Grand River; Owner and Applicant: Serra Works of Brighton, LLC; Tax ID: 12-19-300-021; Zoning: B-2 (General Business) conditioned upon the site plan being approved.

Motion carried.

PRELIMINARY SITE PLAN SP# 21/03 FOR NEW AND USED CAR LOT FOR SERRA WORKS OF BRIGHTON; ADDRESS: 8300 W. GRAND RIVER; TAX ID#: 12-19-300-021; ZONING: B-2

Geric Rose, Township Engineer, F&V, overviewed his letter dated 3/19/21. K. Mathews, Township Planner, overviewed her site plan letter dated 3/23/21.

A question was asked about annual maintenance of the underground stormwater detention system.

J. Rose moved and W. Hofsess seconded to approve the preliminary site plan for 8300 W. Grand River for a new and used car lot; Address: 8300 W. Grand River; Owner and Applicant: Serra Works of Brighton, LLC; Tax ID: 12-19-300-021; Zoning: B-2 (General Business) conditioned upon the items in the Township Planner, Township Engineer, BAFA, and all County agencies letters be complied with.

Motion carried.

REPORTS AND CORRESPONDENCE

C. Dougherty - Township Board update: Budget; revoking of Emergency Order.

CALL TO THE PUBLIC

None.

ADJOURNMENT

B. Prine moved and L. Herzinger seconded to adjourn.

Motion carried.

The meeting adjourned at 9:12 P.M.

Respectfully submitted,

Steve Holden, Chairperson

Jeff Stinedurf, Secretary

Kelly Mathews, Recording Secretary

ARTICLE 6
BUSINESS DISTRICTS

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Sec. 6-01 Description and Purpose

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(a) **B-1 Local Business District.** The B-1 Local Business District is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

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(b) **B-2 General Business District.** The B-2 General Business District is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business District.

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(c) **B-3 Special Business District.** The B-3 Special Business District is intended to provide sites for more diversified commercial uses which would often be incompatible in the B-1 or B-2 Business Districts, and yet recognizes and provides for more intensive commercial uses at planned locations in the Township.

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(d) **OS Office Service District.** The Office Service District is intended to accommodate offices, banks, and personal services which can serve as transitional areas between Residential and Business Districts and to provide a land use transition between arterial and collector roads and Residential Districts.

Sec. 6-02 Uses Permitted

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(a) Land and/or buildings in the districts indicated at the top of Table 6-02 may be used for the purposes denoted by a “P” in the column below by right. Land and/or buildings in the districts indicated at the top of Table 6-02 may be used for the purposes denoted by “S” after special land use approval by the Planning Commission in accordance with the procedures and requirements of **Article 18 and Article 19**. A notation of “--” indicates that the use is not permitted within the district. The “Requirements” column indicates additional requirements or conditions applicable to the use. Residential uses located above a business use are allowable in the designated mixed use areas of the Township as defined on the future land use map (Map Two) in the Brighton Township Master Plan.

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CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

Residential uses in the business districts will be reviewed per the site plan requirements outlined in *Article 18* of the Zoning Ordinance.

Table 6-02 Schedule of Business Uses					
	B-1	B-2	B-3	OS	Requirements
Retail Trade					
Auto Parts Supply Stores	--	P	P	--	--
Boat, Recreational Vehicle, & Motorcycle Dealerships	--	S	S	--	(9)
Drug Stores with Drive Through Pickup	--	S	S	--	(7)
Hardware, Paint, Glass, Tile, & Wallpaper Stores	--	P	P	--	--
Lumber Stores & Yards	--	S	S	--	--
Manufactured Home Dealers	--	S	S	--	(9)
New & Used Automobile Dealerships	--	S	S	--	(9)
Nurseries, Garden Retail Stores, & Greenhouses	--	P	P	--	--
Open Air Businesses	S	S	S	--	(5)
Outdoor Storage Accessory to a Permitted Use	--	S	S	--	(6)
Propane Sales	--	S	S	--	--
Retail Establishments & Shopping Centers of 30,000 sq.ft. or Less	P	P	P	--	--
Retail Establishments & Shopping Centers Greater Than 30,000 sq.ft.	S	S	S	--	--
Seasonal Commercial Outdoor Sales	P	P	P	P	Sec. 13-14(a)
Service Stations	--	S	S	--	(10)
24-Hour Retail Use	S	P	P	--	
Finance, Insurance & Real Estate, Professional Office & Related Services					
Banks, S & L, Credit Unions up to 4 Drive-Through Windows	S	P	P	P	--
Banks S & L, Credit Unions with 4 or More Drive-Through Windows	--	S	S	S	--
Contractors Offices & Buildings without Outdoor Storage	--	P	P	--	--
Insurance Carriers, Agents, Brokers, & Service	P	P	P	P	--
Laboratories - Experimental, Film, or Testing Enclosed within a Building	--	--	--	S	--
Mortgage, Loan Security, & Commodity Brokers	--	P	P	P	--
Offices for General Executive, Administrative Functions, Accounting, Law, Professional Engineering, & Management Services	P	P	P	P	--
Real Estate Agents, Leasers, Developers, Operators, & Title Companies	P	P	P	P	--
Research, Testing, Design, Technical Training, or Experimental Product Development Enclosed within a Building	--	--	--	S	--
Health Care					
Congregate Care & Dependent Care, Convalescent Homes & Nursing Homes	--	--	--	P	--
Extended Care Facilities	--	S	S	P	--
Hospitals	--	S	S	P	--
Medical Centers/Urgent Care	--	S	S	P	--
Medical Offices up to 40,000 sq.ft.	P	P	P	P	--
Medical Offices over 40,000 sq.ft.	S	S	S	P	--
Senior Independent Housing	P	--	--	P	
Senior "Interim Care" & "Intermediate Care" Units	P	--	--	P	
Consumer Services					
Automobile Washes	--	S	S	--	--
Beauty & Barber Shops	P	P	P	P	--
Carpet & Upholstery Cleaners	--	P	P	--	--
Child Day Care	P	P	P	P	--
Coin-Operated Laundries	S	P	P	--	--

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

Table 6-02 Schedule of Business Uses					
	B-1	B-2	B-3	OS	Requirements
Conference Centers, Exhibit Halls, & Similar Uses	--	S	S	S	--
Equipment Rental & Leasing	--	S	S	--	--
Funeral Homes & Mortuaries	S	S	S	S	(3)
Hookah Lounges, Tobacco Specialty Retail Stores & Cigar Bars	--	P	P	--	See Chapt. 12, Art. VII - Code of Ordinances
Hotels & Motels	S	P	P	S	(4)
Laundries, Dry Cleaners, & Tailors	P	P	P	P	--
Massage Therapy/Massage Therapy Clinic	S	P	P	P	
Minor Automotive Repair Shops including Oil & Lubrication Change, Exhaust System Repair, Glass Repair, Tire, Brake & Suspension Shops	--	S	S	--	--
Passenger Car Rental	--	S	S	--	(9)
Photocopying, Printing & Office Services	P	P	P	P	--
Photography, Art & Graphic Design Studios	P	P	P	P	--
Repair Services (Watches, Radio, TV & Appliances)	P	P	P	--	--
Restaurants & Bars Serving Alcoholic Beverages, Lodge, Tavern	S	P	P	S	(8)
Restaurants & Bars with Dancing & Live Entertainment	--	S	S	--	(8)
Restaurants, Carryout	S	P	P	S	(8)
Restaurants not Serving Alcoholic Beverages	P	P	P	S	(8)
Restaurants with Open Front Windows, Cafe or Outdoor Seating	S	P	P	--	(8)
Restaurants with Drive-Through or Drive-Up Service	--	S	S	--	(7) (8)
24-Hour Restaurant	S	P	P	--	
Shoe Repair Shops	P	P	P	--	--
Truck & Trailer Rental	--	S	S	--	--
Veterinary Clinic	--	S	S	S	
Entertainment & Recreational					
Adult Entertainment Uses	--	S	S	--	(1)
Billiard/Pool Halls	S	S	S	--	(2)
Bowling Centers	S	P	P	--	(2)
Dance Studios, Schools & Halls	P	P	P	P	--
Golf Courses, Miniature Golf Courses, Driving Ranges & Batting Cages	--	S	S	--	--
Marinas Without Boat Storage or Repair	S	S	S	--	--
Marinas With Boat Storage & Repair	--	S	S	--	--
Motion Picture Theaters	--	P	P	--	--
Physical Fitness Facilities, Sports & Recreation Clubs	S	S	S	--	--
Sports Arenas, Skating Rinks, Indoor Tennis & Racquetball Courts, or Similar Forms of Indoor Commercial Recreation	--	S	S	--	(2)
Special Events	--	S	S	--	Sec. 13-14(a)
Theatrical Producers, Orchestras, & Entertainment Groups	P	P	P	--	--
Video Tape Rental	P	P	P	--	--
Public Administration, Institutional & Utilities					
Churches, Temples or other Places of Worship or Public Assembly	P	P	P	P	--
Colleges & Universities or other such Institutions of Higher Learning	P	P	P	P	--
Essential Public Services	P	P	P	P	--
Essential Public Service/Utility Buildings	--	S	S	--	--
Governmental Executive, Legislative & Administrative Offices	P	P	P	P	--
Halls For Private Clubs & Membership Organizations	P	P	P	P	--
Libraries	P	P	P	P	--

Table 6-02 Schedule of Business Uses					
	B-1	B-2	B-3	OS	Requirements
Police & Fire Stations	P	P	P	P	--
Post Office	P	P	P	P	--
Schools, Primary or Secondary, Charter, Montessori	P	P	P	P	--
Manufacturing & Warehousing					
Administrative Offices Related to Manufacturing, Engineering, Construction, Transportation, Utility, Governmental & other Similar Uses	--	--	P	--	--
Manufacture and/or Repair Shops Provided not More than 10 Persons Shall be Involved & that the Process, Service, Loading, or Unloading of any Vehicle Shall not be Detrimental to any Residential Area	--	--	P	--	--
Mini-Storage/Self-Storage Warehousing	--	--	S	--	--
Warehousing Accessory to a Permitted Use	--	--	P	--	--
Warehousing, Wholesale & Distribution Facilities Including Truck Terminals	--	--	S	--	--
Billboards	--	--	S	--	--
Major Automotive Repair, such as Engine, Transmission or Chassis Repair, Undercoating, Glass Replacement, Bumping & Painting	--	--	S	--	--
Residential					
<u>Residential above and business uses including live-work units in commercial districts</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(11)</u>

(b) Uses noted in Table 6-02 shall comply with the following requirements:

(1) **Adult Entertainment Uses**

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a. **Intent.** In the development and enactment of this Section it is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated into limited areas of the Township, thereby having a deleterious effect upon the adjacent areas. Such concentration tends to detract from the aesthetics of the neighborhood; cause annoyance or disturbance to the citizens and residents who live, work in, or pass through the neighborhood; attract an undesirable quantity of transients; adversely affect property values; cause an increase in crime; and encourage residents and other businesses to move elsewhere. Special regulation of these uses is necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The control or regulation is for the purpose of preventing a concentration of these uses in any one (1) area.

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b. **Findings.** More specifically, the secondary effects upon the Township of a concentration of these uses in any one (1) area are concluded to be:

1. Creation of a red-light/skid row district of adult entertainment uses in the Township.
2. A negative impression and impact on young children in the community.
3. Discouraging new development of housing and businesses and continuance of existing uses in proximity to adult entertainment uses, thus causing a decline of property values.
4. Characterizing the Township as an unregulated community and an assembly ground for undesirables, an appearance totally opposite from the fine reputation the Township commands.
5. Resulting in crime incidence, including prostitution, drug abuse, and gambling.
6. Introducing need for increased security surveillance owing to transient traffic, hours of operation and contribution to delinquency of minors.
7. Impact on nearby schools and religious institutions and related family and moral ethics and values, also invite molesting, abduction and other crimes upon children, women and others who may have to travel past adult entertainment uses.
8. Inviting lurid advertising incongruous with the low profile nature of the local business areas.

The above concerns have been witnessed in other communities whose former vitality has not been restored and there has been an exodus of families and businesses.

c. Locational Standards

1. Adult entertainment uses shall not be established within a one thousand (1,000) foot radius of any Residential District.

Measurement shall be from the nearest premises of the use to the nearest Residential District lot line.

5 2. Adult entertainment uses shall not be permitted within a one thousand (1,000) foot radius of the following uses: public, private or parochial school, child day care facility, library, park, playground or other recreational facility or church, convent, monastery, synagogue or similar place of worship. Measurement shall be made from the nearest premises of the named use to the nearest property line of a school, library, recreational facility or place of worship.

10 3. Adult entertainment uses shall not be permitted within a one thousand (1,000) foot radius of an existing adult entertainment use. Measurement shall be from the nearest premises of the adult entertainment use to the nearest property line of another adult entertainment use.

15 **d. Required Conditions**

20 1. The premises shall be constructed and maintained in such a manner so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed from any display, decoration, sign show window, or other opening by pedestrians or motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.

25 2. Building size shall not exceed five thousand (5,000) square feet of gross floor area.

30 3. The adult entertainment use shall be located within a free-standing building. A shared/common wall or shopping center shall not be considered to be a free-standing building.

35 4. The building shall provide sufficient sound absorbing insulation so noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way.

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5. The Planning Commission may require a wall, fence or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public roads, distance, and surrounding land uses.
6. The hours of operation shall be approved by the Planning Commission.
7. Access shall be from an arterial or collector road.
8. Any adult entertainment use which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one (1) security guard on duty outside the premises. The security guard will patrol the grounds and parking areas at all times while the business is in operation.
9. Persons operating an adult entertainment use shall not permit any person under the age of eighteen (18) to be on the premises of said business either as an employee or customer.
10. Persons shall not reside in or permit any person to reside in the premises of an adult entertainment use.
11. Persons shall not operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the price for all services performed by the business. Persons operating or working at such a place of business shall not solicit or accept any fees except those indicated on any such notice.
12. Persons shall not become the lessee or sub lessee of any property for the purpose of using said property for an adult entertainment use without the express written permission of the owner of the property for the use.
13. Lessees or sub lessees of any property shall not convert that property from any other use to an adult entertainment use without the express written permission of the owner of the property for that use.

14. Violations of any of these requirements, in addition to any other laws, are grounds for revocation of the special land use.

5 (2) **Billiard/Pool Halls, Bowling Centers, Sports Arenas, Skating Rinks, Indoor Tennis and Racquetball Courts, or Similar Forms of Indoor Commercial Recreation.** A minimum one hundred (100) foot setback shall be provided from any adjacent Residential District.

10 (3) **Funeral Homes and Mortuaries**

a. Adequate assembly area shall be provided off-street for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area.

15 b. A caretaker's residence may be provided within the main building.

(4) **Hotels and Motels**

20 a. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

b. No guest shall establish a legal residence at a motel.

25 (5) **Open Air Businesses**

a. All open air businesses shall be accessory to the approved principal use, and shall be directly related to the business or activity conducted within the main building.

30 b. The material(s) utilized for any use shall not create a noxious odor, create blight condition, or create an unsafe traffic condition (i.e. reduction of sight distance to road(s), maneuvering lanes and/or parking areas).

35 c. The display of any material(s) and/or products shall be limited to not more than ten percent (10%) of the existing front or side yard(s), exclusive of all required maneuvering lanes, driveways and/or parking spaces.

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- d. The minimum setback from a front or side property line for any open air business shall be twenty (20) feet from the front property line and not less than one-half (1/2) of any required side yard.
- e. All display materials shall be safely anchored or secured in place, in a method and manner designed to safely resist overturn by wind loads or impact.
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- f. Display materials shall be limited to those approved for use by the Michigan State Construction Code and Fire Codes.
- g. The Planning Commission may require fencing, greenbelts and/or masonry walls to isolate or screen any outdoor display area.
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- h. Open air businesses which require lighting or the use of electricity shall not be constructed, installed or utilized unless and until a certificate of safety compliance has first been issued by the Township Electrical Inspector. Display lighting shall comply with the lighting standards of *Section 14-03*.
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- i. Any display involving soil or berming shall be constructed in a manner which will eliminate surface water, soil, sand, sediment and/or any other material from eroding, washing or otherwise being transported onto any roadway, storm sewer, or adjacent property.
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- j. A site plan, drawn to scale, shall be submitted to the Planning Commission for review in accordance with *Article 18*. The plot plan shall clearly illustrate the location, setbacks, and the designated area of the property proposed for outdoor display.
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(6) Outdoor Storage Accessory to a Permitted Use

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- a. Outdoor storage shall be accessory only to a permitted use on a site containing a main building of five hundred (500) square feet or more.
- b. The storage and/or display of any materials and/or products shall meet all setback requirements of a main building in a B-2 General Business District.

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- c. All loading and parking shall be provided off-street in accordance with this Ordinance, and outdoor storage of any kind shall not utilize or obstruct any required parking, loading-unloading space(s), and/or maneuvering lane(s).
- d. The storage of any soil, fertilizer, or other loose, unpackaged materials, shall be contained so as to prevent any spread thereof to adjacent properties or roadways.
- e. All storage shall be confined to the rear yard and shall be suitably screened from the view of adjoining property owners with opaque fencing.
- f. The storage shall comply with the standards established by the Michigan State Construction Code and the Township Fire Code for storage.
- g. The height of the storage shall not exceed the height of the screening fence.
- h. All empty pallets must be removed from the site or screened from view.
- i. Except in approved vehicle sales dealerships, all motor vehicles, licensed or unlicensed, which are parked outdoors on any portion of any property not designated as an approved parking area shall be considered as outdoor storage, and subject to the requirements of this subsection.
- j. Except in approved vehicle sales dealerships, trailers, recreational vehicles, tractors, farm implements, farm equipment and/or landscape equipment parked or maintained outside of a main or accessory building shall be considered outdoor storage and shall be subject to the foregoing requirements.

(7) Restaurants and other Uses with Drive-through or Drive-up Service

- a. A minimum sixty (60) foot setback shall be provided from the front lot line and any adjoining Residential District.
- b. A six (6) foot high, completely obscuring brick wall shall be provided between the site and any adjoining Residential District.

c. When constructed adjacent to other commercial developments, the restaurant shall have a direct vehicular access to the existing commercial development where possible.

5 d. Clear delineation between the drive-through stacking lane and the parking lot shall be provided such that vehicles waiting in the drive-through lane do not block access to parking spaces.

10 e. Each drive-through facility shall provide a lane to allow other vehicles to pass those waiting to be served at the drive-through.

(8) **Restaurants (OS District).** Restaurants located in the OS District are permitted under the following regulations. These regulations do not apply to restaurants located in other Business Districts.

15 a. Restaurants are permitted in the OS District as an accessory use within an office building or as a stand-alone building that is an integral part of an office park where the restaurant floor area is no more than twenty-five percent (25%) that of the office floor area on the site.

20 b. The restaurant shall be accessed internally from the office development and shall not have a separate driveway to a public road.

(9) **Sale and/or Rental of New or Used Automobiles, Manufactured Homes, Boats, Recreational Vehicles, and Motorcycles**

25 a. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

30 b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) roads.

35 c. No major repair or major refinishing shall be done on the site, other than as set forth in e. below.

d. All lighting shall be shielded from adjacent Residential Districts.

- e. Major automotive repair is allowed as a subordinate or ancillary use of the site to a new and/or used automotive dealership, which shall be the principal use of the site.

5

(10) Service Stations

- a. Three (3) off-street car storage spaces shall be provided for each car repair bay.

10

- b. Outside storage of oil drums, trailers, tires, equipment for rent, or other materials shall not be permitted.

- c. Engine rebuilding, vehicle dismantling, upholstery, and other types of major repair work shall not be permitted.

15

- d. A six (6) foot tall obscuring wall or solid fence shall be provided along the property line when abutting a Residential District or use.

20

- e. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days.

25

- f. There shall be no outdoor storage or display of vehicle components and parts, supplies equipment or other merchandise, except the Planning Commission may approve an area for display of retail merchandise within ten (10) feet of the main building.

30

- g. Details on the proposed canopy and lighting shall be provided with the site plan in accordance with **Section 14-01(e)(4)**.

35

- h. Roofs on all buildings and canopies shall be designed with a pitched roof.

- i. The applicant shall submit a Pollution Incidence Protection Plan that describes measures to prevent groundwater, soil or surface water contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins, and automatic shut off valves.

j. A combination service station, convenience store, restaurant, or carwash shall be permitted only if there is adequate space for safe and efficient pedestrian and vehicular circulation and sufficient parking for each use. Parking shall be provided for each use, provided the Planning Commission may allow a twenty-five percent (25%) reduction in the total collective requirement based on multi-purpose customer visits and employees.

(11) **Residential and Business Uses including Live Work Units - add ordinance here.**

(Ord. # 262, 10/31/14) (Ord. #257, 11/1/13) (Ord. #246, 12/25/09) (Ord. #231, 12/27/05)

Sec. 6-03 District Regulations

(a) **Business Schedule of Area and Bulk Requirements.** All lots, buildings, and structures shall comply with the area height and bulk requirements in Table 6-03.

Table 6-03 Business Districts Schedule of Area and Bulk Requirements				
Districts	B-1	B-2	B-3	OS
Lot Requirements				
Minimum Lot Area (sq. ft.)(1)	20,000	40,000	40,000	40,000
Minimum Lot Width (ft.) (1)(2)	100	150	150	150
Setback Requirements (3)				
Front Yard (ft.) (4) (5)	25	30	30	20
Side Yard (ft.)	10 (6)	10 (6)	10 (6)	15
Rear Yard (ft.) (7)	20	20	20	20
Parking Lot (ft)	Front (8)	20	20	20
	Side & Rear	10	10	10
Natural Feature/Waterfront (ft.) (9)	25	25	25	25
Maximum Building Height				
In Feet	25	45	45	45
In Stories	2	3	3	3
Maximum Lot Coverage				
Max. Lot Coverage (%) (10)	75%	50%	50%	50%

(b) **Notes.** The following notes apply to Table 6-03:

(1) **Reduction of Lot Area and Width.** For any lot created after the effective date of this Ordinance, the lot area and lot width requirements may be waived where the lot has a recorded easement for an existing or future shared driveway and service drive, meeting the requirements of *Article 16*

connecting the lot to all adjacent lots zoned for business or office and all adjacent lots master planned for commercial, office, or mixed use.

5 (2) **Lot Frontage.** All lots shall have frontage on a dedicated public road or approved private road as required in *Section 13-12*, meeting the requirements of *Article 16* in order to be considered “accessible.” All lots must meet the minimum lot width requirements at the minimum setback line.

10 (3) **Projections into Yards.** Architectural features and vertical projections may extend or project into a required yard as provided in *Section 13-10*.

(4) **Setbacks.** Setback requirements shall be provided whether the right-of-way is public, private, or an access easement.

15 (5) **Through Lots.** All double or multiple fronted lots or parcels of land shall provide the minimum front yard setback required by the zoning district in which it is located on each abutting road.

20 (6) **Side Yard Setbacks.** Where fire walls are provided, no side yards are required along the interior side lot lines except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

25 (7) **Loading and Unloading.** All loading and unloading shall be provided in the rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley. Where shared access is provided for more than one
30 site, the loading and unloading area may be permitted in the non-required side yard.

(8) **Parking Setback Landscaping.** The setback required between off-street parking and the front, side, or rear lot line shall be landscaped except for
35 access driveways, service drives and parking lots shared with adjacent uses.

(9) **Natural Features Setback.** A twenty five (25) foot natural feature setback shall be maintained from the ordinary high water mark (shoreline) of any lake, pond, or stream and to the edge of any drainage way, or regulated

wetland. Only docks or decks shall be permitted within the natural feature setback area. All waterfront uses must meet the requirements of *Article 24*.

5 (10) **Maximum Lot Coverage.** The maximum lot coverage ratio shall be calculated as the maximum allowable ground area that may be covered by main buildings and above ground accessory structures as a percentage of the lot area.

10 (c) **Use Requirements.** All business establishments shall be retail or service establishments dealing directly with consumers involving sales to the public. All goods produced on the premises shall be sold at retail on the premises where produced. Storage or warehousing on the premises, shall be directly related to the retail or service sales to the public on the same premises. The space required for this activity shall not exceed fifty percent (50%) of the total floor area of the main building. All businesses, servicing, or processing, except for off-street parking, loading or approved outdoor sales, display or storage, shall be conducted within a completely enclosed building except when permitted by the Article.

20 (d) **Restrictions on Semi-Trailer Trucks.** In no instance shall a semi-trailer truck, shipping container, or motor vehicle be used for an accessory building, storage, or sales purposes in any district. Where such vehicle is parked on premises, it shall be located at least twenty (20) feet from any building or structure. Exceptions to this rule would be a commercial delivery vehicle for a business use which may be parked on site for a period not to exceed twenty-four (24) hours, and may be located in an off-street loading space adjacent to the building.

CHARTER TOWNSHIP OF BRIGHTON
ORDINANCE NO. _____ ARTICLE 6, SECTION 6-02(b)(11)

_____ moved and _____ seconded the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF BRIGHTON BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 6-02 (b)(11) OF ARTICLE 6 OF SAID ZONING ORDINANCE

THE CHARTER TOWNSHIP OF BRIGHTON ORDAINS:

Section 1. Addition of Section 6-02(b)(11) of Article 6, “Live-Work Units” is added to the Zoning Ordinance of the Charter Township of Brighton to read as follows.

SECTION 6-02(b)(11), LIVE-WORK UNITS

Live-Work units are dwelling units wherein each unit is designed to accommodate a small business and living quarters. A person(s) or entity must own the entire unit. An owner may lease both the residential and business portion of the unit to a single entity or person(s), or may lease the business portion of the unit only, retaining occupancy of the residential portion. The owner may not lease out the residential and business portions of the unit to unrelated persons or entities. A minimum of twenty (20%) percent of each unit must be used for business usage. Live-work units shall meet the design standards applicable to mixed-use buildings.

(a) Size:

Number of employees including owner. Owner can mean a married couple.
Maximum three (3) employees allowed.
Total 900 s.f. per unit maximum for work component.

(b) On-site Orientation:

Business shall must face street, service drive, alley, or other means of access. Address shall be visible from street, service drive, alley, or other means of access.

(c) Stairways:

On a two (2) story building, each unit shall have its own interior stairway.

(d) Decks/Patios:

No decks/patios are allowed for the business portion of the units. Decks/patios can be a part of the residential portion of the building but they shall be constructed of a maintenance-free material.

(e) Parking Requirements:

Two (2) enclosed parking spaces per unit and three (3) outside parking spaces per unit. (Parking may be reduced depending on the square footage and the use which will be reviewed as part of site plan review).

(f) Outdoor Use:

No outdoor business use/storage is permitted.

(f) Business Usage:

Business usage only allowed in accordance with Zoning Ordinance *Article 6, Table 6-02, Permitted Uses: Finance, Insurance and Real Estate, Professional Office, and Related Services, and Consumer Services (if by appointment only) or related uses based on similar usage and parking usage.*

(h) Hours of Operation:

Shall close business use by 10:00 p.m.

(i) ~~Governance:~~

~~— Board of Governors must be established.~~

~~— Each unit gets one vote.~~

~~— Board of Directors: President, Secretary, Treasurer.~~

~~— Additional two (2) trustees if complex is nine (9) units or greater.~~

~~— Terms of office are two (2) years; rotating terms.~~

~~— Board may establish a Special Assessment District (SAD).~~

~~— Board may establish annual dues for site maintenance, taxes, and insurance.~~

~~— Unpaid dues become a lien on property.~~

Section 2. Conflict and Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect seven (7) days after publication following its adoption. Made and passed by the Township Board of the Charter Township of Brighton, Livingston County, Michigan on the ____ day of _____.

Ayes:

Nays:

The Supervisor declared the Ordinance adopted and ordered to take effect seven (7) days after publication in a newspaper of general circulation within the Township.

Patrick Michel, Supervisor

Joseph R. Riker, Clerk

FIRST READING:
SECOND READING/PUBLIC HEARING:
ADOPTED:
PUBLISHED:
EFFECTIVE:

CERTIFICATION:

I, Joseph R. Riker, Clerk of the Charter Township of Brighton, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Charter Township of Brighton Board of Trustees on the ____ day of _____.

In witness hereof, I have hereunto affixed my official seal this ____ day of _____.

Joseph R. Riker, Clerk