**ORDINANCE NO. 572** **Adopted April 1, 2015**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF BRIGHTON, MICHIGAN, BY ADDING NEW CLAUSES TO CHAPTER 98, ARTICLE I, SECTION 98-3. Definitions; DELETING SECTIONS 98-82 AND 98-462, AND ADDING NEW SECTIONS 98-82 AND 98-462.

THE CITY OF BRIGHTON, LIVINGSTON COUNTY, HEREBY ORDAINS:

I. The below new definitions are added to Chapter 98, Article I, Section 98-3, to be inserted into the existing definitions in appropriate alphabetical order:

*Overflow parking lots* means parking lots that are designed 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 event or civic event.

*Transitional parking lots* 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.

II. Section 98-82 of Chapter 98, Article III and Section 98-462 of Chapter 98, Article XVI are hereby deleted.

III. A new Section 98-82 of Chapter 98, Article III is hereby added, as follows:

Sec. 98-82. General parking requirements.

(a) *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.

(b) *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.

(c) *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 shall be calculated as follows:

(1) Determine the minimum amount of parking required for each land use as a separate use;
(2) Multiply each amount by the corresponding percentage for each of the five time periods;
(3) Calculate the column total for each time period;
(4) The column total with the highest value is the parking space requirement.

Table I

Shared Parking Calculation

| *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/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 | 300spaces |
| Retail | 280spaces |
| Entertainment | 100spaces |
| Total | 680spaces |

| *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.

(d) *Deferred parking.* The deferred parking option has been established to allow the construction of a portion of the parking required by this article 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:

(1) 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 article.

(2) Deferred parking shall be on the same site as the required parking.

(3) The area reserved for deferred parking shall be shown on a site plan. The site plan shall the proposed parking layout, including striping, utilities, lighting, drives curb cuts and related information. The deferred parking area shall be clearly labeled "deferred parking."

(4) 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.

(5) The deferred parking may be constructed by the owner at any time.

(6) 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.

(7) 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.

(8) 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.

(e) *Signs.* Signage for off-street parking shall be governed in accordance with chapter 66 of this Code.

(f) *Site plan review.* Site plans submitted for review pursuant to this article shall be governed by chapter 82 of this Code.

(g) *Downtown business district parking exemptions.* The City of Brighton creates the following parking exemptions for the downtown business district in recognition of the available public parking in the downtown, and to encourage development in the downtown:

(1) 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 exemption set forth herein, the parking requirements shall be calculated by deducting 65 parking spaces from the parking calculation set forth in sections 98-83 through 98-85 of this article. The DBD is established by ordinance and its boundaries are shown on the city's zoning map.

(2) 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 Section 98-83(7) and 98-462(e)(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:

(a) 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.

(b) 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.

(c) Property owner and lessee, if property is leased, to hold and comply with the terms of a maintenance agreement with the City.

(d) 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.

(e) Violation of any of the requirements set forth herein shall be subject to municipal civil infraction as detailed in Sec. 1-16, with each day of violation constituting a separate violation.

(f) 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..

(3) 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 98-83(7) and 98-462(e)(2), and all parking lot spaces, driveways, drive aisles, entrances, exits, circulation and maneuvering areas, may be surfaced and curbed, gravel or grass, and shall be constructed as set forth in the city's design standards, as amended, but shall be subject to the following conditions:

(a) Overflow lots shall only be used for the portion 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.

(b) Property owner and lessee, if property is leased, shall be responsible for cleanup of any debris from the parking lot that is found within the street.

(c) All overflow parking lots must be able to prohibit access with a closed, lockable gate.

(d) Property owner and lessee, if property is leased, to hold and comply with the terms of a maintenance agreement with the City.

(e) None of the spaces within an overflow parking lot may be used to satisfy the off-street parking space requirements for a use located on that property, or on another property.

(f) Violation of any of the requirements set forth herein shall be subject to municipal civil infraction as detailed in Sec. 1-16, with each day of violation constituting a separate violation.

(g) 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 of the special land use permit.

(h) *Snow storage, is hereby deleted.*
(i) *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.
(j) *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.

IV. A new Section 98-462 of Chapter 98, Article XVI is hereby added, as follows:

Sec. 98-462. Specific standards.

(a) *Building and land use.*

(1) *Allowed uses.* The following uses are permitted within the DBD zone:

a. Retail uses.
b. Office uses (as defined by this article).
c. Mixed use buildings.
d. Commercial uses (as defined by this article).

e. Community buildings.
f. Second and third floor residential dwellings, including apartment(s) and/or condominium unit(s).
g. Philanthropic institutions.
h. Restaurants.
i. Uses of a temporary nature authorized by city council.

(2) *Special land uses.* The following uses require a special land use permit(s). If a land use is not specifically enumerated as permitted, specially permitted or prohibited, a special land use permit(s) may be applied for. The special land use permit(s) application and review process shall be in accordance with and governed by article 5 of the Brighton City Zoning Ordinance.

a. Buildings exceeding 41 feet in height as authorized by subsection (c)(1)(d) provided that all of the following are satisfied:
   1. That the area above 41 feet is used for residential purposes only;
   2. That the building does not exceed 50 feet in height;
   3. That the criteria set forth in subsection (4), special building height considerations are satisfied.
b. Pool/billiards establishments.
c. Arcade.
d. Tattoo studio.
e. Ground floor or first floor residential dwellings including apartment(s) and/or condominium(s). A special use permit is also required for residential units where ground floor or firstfloor units are attached to, or combined with, upper floor residential units, and where any residential component such as a garage, residential storage space, or similar residential component is located on the first floor.
f. Places of worship (churches).
g. Banquet hall.
h. Bingo hall.
i. Motorized vehicle service facilities.
j. Hospitals and clinics for animals, but not open kennels.
k. Theatre.
l. Hotel/motel.
m. Laundry.
n. Transitional Parking Lots, subject to the requirements of Section 98-82(g)(2).
o. Overflow Parking Lots, subject to the requirements of Section 98-82(g)(3).

(3) *Prohibited uses.* The following uses are prohibited:

a. Adult entertainment businesses.
b. Businesses of drive-up, drive-through or drive-in character are prohibited.
c. Outdoor advertising or billboards.

d. Off-street parking lots fronting Main Street or Grand River Avenue within the boundaries of the DBD zoning district.

e. Detached single-family ground floor residences.

f. Retail lumber yards.

g. Motorized vehicular sales or storage lots.

(4) *Special building height considerations.* The following criteria shall be used in addition to the standards in article V of the Brighton City Code in evaluating special land use applications that exceed 41 feet in height.

a. The proposed building height is compatible with adjacent and nearby building heights and building heights within 100 feet of the proposed building.

b. The proposed building height is proportional to the street width (as measured from curb to curb) of the street or streets on which it has frontage or frontages.

c. The proposed building has been designed or has design features that break up the vertical mass and appearance of the building.

d. The use of awnings, canopies, or other architectural amenities, located below the second floor, have been appropriately utilized to create a pedestrian scale to the building for those using the adjacent sidewalk(s).

e. The overall building scale and mass is appropriate for the site on which the building is proposed.

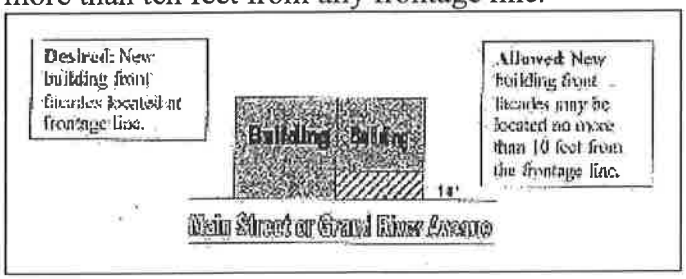
f. The building architecture and character warrant the additional height.

g. The proposed building shall relate harmoniously with the physical aspects of adjacent buildings with regard to context, building materials, height, orientation, and architecture, and the physical aspects of the downtown in general.

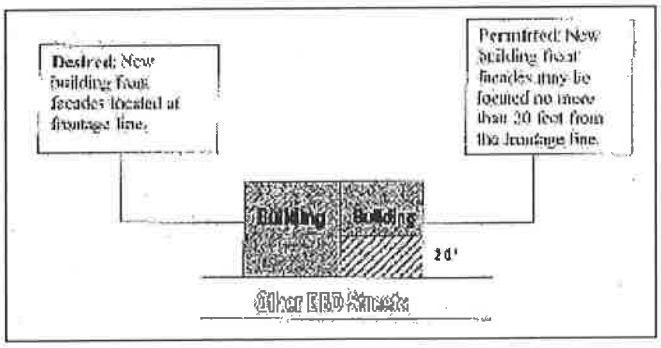
h. The proposed building and its use are in conformance with the objectives and specific elements of the currently adopted master plan and any special studies referenced therein.

(b) *Building placement.* Buildings shall be placed on lots as follows:

(1) New building front facades on Main Street or Grand River Avenue, at the first story, may be located at the frontage line, but shall not be set back more than ten feet from any frontage line.




(2) New building front facades on streets other than Main or Grand River may be located at the frontage line, but shall not be setback more than 20 feet from the frontage line, and along the rear lot line as required.




(3) Rear and side setbacks shall not be required, provided that a fire wall in accordance with applicable building code regulations, is provided along the side lot line.

(4) Maximum allowed lot coverage is 100 percent, provided that adequate space has been provided for within the building for trash storage, display needs and parking if required.

(5) All buildings shall have their principal pedestrian entrance on a frontage line. In the event that a building is not placed on a frontage line (i.e. is set back some distance from a frontage line) then a sidewalk or similar hard surface shall be constructed and maintained to connect the building entrance with a public sidewalk.

(c) *Building height.*

(1) No building in the DBD shall exceed thirty feet in height except as follows:

a. Commercial or retail buildings which have a residential use, equivalent to at least 30 percent of the total building floor area, may exceed 30 feet but not exceed 41 feet in height.

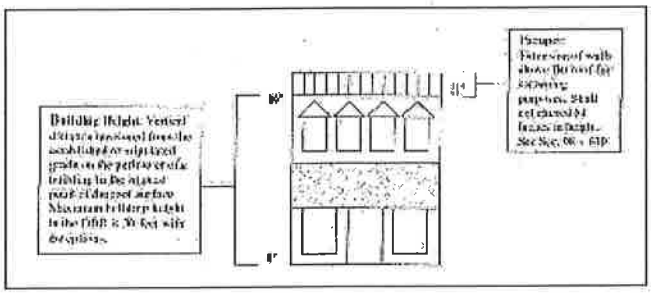
b. Mixed use buildings, which have a residential use equivalent to at least 30 percent of the total building floor area, may exceed 30 feet but not exceed 41 feet in height.

c. New buildings with corner sites with frontages on both Main St. and Grand River Avenue shall be a minimum of 28 feet in height but may not exceed 41 feet in height

d. A special land use permit may be sought to allow for buildings up to 50 feet in height, in accordance with subsection (2)a and article V of the Brighton City Code.

(2) Buildings may have rooftop screening and/or shielding in accordance with subsection (f)(10).

(3) Stories at sidewalk level shall be a minimum of nine feet in height from finished floor to finished ceiling. The city council, upon recommendation from the planning commission, may reduce this standard for renovations to existing structures that do not meet this standard.



(d) *Residential dwelling size and parking requirements.*

(1) The minimum residential dwelling unit size in the DBD shall be 900 square feet of usable floor space.

(2) The parking requirement for residential dwelling units within the DBD shall be two per dwelling unit.

(3) The CBD (DBD) exemption found in subsection 98-82(g) of the Brighton City Code of Ordinances shall not apply to residential parking in the DBD.

(4) Parking spaces shall be in accord with subsection 98-83(1) of the Brighton City Code, and no tandem parking or non-conventional parking is allowed.

(e) *Nonresidential parking and loading requirements.*

(1) Off-street parking shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and a frontage line.

(2) The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

(3) Loading/unloading. 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. On a case by case basis, site plan review shall define loading/unloading needs for the permit applicant (including probable times of the day and week); shall specify how those needs will be met; 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, where appropriate, may include public space reserved for loading/unloading.

(4) Parking spaces shall be in accord with subsection 98-83(1) of the Brighton City Code, and no tandem parking or nonconventional parking is allowed.

(f) *Architectural and design standards.* Compliance with this section shall be verified through site plan review and physical observance. Standards 5(a), 5(c), and 5(i) provide for variations from the regulations set forth herein. 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 physical requirements:

(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. may

only be permitted subject to city council review and approval, if deemed to enhance a building.

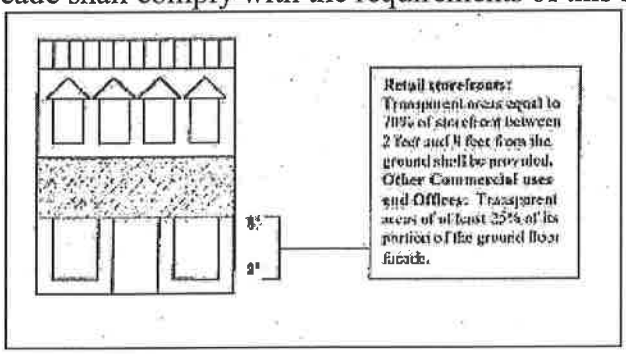
(2) Building walls visible from a public street shall be broken up with varying building materials and detailing, windows, and architectural accents. Walls facing a frontage line shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing, or decorative finish materials.

(3) At least one storefront or building entrance shall be directly accessible from a public sidewalk.

(4) Retail storefronts (which include front, side, and rear facades if they abut a public street) must have transparent window and door areas, equal to 70 percent of that portion of the facade measured between two and eight feet from grade.

(5) In cases where a nonretail building is located on a corner, one of the facades of the building must have transparent window and door areas, equal to 70 percent of that portion of the facade measured between two and eight feet from grade.

(6) Other commercial uses and office uses must have transparent window and door areas of at least 25 percent of the total area of the ground floor facade. Additionally, in cases where these uses are on corner lots, at least one of the facades shall be in accordance with (5) above and the other facade shall comply with the requirements of this specific provision.




(7) Special architectural features may be considered in lieu of, or for adjustments to, the ground floor facade window and door transparency requirements set forth above in (4), (5) and (6), above which must be reviewed and approved by the city council.

(8) 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.

(9) Glass shall be clear or lightly tinted only. Mirrored glass is not allowed.

(10) 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 two-thirds of the building. Mechanical equipment located on/at grade shall also be screened.

(11) 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 property frontage line and drain in the rear of the property.

(12) 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.

(13) Mansard roofs are prohibited.

(14) External gutters and gutter systems along frontage lines are prohibited.

(15) Balconies, railings, and porch structures are permitted and shall be constructed of metal, wood, cast concrete, or stone.

(16) Facades may be Supplemented by awnings, which add color and visual interest to an entry or display window, and give shade and shelter. They may also provide a location for store logos or signs. Awnings 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. 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.

(17) 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.

(18) 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.

(g) *Lot frontage and area requirements.*

(1) Each lot shall have a minimum lot width of at least 22 feet.

(2) Each lot shall have at least 22 feet frontage along a frontage line.
(3) Each lot shall have at least 2,200 square feet of lot area.
(4) Section 98-53 of the zoning ordinance shall not apply to lots in the DBD.

IV. This Ordinance shall be in full force and effect fifteen (15) days from adoption as provided by the Brighton City Charter.

DIANA LOWE, City Clerk

JAMES MUZZIN, Mayor

First Reading: March 16, 2015

Brief Publication: March 18, 2015

Public Hearing: April 1, 2015

Second Reading: April 1, 2015

Adoption: April 1, 2015

Full Publication: April 7, 2015