

**PROPOSED AGENDA**

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

**NOVEMBER 14, 2016  
REGULAR MEETING  
7:00 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. OCTOBER 24, 2016 SPECIAL MEETING**

**G. BUSINESS**

**1. DISCUSSION ON VARIOUS ZONING AND GENERAL ORDINANCE CHANGES**

- 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.

## PROPOSED MINUTES

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

**OCTOBER 24, 2016  
SPECIAL MEETING  
7:00 P.M.  
(810) 229.0562**

Chairman S. Holden called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.  
Present: S. Holden, M. Slaton, J. Stinedurf, G. Unruh, D. Schifko, L. Herzinger  
Absent: G. Mitsopoulos

### CALL TO THE PUBLIC

Jim Sarna, 8266 Woodland Shore Dr. - Open Meeting Rules - Can give 3 minutes to another person.

Mike Palmer, 10382 Grand River - Ordinances need to be followed; passed Zoning Ordinance changes that benefit developers; Traffic Impact Study is bogus need peak v. off hours.

Bob Potocki, 8420 Woodland Shore Dr. - At a recent debate, the engineer for this project bragged about being able to get things done that others couldn't.

### AGENDA

G. Unruh moved and L. Herzinger seconded **to approve the agenda as presented.**  
Motion carried.

### MINUTES

J. Stinedurf moved and D. Schifko seconded **to approve the minutes of the September 12, 2016 regular meeting as presented.**  
Motion carried.

CONDITIONAL REZONING RZ # 16/01 FOR ENCORE VILLAGE; ADDRESSES: 11001 AND 10675 E. GRAND RIVER; TAX ID #'S 12-32-400-001 AND 12-33-400-010; APPLICANT AND OWNER: MANCHESTER BRIGHTON; ZONING: OS (OFFICE SERVICE)

Applicants Jim George, Joe George, and Michael Furnari were in attendance. Additionally, Applicant Representatives Brent LaVanway (Boss Engineering), Alex Bogarts (Alexander V. Bogaerts + Associates P.C.), Jeff King (King and McGregor), Alan Greene (Dykema Gossett), and Julie Kroll, (Fleis and Vanderbrink) were in attendance. B. LaVanway made a presentation outlining the project and stated that the project being proposed is due to a market study that was completed which included the Township, Livingston County, and national information regarding seniors and active living communities; referenced the previous zoning on the property was RM-1 before being rezoned to OS for Providence Hospital; and stated that he feels the RM-1 zoning classification is a good transition between the business uses to the west and the multi-family to the east. He noted the project would be built in three (3) phases: the multi-story; west Encore Village; and then east Encore Village. A conditional zoning is proposed so the Township knows the details of the site early in the process i.e. number of units, road layout, etc. The benefits of the project include sidewalk and walking paths, the three (3) story building which will be for seniors which is needed in the area and a large amount of wooded and wetland area will be preserved. The units are one-story ranch style units and each side of the project has a clubhouse and pool.

B. LaVanway referenced the main issues from the last meeting were wetlands and traffic and noted there is a supplemental wetlands report from King and McGregor and an updated traffic impact study. He stated that they are offering to contribute \$75,000 towards future traffic light/improvements at Grand River and Pleasant Valley with a sunset clause of seven (7) years from the date of approval by the Township Board; the timing of the light needs to be coordinated with the LCRC.

J. Rushlow, Township Engineer, summarized his October 17, 2016 traffic impact letter and stated that it was updated from last month with the additional units and that OHM agrees with the methodology and the suggested improvements. He reviewed his October 18, 2016 site plan letter and stated that it was basically

the same as last month but he pointed out that they are proposing private drives, not roads, which are allowed under one ownership. The Planning Commission reviewed the other consultant letters in the packet: specifically, the October 19, 2016 LCRC letter, September 2, 2016 LCDC letter, and October 17, 2016 and August 15, 2016 Fire Department letters. The various resident letters in the packet were reviewed.

K. Mathews stated that her October 10, 2016 letter was basically the same as last month. The October 17, 2016 e-mail from the developer's attorney to the Township's Attorney was reviewed.

#### PUBLIC COMMENTS

Jean Chaney, 5510 Woodruff Shore Drive - Rental v. owner occupied units; sidewalks; speed limit on Grand River needs to be enforced.

Dawn Bates, 5508 Woodruff Shore Drive - Rezoning sign was removed on Saturday; conditional zoning agreement allows developer to forgo constructing senior building and adding more apartment units; need FIB study; need market study; natural features buffer reduction; will property be clear cut all at once; need to put the \$75,000 suggested payment towards a future improvement on Grand River into a bond.

Kim Logie-Bates, 5508 Woodruff Shore Drive - E-mailed questions today; need market study; would prefer office over residential; doesn't agree with the traffic study and the peak hours; negative impact from rental units; should make a portion of the units owner-occupied.

Dana Casey, 5573 Woodruff Shore Drive - E-mailed previously; need family residences, not apartments.

Debra Hagerty, 5504 Woodruff Shore Drive - Said she's an environmental engineer and is concerned about the 25 ft. wetlands buffer; traffic is impossible on Grand River; rental v. owner-occupied.

Tom O' Connoll, 5540 Woodruff Shore Drive - A light is in order but there is extra traffic right now due to the MDOT project; in their development all the condos are 25 ft. from wetland/lake.

Mike Palmer, 10382 E. Grand River - Need the market study; FIB put in the 11 fire hydrants back when the hospital was going to go in; need a traffic light somewhere between Old 23 and Pleasant Valley; doesn't agree with the traffic study.

Bob Potocki, 8420 Woodland Shore Dr. - Need an independent traffic study done; not enough notice for meeting; need an engineering study for roads.

Jim Sarna, 8266 Woodland Shore Drive - Is the clear cutting all going to be done at one time or in 3 phases; need weed control/erosion if all clear cut at once.

Barb Potocki, 8420 Woodland Shore Drive - DEQ and run-off; there is 1600 times more impact on wetlands in subdivisions v. wooded natural areas; safety for the area is important.

Applicant representatives stated that the market study will be done in mid-November; that FIB has plenty of capacity; that the drainage review has two more steps in the process: preliminary and final site plan; and that the TIS is being discussed with the LCRC. The developer's attorney stated that they will make the changes suggested by the Township Attorney. It was stated that they may look into beach access to Pickerel Lake at a later time and that there will be two (2) deceleration lanes at two (2) of the four (4) entrances to the development and that the revised study added Kroger's expansion traffic counts and that the DEQ controls the storm water drainage, not buffers to the wetlands. Additionally, that in order to put a traffic light in, you have to meet eight (8) warrants in Michigan. Julie Kroll, traffic consultant, suggested that a traffic light at Grand River and Pleasant Valley could cost \$125,000 to 150,000. It was stated that the Michigan State Police control the speed and that the clear cutting would be done by phase.

**D. Schiffko moved and G. Unruh seconded to recommend approval of Conditional Rezoning RZ # 16/01 for Encore Village; Addresses: 11001 and 10675 E. Grand River; Tax ID #'s 12-32-400-001 and 12-33-400-010; Applicant and Owner: Manchester Brighton; Zoning: OS (Office Service) to the**

**Township Board contingent upon receiving a market study, the Township Attorney's approval of the conditional zoning agreement, figuring out the detail of the \$75,000 suggested developer contribution towards a future traffic light, and that the project would not move to the LCPC until those items were submitted and accepted.**

Ayes: Unruh, Schiffko, Holden, Herzinger

Nays: Slaton, Stinedurf

Motion carried.

#### REPORTS AND CORRESPONDENCE

None.

#### CALL TO THE PUBLIC

J. Sarna, 8266 Woodland Shore Drive - Seniors and rentals; wants to see the market study.

Debra Hagerty, 5504 Woodruff Shore Drive - This should've been tabled with the outstanding items.

Kim Logie-Bates, 5508 Woodruff Shore - Wants to see the Harvard market study.

B. Potocki, 8420 Woodland Shore Drive - Not enough notice for the meeting; safety is a concern; traffic needs to be determined now.

Barb Potocki, 8420 Woodland Shore Drive - Kroger's and residential have different peak hours - did the traffic study take that into account; 1600 times the run-off with subdivisions v. natural wooded areas; will there be a maintenance fee for the tenants to maintain their homes.

#### ADJOURNMENT

G. Unruh moved and J. Stinedurf seconded **to adjourn.**

Motion carried.

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

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Steve Holden, Chairperson

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Gary Unruh, Secretary

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Kelly Mathews, Recording Secretary

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Ann M. Bollin, CMC, CMMC, Clerk

To: Planning Commission

From: Kelly Mathews

Re: Discussion on Ordinance Changes

Date: 11/7/16

Please review the following ordinance sections and be prepared to discuss on 11/14. Thanks.

CHARTER TOWNSHIP OF BRIGHTON

ORDINANCE NO. \_\_\_\_\_, CHAPTER 20

VEGETATION

Art. I. In General, Secs. 20.1-20.25

Art. II. Weeds and Grass, Secs. 20.26-20.30

ARTICLE I. IN GENERAL

Secs. 20.1-20.25. Reserved.

ARTICLE II. WEEDS AND GRASS\*

Sec. 20-26. Title.

This article shall be known and cited as “The Charter Township of Brighton Weed and Grass Ordinance.”

(Ord. No. 213, Sec. 1, 3-4-03, eff. 3-4-03)

Sec. 20.27. Definitions.

For the purpose of this chapter, “weeds” shall include but not be limited to Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard, and Indian mustard, species of *Brassica* and *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum, (*Berteroa incana*), ragweed (*ambrosia elatior* 1.) and poison ivy (*rhus toxicodendron*), and poison sumac (*toxicodendron vernix*).

(Ord. No. 213, Sec. 1, 3-4-03, eff. 3-4-03)

Sec. 20.28. Regulations.

- (a) *Destruction required.* It shall be the duty of all owners of land upon which weeds, as defined in this chapter, are growing to destroy said weeds before they reach a seed-bearing stage and prevent their regrowth, or shall prevent them from becoming a detriment to public health.
- (b) *Height restrictions.* It shall be the duty of all owners of land zoned industrial, commercial or residential or on PUD’s, site condos, and platted subdivisions in residential country zones to keep any grass on such land at a height of not more than

twelve (12) inches. On vacant land, the setbacks on each side of the property for the particular zoning district must be mowed.

(Ord. No. 213, Sec. 1, 3-4-03, eff. 3-4-03)

**Sec. 20.29. Exceptions.**

Nothing in this chapter shall apply to weeds in fields devoted to growing any small grain crops such as wheats, oats, barley or rye.

(Ord. No. 213, Sec. 1, 3-4-03, eff. 3-4-03)

**Sec. 20-30. Penalties.**

Any person or entity who violates any of the provisions of this chapter and which has been issued a municipal civil infraction violation notice as defined by ordinance and who admits responsibility therefore within the time specified thereon shall pay a civil fine and costs at the township municipal ordinance violations bureau in accordance with the schedule of civil fines and costs in section 5, schedule of civil fines/costs, of Ordinance No. 200 which is herein incorporated by reference.

(Ord. No. 213, Sec. 1, 3-4-03, eff. 3-4-03)

**Sec. 20-31. Repeal.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

**Sec. 20-32. Savings.**

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

**Sec. 20.33. Severability Clause.**

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

**Sec. 20.34. Effective Date.**

This Ordinance shall become effective upon publication. Made and passed by the Township Board of the Charter Township of Brighton, Livingston County, Michigan, on the \_\_\_\_ day of \_\_\_\_\_.

(Ord. No. \_\_\_\_, eff. \_\_\_\_\_)

Ayes:

Nays:

Absent:

The Supervisor declared the Ordinance adopted and ordered to take effect upon publication in a newspaper of general circulation within the Township.

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Clerk

FIRST READING:

SECOND READING/PUBLIC HEARING:

ADOPTED:

PUBLISHED:

EFFECTIVE:

**CERTIFICATION:**

I, \_\_\_\_\_, Clerk of the Charter Township of Brighton, County of Livingston, 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 \_\_\_\_\_, 201\_.

In witness hereof, I have hereunto affixed my official seal this \_\_\_\_ day of \_\_\_\_\_, 201\_.

**\*Editor's note** – Ord. No. 213, Secs. 1-5 adopted and effective March 4, 2003, amended article II in its entirety to read as herein set out. Formerly, article II pertained to noxious weeds, and derived from Comp. Ords. 1979, Secs. 25.001 - 25.009, and Ord. No. 210, Sec. 1, adopted February 18, 2003.

**State law references** – Control and eradication of noxious weeds MCL 247.61, et seq.; obnoxious plants and trees, MCL 124.151.

**Cross reference** – Schedule of civil fines/costs, Sec. 12-95.

(Ord. # 231, 12/27/05)

**Sec. 3-03 District Regulations**

- 5 (a) **Residential Schedule of Area and Bulk Requirements.** All lots, buildings, and structures shall comply with the area height and bulk requirements in Table 3-03.

Table 3-03 Residential Schedule of Area and Bulk Requirements (1)								
Districts	RCE	RC	R-1	R-2	R-3	R-4	R-5	RM-1
<b>Lot Requirements</b>								
Minimum Lot Area (sq.ft.)(2)	5.0 acres	2.5 acres	70,000	40,000	20,000 (3)	12,000 (3)	12,000 (11)	(13)
Minimum Lot Width(ft.)(4)(5)	330	200	180	160	80	65	65	--
<b>Setback Requirements (6)</b>								
Front Yard(ft.)(7)(8)	60	60	40	35	30	25	25	30 (14)
Side Yard	Least One(ft.)	40	40	20	12	5	5 (15)	5 (15) 30 (14)
	Total Both(ft.)	80	80	40	24	10	10 (15)	10 (15) (14)
Rear Yard(ft.)	60	60	35	35	35	35	35	30 (14)
Natural Feature/Waterfront(ft.)(9)	25	25	25	25	25	25	25	25
<b>Maximum Building Height</b>								
In Feet	35	35	35	35	35	35	35	40
In Stories	2	2	2	2	2	2	2	3
<b>Minimum Useable Floor Area</b>								
Min. Useable Floor Area (sq.ft.)	1,300	1,300	1,300	1,100	950	950	950(12)	(16)
<b>Maximum Lot Coverage (10)</b>								
Max. Lot Coverage (%)	5	5	10	15	20	25	25	25

- 10 (b) **Notes.** The following notes apply to Table 3-03.

- (1) **PUD.** Modifications to dimensional requirements and maximum density may be permitted by the Township with a PUD approved under *Article 12*.
- 15 (2) **Lot Area.** The total horizontal area within the lot lines of the lot exclusive of any abutting public right-of-way. Any submerged area of a lake, river, pond, or stream at the shoreline or high water mark shall not count towards meeting the minimum lot area. Regulated wetlands may be included within the area of a lot, provided at least seventy-five percent
- 20 (75%) of the minimum required lot area shall be buildable upland area.

(3) **Reduction of Lot Area.** In those instances where both a public sanitary sewer and public water system are provided, the minimum lot area requirements shall be as follows:

- a. R-3 - minimum of fifteen thousand (15,000) square feet.
- c. R-4 - minimum of nine thousand six hundred (9,600) square feet.

(4) **Lot Depth to Width Ratio.** The maximum ratio of lot depth to lot width shall not exceed a depth of four (4) times the width.

(5) **Lot Frontage.** All lots shall have frontage on a dedicated public road, approved private road, or shared driveway 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.

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

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

(8) **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.

(9) **Natural Features Setback.** A twenty five (25) foot minimum 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. Along lakes within all Single Family Residential districts, the setback from the shoreline of any main building shall be a minimum of twenty-five (25) ft. from the ordinary high water mark (shoreline) and shall also not impact the sight lines of neighboring dwellings. ~~subsequently erected shall not be less than the average shoreline setback of main buildings within three hundred (300) feet in both directions along the shoreline.~~ Only waterfront structures and appurtenances permitted under *Section 3-05* may be located within the shoreline or the natural feature setback.

by main buildings and above ground accessory structures as a percentage of the lot area.

(11) **Waterfront Residential Minimum Lot Size.** No density bonus will be granted for any waterfront property regardless of the zoning.

(12) **Waterfront Residential Floor Area Ratio.** In the R-5 district, the floor area ratio shall not exceed

one and one half (1.5) times of the average the floor area

ratio of surrounding dwellings located on the

opposing lot, three (3) closest lots in each direction

along both sides of the road that the subject lot fronts,

and all lots abutting the rear lines of the subject lot.

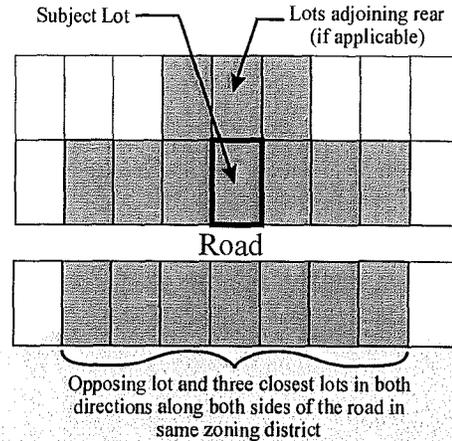
Only lots in the same zoning district as the subject lot shall be included. The floor

area ratio shall be determined as the ratio of

the residential floor area of the dwelling to the net lot area. The applicant

is responsible for supplying the calculations.

The floor area ratio of any proposed single-family dwelling unit shall not exceed 150% of the average of surrounding dwellings



(13) **Multiple Family Residential Density.** In the RM-1 Multiple-Family District the maximum density ,as defined in *Section 25-03*, shall be ten (10) dwelling units per each one net (1) acre of site area.

(14) **Multiple Family Residential Building Requirements.** In the RM-1 Multiple-Family District all buildings shall meet the following:

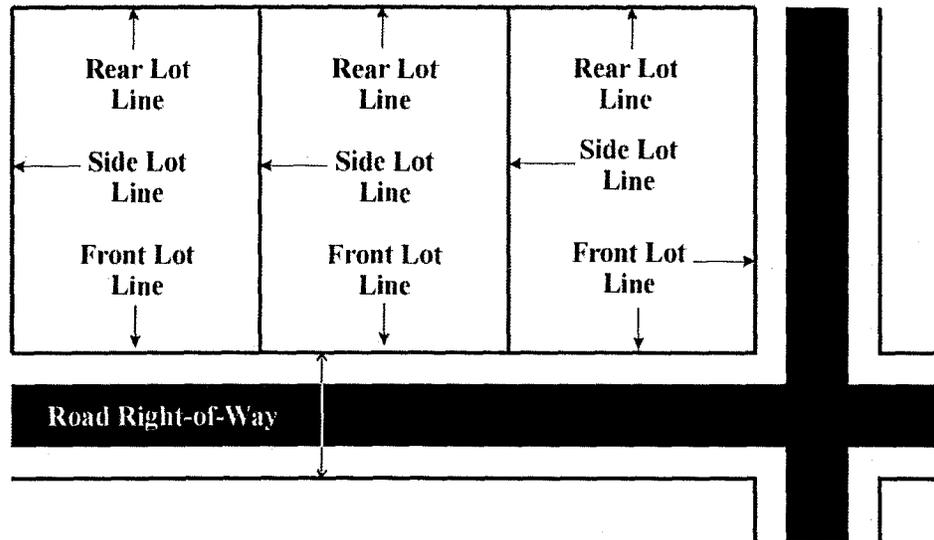
a. Shall be setback a minimum of thirty (30) feet from the boundary of the site.

b. Shall be setback a minimum of twenty (20) feet from any internal road, drive or parking lot within the site excluding drives connecting to garages.

**Lot Lines.** The lines bounding a lot as defined herein:

5 (a) **Front Lot Line.** In the case of an interior lot, shall be that line separating said lot from the road or shared driveway. On a corner lot, the shorter road line shall be considered the front lot line. On a double frontage lot the line that separates said lot from the road which is designated on the plat as the front shall be considered the front lot line. On a lot that abuts a lake, the line abutting the road shall be considered the front lot line.

10 (b) **Rear Lot Line.** That lot line opposite the front lot line. On a corner lot the line opposite the shorter front lot line shall be considered the rear 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 (10) feet long lying farthest from



15 the front lot line and wholly within the lot.

20 (c) **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

25 (d) In the case where the above definitions are not sufficient to designate lot lines, the Township Planner shall designate the front, rear and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design.

5 trees per one-half (½) acre greater than eight (8) inches in diameter at breast height (DBH), or a plantation of one-half (½) acre or more with a minimum average DBH of ten (10) inches. The critical root zone of all trees on the perimeter of the forested area or plantation defines the area of a woodland. A tree nursery or farm where trees have been planted for harvesting or transplant would not be considered a woodland.

(Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

10 **Sec. 25-13 Definitions Y-Z**

15 **Yards.** The area on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measure of yard is the minimum horizontal distance between the lot line and the building or structure.

20 (a) **Front Yard.** That area of the lot located between the main building and the front lot line, extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

25 (b) **Rear Yard.** That area of the lot located between the main building and the rear lot line, extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is opposite the front lot line with the smallest road frontage.

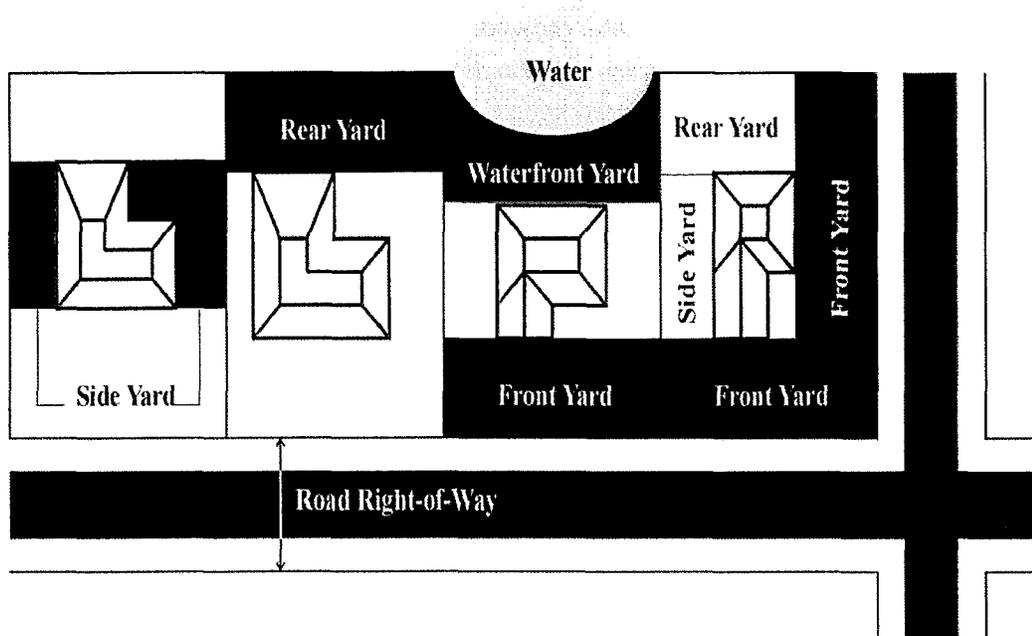
30 (c) **Required Yard.** The area of the lot located between a lot line and the yard line within which no structure shall be located except as provided in this Ordinance.

(d) **Non-Required Yard.** The area of the lot located between the yard lines where structures can be located except as provided in this Ordinance.

35 (e) **Side Yard.** That area of the lot located between the main building and the side lot lines, 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 to the nearest point of the main building.

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(f) **Waterfront Yard.** That area of the lot located between the main building and



the high water mark, extending the full width of the lot, the depth of which is the horizontal distance between the shoreline of a lake and the nearest point of the main building.

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**Zoning Act.** Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

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**Zoning Board of Appeals (ZBA).** The Brighton Township Board of Appeals, created pursuant to the provisions of Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

(Ord. #231, 12/27/05)

violation occurred. If no substantial violation is found, cost of determination shall be borne by the Township.

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(4) **Continued Violation.** If, after the conclusion of the time period granted for compliance, the Building Official finds that the violation continues to exist, any permits previously issued shall be void and the Township may initiate appropriate legal action, including possible pursuit of remedies in circuit court.

10 **Sec. 13-09 Principal Building, Structure, or Use**

No zoning lot may contain more than one (1) principal building, structure, or use except groups of multiple family dwellings under the same ownership, condominium developments, mobile or manufactured housing parks, shopping centers, or office and industrial complexes.

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**Sec. 13-10 Projections into Yards**

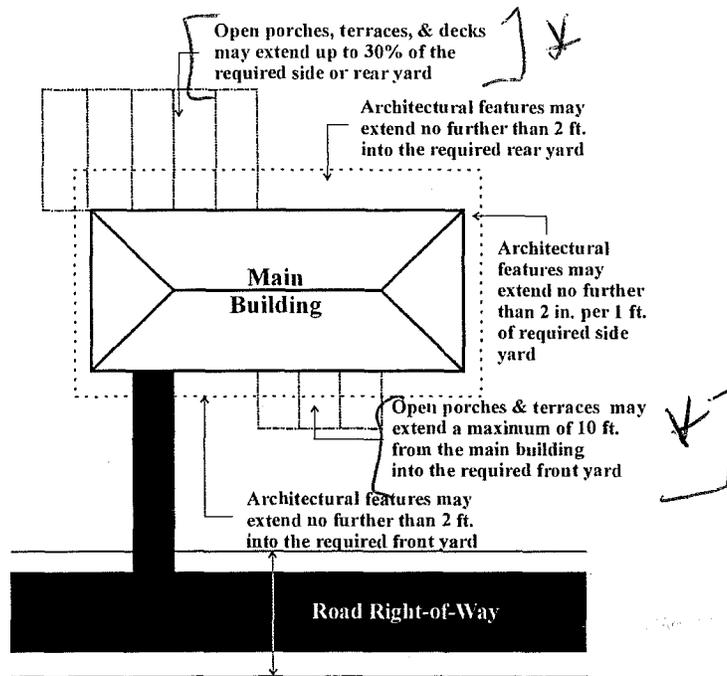
(a) Architectural features and vertical projections may extend or project into a required yard as shown in the Table 13-10.

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<b>Table 13-10 Schedule of Permitted Projection into Yards</b>			
<b>Projection</b>	<b>All Yards</b>	<b>Rear or Waterfront Yard</b>	<b>Side Yard</b>
Air Conditioning Equipment Shelters	--	X	X
Air Conditioning Units, Window Mounted	X	--	--
Access Drives	X	--	--
Arbors & Trellises	X	--	--
Architectural Entrance Features (1)	X	--	--
Awnings & Canopies	X	--	--
Bay Windows (1)	X	--	--
Decks, Open or Enclosed (2)	--	X	X
Eaves, Overhanging (1)	X	--	--
Fences	X	--	--
Fireplace (Outside)		X	X
Flagpoles (3)	X		--
Gardens	X	--	--
Gutters (1)	X	--	--
Hot Tubs	--	X	X
Landscaping	X	--	--
Laundry Drying Equipment	--	X	X
Light Standard, Ornamental	X	--	--
Paved Terraces & Open Porches (2)	X	--	--

Table 13-10 Schedule of Permitted Projection into Yards			
Privacy Walls	--	X	--
Sidewalks, Bikepaths & Walkways	X	--	--
Stairways, Open Unroofed	X	--	--
Steps & Stoops	X	--	--
Swimming Pools	--	X	--
Walls	X	--	--
x = Permitted in any area of yard			

(b) **Notes.** The following notes apply to Table 13-10.



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(1) **Architectural Features.** Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such required side yard, and may extend into any required front, rear, or waterfront yard not more than twenty-four (24) inches.

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(2) **Terraces, Decks, and Porches** } Open paved terraces and open porches may project into a required front yard up to ten (10) feet. } Open paved terraces, decks and open porches may project into a required side, rear, or waterfront yard up to thirty percent (30%) of the required minimum side, rear, or waterfront yard. } Second story decks and porches with roofs shall be considered to be part of the main building for purposes of determining

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setbacks.

- 5 (3) **Flagpoles.** Flagpoles are not permitted within a yard that abuts U.S. 23 or I-96.

- 10 (b) Mechanical and electrical equipment such as blowers, generators, transformers, ventilating fans, and air conditioning units, shall be placed no closer than three (3) feet to any lot line in Business Districts and no closer than twelve (12) feet to any lot line in Residential Districts. Mechanical equipment in the Industrial District shall comply with all yard setbacks.

(Ord. #243, 8/1/08), (Ord. #231, 12/27/05)

15 **Sec. 13-11 Residential Entranceway**

20 In all Residential Districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single family subdivisions or multiple housing projects may be permitted at major entrances and may be located in a required yard, except as provided in *Section 13-05*; provided that such entranceway structures shall comply to all codes of the Township and shall be approved by the Building Department and a permit issued.

25 **Sec. 13-12 Road Frontage**

- 30 (a) No lot shall be used for any purpose permitted by this Ordinance unless the lot abuts a public or private road having a width of at least sixty-six (66) feet or a shared driveway. This requirement shall not apply to lots abutting roads or roadways which were platted prior to adoption of this amendment or otherwise dedicated and accepted as a public roadway.

- 35 (b) No lot or parcel shall be used for any purpose permitted by this Ordinance unless the lot abuts a public road, approved private road, shared driveway, or roads or roadways which were platted prior to the adoption of this amendment or approved in accordance with an existing Township Ordinance in effect at the time of the establishment of the private road.

**Sec. 13-13 Swimming Pools**

Private swimming pools shall be permitted as an accessory use only within the

**Sec. 16-03 Shared Residential Driveways**

5 (a) Two (2) to three (3) residential dwelling units or residentially zoned lots may have access from a shared driveway when the conditions of this Section are met. A deed restriction shall be recorded for the lots served by the shared driveway indicating that land divisions that create more than three (3) lots shall not be permitted, unless the access is improved to a private road meeting the requirements of this Article.

10 (b) Gravel driveways shall have a width of at least sixteen (16) feet and be constructed in accordance with the specifications of the Township Engineering standards of eight (8) inches of compacted MDOT 22A gravel and six (6) inches of sand sub base. Paved shared driveways shall have a width of at least sixteen (16) feet and be constructed in accordance with the specifications of  
15 the Township Engineering standards include, at a minimum, a two and a half (2.5) inch min. bituminous surface; six (6) inches of aggregate base (21AA limestone); and a six (6) inch min. sand sub base. The width may be reduced to not less than twelve (12) feet if the length of the shared driveway is less than three hundred (300) feet long or if there are significant topographic, wetland,  
20 or other natural features on the site and sixteen (16) foot wide passing flares are provided at least every three hundred (300) feet.

25 (c) The shared driveway shall be a maximum of six hundred fifty (650) feet in length. Shared driveways in excess of one-hundred fifty (150) feet shall be provided with an approved area for turning around for emergency apparatus, approved by the Fire Department.

30 (d) The shared driveway shall have a recorded shared access agreement with an easement of a minimum width of thirty (30) feet. This easement may be included in the calculation for minimum lot area and width.

(e) The shared driveway must be accessed from a public or private road that meets the requirements of this Article.

35 (f) A copy of a Shared Driveway Maintenance Agreement which provides for the financial and administrative mechanisms to ensure maintenance of the shared driveway shall be provided to the Township in a manner acceptable to the Township Attorney.

40 (g) All permit requirements of the County must be met, in addition to the above.

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(Ord. #243, 8/1/08), (Ord. #231, 12/27/05)

5 **Sec. 16-04 Private Roads**

(a) **Private Road Submittal Requirements.** The following items shall be provided on a site plan and submitted for Planning Commission approval, either separately or combined with other required site plan submittal information, to the Township Planner with an application for a private road construction permit. Roads that are only proposing lot splits along the road can be handled administratively but must still follow all of the submittal requirements of this section.

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(1) Completed application form and fee established by the Township Board.

(2) Parcel numbers and names of owners for all properties having legal interest in the private road.

20

(3) Construction plans stamped and signed by a professional engineer registered in the State of Michigan showing location, dimension, and design of the private road. The plan shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road. The Township Engineer and Fire Department shall review the construction plans and provide recommendations to the Township.

25

(4) Private road easement shown on the plan and legal description.

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(5) Location of all public or private utilities located within the private road right-of-way or easement, or within twenty (20) feet including, but not limited to: water, sewer, telephone, gas, electricity, and television cable.

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(6) Location of any lakes, streams, drainageways, floodplains, or Michigan Department of Environmental Quality regulated wetlands within one hundred (100) feet of the proposed private road right-of-way or easement.

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(7) A copy of a Private Road Maintenance Agreement which provides for the financial and administrative mechanisms to ensure maintenance of the private road shall be provided to the Township in a manner acceptable to

(2) The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds.

5 (3) The lot had been assigned a unique parcel number by the Livingston County Register of Deeds and was individually assessed and taxed on that basis.

10 (d) Any new lot created after the effective date of this Ordinance shall not be considered a buildable lot and a building permit shall not be granted unless the road is upgraded as follows:

15 (1) Lot splits that require an extension of an existing road must meet the requirements of *Section 16-04* for the new portion of the road.

20 (2) Lot splits along an existing road that do not require an extension of the road must upgrade the entire road frontage of the proposed splits and the applicant's parent parcel to meet the requirements of the Township Engineer and Fire Department's recommendations to provide a safe roadway.

25 (3) A private road maintenance agreement for the new road must be submitted along with the application for the construction, maintenance and improvement of the private road per *Sec. 16-04(a)(7)*. If there is already an existing private road maintenance agreement on file at the Township, then the applicant proposing the splits must sign the existing agreement.

30 (4) The existing portion of the road that is not adjacent to the applicant's property must be upgraded per the Township Engineer and Fire Department's recommendations to provide a safe roadway.

35 (e) Any widening, paving, or extension of a non-conforming private road shall only be done in a manner that brings the road into conformance with the requirements of this Article.

(Ord. #228, 7/6/05)

**Sec. 16-07 Appropriate Remedies.**

If after appropriate investigation, the zoning official and the fire chief determine that any private road has deteriorated to such disrepair that the Township may not be able to supply adequate police, fire and emergency vehicles access to property owners located on the private road, the zoning official shall give written notice of the violation to those property owners having access onto the private road.

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(a) If there is no reply from the property owners within the specified time limit, and repairs and corrective maintenance are not corrected or abated by the date specified, the zoning official shall request authorization for the Township Board to bring the road up to the design standards specified in *Sec. 16-04* and assess owners of parcels on the private road for the improvements, plus an appropriate administration fee, to reimburse costs incurred by the Township as permitted by appropriate law. No public funds of the Township are to be used to build, repair or maintain the private road.

(b) If the property owners respond to the Township within the specified time limit of the original notice and request an extension of time, the zoning official shall review the information submitted with the reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health or property, the zoning official may request the Township Board to extend the specified time limit to a date certain if the Board concurs that:

1. The information requested pursuant to subsection (a) is impractical to readily produce,
2. An extreme hardship exists, or
3. The reply indicates that the violation shall be corrected or abated by the date certain and that all future maintenance will comply with the regulations as set forth herein.

(Ord. #231, 12/27/05)

**Sec. 16-08 Bikepaths and Sidewalks**

(a) **Intent.** It is hereby determined that bikepaths and sidewalks promote and provide for the public health, safety, and general welfare by achieving the following public purposes:

(1) Bikepaths and sidewalks provide a safer location for travel along roads for bicyclists and pedestrians than the edge of the traveled road.

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(2) Bikepaths and sidewalks encourage and promote aerobic exercise.

(3) Bikepaths and sidewalks conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.

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(4) Bikepaths and sidewalks reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the road.

15

**(b) Scope of Application**

(1) Sidewalks shall be required along the entire site frontage of any development requiring site plan review and which is part of the Pathways Plan, and is designated as Planned or Priority A on the Proposed Pathway System (Map Six) of the Pathways Plan.

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(2) Bikepaths shall be required along the entire site frontage of any development requiring site plan review and which is part of the Pathways Plan, and is designated as Priority B on the Proposed Pathway System (Map Six) of the Pathways Plan.

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(3) The Planning Commission may waive the requirement for a bikepath or sidewalk along all or a portion of the site frontage if all of the following exist:

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a. There will be significantly adverse impacts to regulated wetlands that cannot be mitigated.

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b. The development of a boardwalk or other elevated structure is not practical based upon the cost estimates provided by the applicant's engineer.

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c. All practical alternatives to provide a sidewalk or bikepath system elsewhere on site have been evaluated.

5 (4) In lieu of constructing the bike path or sidewalk, and only with the  
recommendation of the Planning Commission and approval of the  
Township Board, a developer may be allowed to pay to the Township a  
sum of money equivalent to the actual cost of construction for the bike  
path or sidewalk, including permit, engineering and inspection fees. The  
actual cost of construction, including fees, shall be determined by the  
Township Engineer and shall be based on current costs in the industry.  
All funds collected shall be deposited in the Township Pathway Fund and  
used for the construction of the pathway system. In all cases in which  
10 payment for required bike paths or sidewalks is allowed in lieu of  
construction, a written contract (development agreement), drafted by the  
Township and indicating the sum of money to be paid to the Township  
and associated provisions shall be executed by both the Developer and  
Brighton Township as a condition of preliminary site plan approval. All  
15 provisions of said contract, including the financial contribution to the  
Township Pathway Fund, shall be satisfied prior to the issuance of any  
~~building land use~~ permits by the Township ~~Building Department~~.  
Alternatively, the applicant may be allowed to propose a development  
agreement outlining the timeframe when sidewalk or pathway will be  
20 constructed or monies deposited into the Township Pathway Fund by the  
applicant upon recommendation and approval by the Planning  
Commission.

25 (5) Sidewalks shall be required along at least one (1) side of all internal roads  
within any residential subdivision, residential site condominium, and  
multiple family development requiring site plan review. The Planning  
Commission may modify this requirement within residential developments  
that have an overall density less than one (1) dwelling unit per acre  
provided another type of pedestrian trail system is provided by the  
30 applicant that meets the intent of this Section.

(c) **Pathway Design.** The following construction requirements shall apply to all  
bikepaths and sidewalks:

35 (1) All bikepaths shall be a minimum five (5) foot wide asphalt and  
constructed in accordance with the specifications of the Township  
Engineering Standards ~~and/or the Livingston County Road Commission~~.

5 (2) All sidewalks shall be a minimum five (5) foot wide concrete and constructed to the specifications of the Township Engineering Standards. Four (4) inch class A unstamped, uncolored, and unstained concrete (6 inch at driveway crossings) on six (6) inch MDOT CI II sand sub base is required.

(3) All sidewalks and bikepaths shall be located within the right-of-way or within an easement granted to the Township.

10 (4) Where walking trails are being provided within open space areas of residential developments, trails shall be a minimum of five (5) foot wide crushed aggregate stone, woodchip or asphalt, or wooden boardwalks in areas with sensitive environmental features. If providing asphalt pathways or concrete sidewalks, the same standards in (c)(1) and (c)(2) above shall apply.

15 (5) An inclined approach shall be required where sidewalks and bikepaths intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required by the Planning Commission.

20 (6) Residential subdivisions or site condominiums shall provide pathway or sidewalk connections to adjacent residential subdivisions or site condominiums.

25 (d) **Installation**

(1) A certificate of occupancy shall not be issued until the required bikepath or sidewalk is installed along the road frontage.

30 (2) A performance guarantee, in lieu of bikepath or sidewalk construction, may be allowed by the Planning Commission in instances where utility and other infrastructure improvements are planned for the site within a two (2) year period. Under these circumstances, the bike path or sidewalk shall be constructed once the utility improvement is complete.

35 (Ord. # 246, 12/25/09), (Ord. #234, 12/28/06), (Ord. #231, 12/27/05)

**CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE**

**Table 17-06  
Specific Sign Requirements**

Type of Sign	Districts Permitted	Max. Height	Max. Size (sq ft) (1)	Max. Number	Permit Required	Additional Requirements
Garage Sale	All Zoning Districts		6		no	(14)
Gasoline Service Station	All Non-Residential Zoning Districts	--	12 per face	2 wall or double faced freestanding	yes	(15)
Historic	All Zoning Districts	--	6 per face	--	no	--
Home Occupation	All Zoning Districts	--	3	--	yes	--
Identification	All Zoning Districts	--	1	1 wall or double faced freestanding	no	(16)
	All Non-Residential Zoning Districts	6 ft.	3	1 parking lot sign & 1 driveway sign	no	--
Incidental	All Zoning Districts	--	2 (total of all)	--	no	--
Marketing	All Zoning Districts	42 in.	32	1 per 6 mo. Period	yes	
Marquee (Canopy)	All Non-Residential Zoning Districts	--	--	--	yes	(17)
Memorial	All Zoning Districts	--	--	--	no	--
Model	All Zoning Districts	--	6	--	no	--
Murals	All Zoning Districts	--	--	--	no	(18)
Political	All Zoning Districts	--	--	1 per issue or candidate	no	(19)
Public	All Zoning Districts	--	--	--	no	--
Real Estate	All Zoning Districts	42 in.	6 per face	1 wall or double faced freestanding	no	(20)
Recreation/Institutional	All Zoning Districts	42 in.	20 per face	1 freestanding	yes	(21)
Sandwich/Menu Boards	All Non-Residential Zoning Districts	--	16 each	2	yes	(22)
Traffic Control	All Zoning Districts	--	--	--	no	--
Vehicle	All Zoning Districts	--	--	--	no	(23)
Wall	All Non-Residential Zoning Districts	--	--	--	yes	(24)
Warning	All Zoning Districts	--	3	--	no	--

Table 17-06 Specific Sign Requirements						
Type of Sign	Districts Permitted	Max. Height	Max. Size (sq ft) (1)	Max. Number	Permit Required	Additional Requirements
Window	All Non-Residential Zoning Districts	--	20% of glass surface	--	no	(25)

(b) Signs noted in Table 17-06 shall comply with the following requirements:

(1) The Planning Commission may permit a fifteen percent (15%) increase in the allowable sign area where the site has shared access with an adjoining site in accordance with *Section 16-05*, the sign has a brick base, and additional landscaping is provided around the base of the sign.

(2) **West Grand River Sign District.** The West Grand River Sign District consists of properties with a minimum of fifty (50) feet of frontage on West Grand River Avenue from the City of Brighton city limits to the township line with Genoa Township. This special district is unique due to its compactness, being less than a mile in length, and is bounded at each end by other municipalities with existing sign heights up to fifteen (15) feet. Further, the district contains an expressway exit ramp bringing in travelers, unfamiliar with the area, in search of businesses to fulfill their needs. Requirements for signs located within the West Grand River Sign District are as follows:

- a. The maximum height of freestanding signs shall not exceed fifteen (15) feet.
- b. Multifaced signs shall not exceed seventy-two (72) square feet per face.

(3) **Aerial Balloon**

- a. Limited to placement on the premises where the business or product advertised is located or sold and only allowed for thirty (30) calendar days per calendar year.
- b. May exceed the roof line or parapet of the structure to which it is anchored or attached.

- c. Limited to placement at the entrance of a structure or facility on the premises.

**(22) Sandwich/Menu Board**

5

- a. A maximum display time of an aggregate total of ninety (90) calendar days per calendar year.

**(23) Vehicle Signs**

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- a. The sign may either be painted or permanently attached to the vehicle.
- b. Sign denotes only the products, business, or services offered by the owner of a licensed, insured vehicle.
- c. The primary use of the vehicle displaying the sign is not for the purpose of advertising a business on the premises where the vehicle is parked.

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**(24) Wall Signs**

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- a. The maximum aggregate surface display area shall be ten percent (10%) or forty (40) square feet, whichever is greater, of the total area of the wall on which it is displayed.

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- b. Sign shall not extend more than twelve (12) inches beyond the surface of the portion of the building wall area upon which it is painted, erected, or fastened.

30

- c. Signs displayed on not more than three (3) exterior walls of the main structure.

35

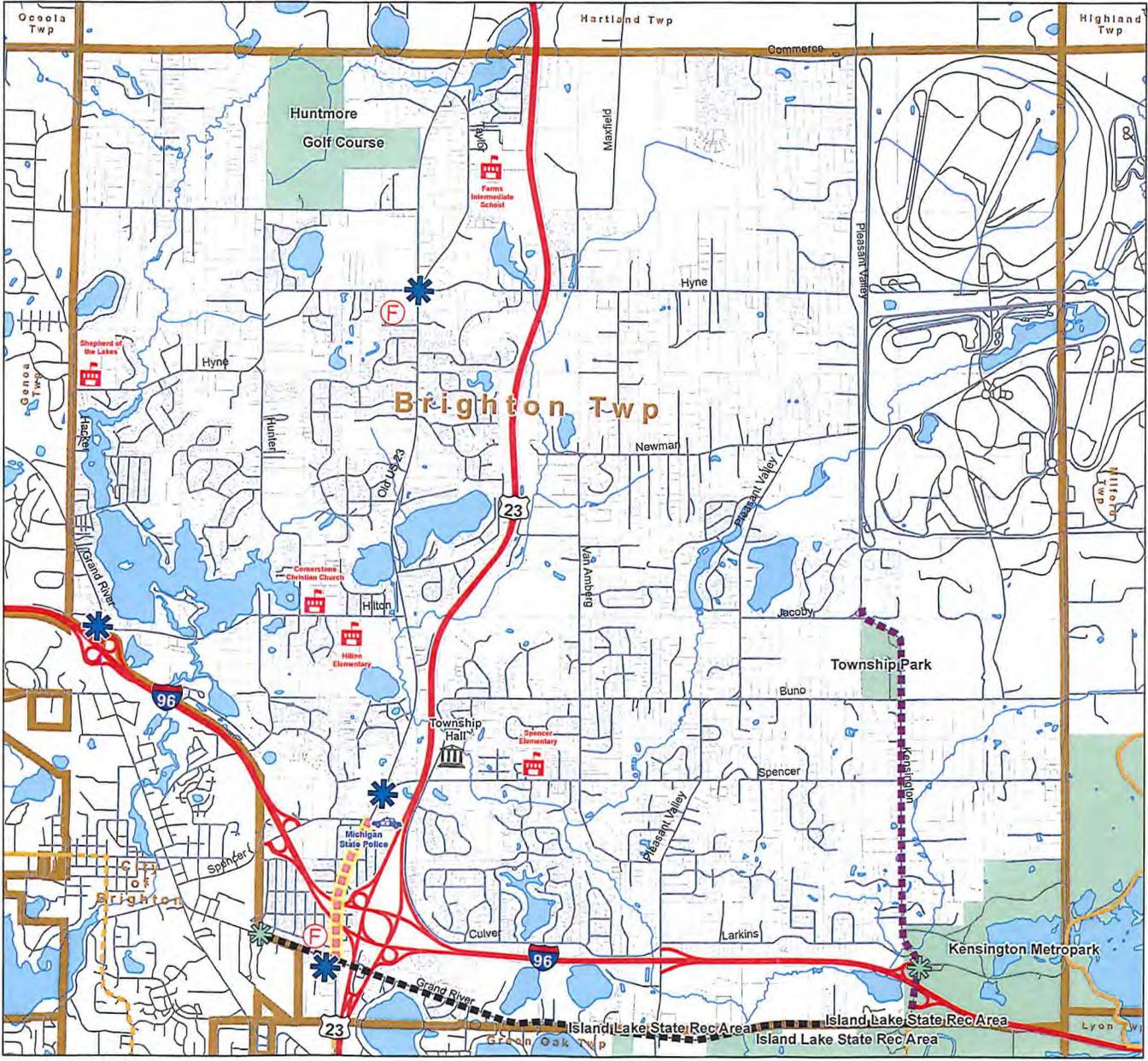
- ~~d. The maximum aggregate total of the surface display area of all wall signs on any premises is one hundred twenty (120) square feet for any premises.~~ If a premises utilizes one hundred (120) square feet or more on any wall, no additional signage is allowed on any other wall.

- e. Wall signs may be directly or indirectly illuminated.

# Map Six

## Proposed Pathway System

Brighton Township, Michigan



### Township Pathways

- Planned
- Priority A
- Priority B

### Connections

- Pathway Connections

### Location

- Path Located South/West of Road  
(All other paths located North/  
East of road)

### Regional Pathways

- Existing
- Planned

### Destinations

- Activity Node
- Police
- Township Hall
- Fire
- School
- Parks

Data Sources:  
 Base Map - MCGI,  
 Brighton Township  
 Pathways - Genoa Twp,  
 Southeast Livingston  
 Greenways Plan

0 0.25 0.5 1 1.5 2 Miles

Adopted September 2006  
 Revised November 2009

\* Added 11-18-16

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**MEMORANDUM**

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**TO:** BRIGHTON TOWNSHIP RESIDENTS  
**FROM:** ANN M. BOLLIN, CLERK  
**SUBJECT:** PLANNING COMMISSION ELECTRONIC PACKETS  
**DATE:** MAY 6, 2016

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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](mailto:clerk@brightontwp.com)