

AN ORDINANCE TO AMEND THE BROWN CITY CODE BY ADDING A NEW SECTION WHICH SHALL BE KNOWN AS SECTION 152.020 AND 152.120 OF TITLE XV OF SAID CODE.

THE CITY OF BROWN CITY ORDAINS:

SECTION 152.020 (B) (6) MU – Mixed Use

MIXED USE DISTRICT

SECTION 152.120 – STATEMENT OF PURPOSE

The Mixed-Use District (MU) and its regulations are established in order to achieve the following purposes:

- (a) To provide a flexible zoning management tool that responds to sites with unique physical, service, and functional constraints.
- (b) To ensure that mixed uses fully respond to the design and performance criteria established by the City of Brown City, as well as the objectives and policies of the Master Plan.
- (d) To ensure that the review of mixed-use development exceeds the level of review required for standard districts by requiring comprehensive and overall development plan review and approval.

SECTION 152.121 - ESTABLISHMENT AND APPLICATION OF A MIXED USE DISTRICT:

- (a) A Mixed-Use (MU) District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Section 152.005 on the west side of Maple Valley Road and south of M-90.
- (b) The boundaries of the Mixed-Use District shall be indicated in the Official Zoning Map with the symbol MU. The Mixed-Use District shall be in addition to and shall overlay all other zoning districts where the MU district is established. Therefore, any parcel of land lying in the MU district shall also lie in a standard district(s) provided for in this Zoning Ordinance. The district designation of MU shall be superimposed over the existing zoning designations on the Zoning Map.

SECTION 152.122 – PRINCIPLE USES PERMITTED.

- (a) Permitted uses in a MU District shall be proposed by the Applicant and shall consist of more than one permitted use as allowed in one or more standard zoning districts, as provided for in this Ordinance.
- (b) By definition a MU may contain both residential uses and commercial uses. The proportion of such uses in the entire development shall be based upon the characteristics of the site, the immediate area in which the proposed development is located, the Master Plan, and other related planning documents.

APPENDIX K: YARD AND BULK REQUIREMENTS (attached)

SECTION 152.123 Effective Date Of Ordinance

(a) This Ordinance shall take effect 30 days after adoption.

INTRODUCTION:

This Ordinance was introduced by Councilmember Christine Lee on October 13, 2008, during a Regular Meeting of the City Council. The Public Hearing thereon was held on October 27, 2008.

MOTION AND VOTE:

Moved by Councilmember Patricia Jacobson, seconded by Councilmember Ken Brown, to adopt Ordinance 152.120: An Ordinance establishing a Mixed Use (MU) Zoning District within the City of Brown City.

Roll Call vote on this Ordinance, four (4) members being present, was as follows:

Yeas: _____	4	Nays: _____	0
Abstaining: _____	0	Absent: _____	2

CERTIFICATION:

I hereby certify that the foregoing constitutes a true and complete copy of Brown City Code Section 152.120, adopted as an Ordinance by the Brown City Council at a Regular Meeting of the City Council held at the City Hall on the 27th day of October, 2008.

I do hereby further certify that the said Brown City Code Section 152.120 was published as required by the Brown City Charter in *The Banner*, a newspaper published and circulated in the City of Brown City, County of Sanilac, Michigan, on the 10th day of November, 2008.

Witness my official signature this 10th day of November, 2008.

Kelly J. Pavel
City Clerk

APPENDIX K: YARD AND BULK REQUIREMENTS

	<i>ER/MU</i>	<i>NR</i>	<i>SFAR</i>	<i>MFR</i>	<i>HDSFR</i>	<i>CBD</i>	<i>NC</i>	<i>Ind</i>
Minimum Lot Size (square feet)	8,712	10,560	10,560	(8)	8,050			
Minimum Lot Width Depth	66 132	80 132	80 132	(8)	70 115			
Maximum Height in Feet								
• <i>Principal</i>	35	35	35	30	35	35		35
• <i>Accessory</i> ⁽¹⁾	18	18	18	(8)	18			
Minimum Setbacks								
• <i>Front</i> ⁽²⁾	25	30	25	25		(3,9)	(3)	30
• <i>Rear</i>	6	25	25	25	(7)	10		60
• <i>Side (One)</i> ⁽⁴⁾	10	10	10	20		0		30
• <i>Side (Total)</i>	20	20	20	40		0		30
Minimum Floor Area Per Dwelling Unit ⁽⁵⁾	1,000	1,200	(6)	(6)	1,000			
Maximum Lot Coverage	35%	35%	35%	40%	35%			40%

Footnotes:

- (1) In all districts, where allowed, accessory buildings cannot exceed a height of 18 feet or occupy an area more than 30% of the established rear yard or 750 square feet, whichever is less.
- (2) In all districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials, or vehicle access drives.
- (3) No rear yard is required in the CBD and NC districts, where the rear property line abuts upon a public alley.
- (4) For every lot on which a multiple, row, or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the schedule. Each side yard shall be increased by, and the yard setbacks indicated by, 1 foot for every 10 feet or part thereof, by which length of the multiple, row, or terrace dwelling exceeds 40 feet in overall length along the adjoining lot line.

APPENDIX K: YARD AND BULK REQUIREMENTS (Continued)

Garages or other accessory buildings, whether the same be attached to the dwelling or not, except where the front line of the garage or accessory building extends no closer to the front line or street line than the rear main wall of the dwelling, in which case the side yard shall be not less than 3 feet.

- (5) The main floor area per dwelling unit shall not include areas of basements, breezeways, open porches, terraces, attached garages, attached accessory buildings, or utility rooms.
- (6) Required minimum floor area for each dwelling unit shall include 500 square feet for an efficiency/studio, 650 square feet for a 1-bedroom, 850 square feet for a 2-bedroom, 1,000 square feet for a 3-bedroom, and 1,200 for a 4-bedroom.
- (7) Mobile home park developments are subject to the minimum requirements and standards, as established in the Mobile Home Commission Act, Public Act 419 of 1976, being MCL 125.2301 *et seq.*, as amended, and any and all rules and regulations promulgated pursuant to Public Act 419 of 1976, being MCL 125.2301 *et seq.*, as amended.
- (8) Set by City Council on an individual basis, following a formal recommendation from the Planning Commission.
- (9) All construction within the Central Business District shall be out to the sidewalk lot line or in line with the other buildings within the district. In the event there is a variation in the construction of buildings in the district, the Planning Commission shall determine the location of the building on the front lot lines of the lot.

(1997 Code, § 8131)