

TEMPORARY LAND USE APPLICATION

Applicant: _____ **Date:** _____
(Only the Property Owner shall serve as the Applicant)

Driver's License Number: _____

Address: _____

Phone Number: _____

Person(s) Conducting Sale: _____

Driver's License Number: _____

Address: _____

Phone Number: _____

Location of Temporary Land Use: _____

Closest Street Intersection: _____

Items to be Sold: _____

(Fireworks, Appliances, Furniture, Artwork, Crafts, Clothing, and other similar products are NOT
ALLOWED per City Ordinance)

Requested Dates of Sale: _____

(Christmas Trees maximum 30 days)
(Produce and Firewood Maximum 90 days)

**List and Temporary Facilities to be Erected or Located upon the Property, i.e. tents, tables, stands,
displays:** _____

List the materials to be utilized in the construction of any temporary facilities: _____

DRAWINGS SHALL BE SUBMITTED WITH THE APPLICATION, IN TRIPLICATE, DRAWN TO SCALE, TO INCLUDE THE FOLLOWING:

1. The shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures existing on the lot.
3. A layout of existing and proposed off-street parking
4. The location of designated fire lanes.
5. The shape, size and location of all temporary facilities to be erected or located upon the lot, including all tents, tables, stands or display racks.
6. The materials to be utilized in the construction of any temporary facilities.
7. The proposed flow of automobile and pedestrian traffic to and from the lot and any adjacent thoroughfares.
8. If a Temporary Land Use Permit is granted by the Brighton City Council, a Peddler's Permit must be applied for and issued prior to any sales taking place.

For Office Use Only:

Administrative Reviews:

Recommendation - A= Approve D= Deny

A D Police Chief _____ Date _____

A D Fire Chief _____ Date _____

A D Building Official _____ Date _____

A D DPS Director _____ Date _____

If a denial recommendation is given please provide explanation: _____

Council Meeting/Public Hearing Date: _____

Public Hearing Notice Publication Date: _____

Public Hearing Notice Mailed within 300 yards Date: _____

Action of Council: _____

Peddler's Permit Application Issued: _____

Action on Peddler's Permit: _____

Article XXV. TEMPORARY LAND USES

Sec. 98-700. Temporary land uses.

The city council shall only have the authority to grant permits authorizing temporary land uses for the sale of produce, firewood and Christmas trees subject to the following conditions:

- (1) The sale of the products shall be restricted to nonresidential zoning districts. The sale of products shall not be permitted in residential transitional districts.
- (2) The owner of the property shall apply for the temporary use permit on a form to be provided by the City of Brighton. The application shall include a drawing, in triplicate, drawn to scale, which depicts the following:
 - a. The shape, location and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures existing on the lot.
 - c. A layout of existing and proposed off-street parking.
 - d. The location of designated fire lanes.
 - e. The shape, size and location of all temporary facilities to be erected or located upon the lot, including all tents, tables, stands, or display racks.
 - f. The materials to be utilized in the construction of any temporary facilities.
 - g. The proposed flow of automobile and pedestrian traffic to and from the lot and any adjacent thoroughfares.
- (3) A temporary use permit for the sale of Christmas trees and related items shall be effective for thirty days or less. No more than one temporary use permit for the sale of Christmas trees or related items shall be issued for any given location within a single calendar year.
- (4) A temporary use permit for the sale of produce, firewood, or other similar products shall be effective for 90 days or less. No more than one temporary use permit for such products shall be issued for any given location within a single calendar year.
- (5) A temporary use permit shall only be granted if the city council determines as follows:
 - a. That there is adequate automobile and pedestrian traffic flow.
 - b. That there is adequate off-street parking.
 - c. That there is adequate access for fire and police protection.
 - d. That the use is compatible with the physical character of the surrounding neighborhood.
 - e. That the use complies with all zoning regulations for the district in which the use is located, including all requirements pertaining to lot size, height, set-back, open space ratio, maximum percentage of covered lot area, and off-street parking.
- (6) The temporary use permit shall be in writing and shall stipulate all of the conditions of issuance such as, the term of the permit, the nature of the permitted use and the manner in which any facilities located on the lot shall be removed upon termination of the temporary use permit.
- (7) Prior to granting a temporary use permit, the city council shall hold a public hearing. Notice of the public hearing shall be given to owners to real property located within 300 yards of the property upon which the temporary use is proposed. The notice to the adjoining lot owners shall be in writing, by regular mail and shall be mailed at least ten calendar days prior to the scheduled public hearing. Additionally, the notice of the public hearing shall be published in the Brighton Argus at least one week prior to the scheduled public hearing.

Article XXV. TEMPORARY LAND USES...continued

- (8) The person(s) to whom the permit has been issued must comply with the terms and conditions of the permit and all applicable ordinances and state statutes. Failure to comply with the terms and conditions of the permit, ordinances of the City of Brighton, and statutes of the State of Michigan shall result in revocation of the permit by the city manager or his designee. Notice of revocation of the permit shall be given in writing and shall either be posted at the site of the temporary land use or shall be personally served upon the person(s) to whom the permit was issued. The use shall terminate immediately upon posting of the notice of revocation of the permit or upon personal service of the notice of revocation of the permit. In the event the use is not immediately terminated upon notice of revocation, the city manager or his designee shall be permitted to enter upon the site and close the temporary use.
- (9) No temporary use permit shall be issued for the sale of fireworks, appliances, furniture, artwork, crafts, clothing or other similar products.

(Ord. No. 424, § I., 5-21-98)

Sec. 98-701. Exemptions.

Exempted from the requirements of this article are the following:

- (1) Outside sales of products approved by the city council as part of site plan approvals;
- (2) All civic events approved by the city council, including, but not limited to the Farmer's Market, Art Fair and sidewalk sales; and
- (3) Sale of products by the owner of a business which is incidental to their principal business and occurs within 15 feet of the building in which the business is operated.
- (4) The sale of hot dogs, hamburgers, snow cones, peanuts, chips and/or other non-alcoholic beverages or other similar products as determined by the city manager or his/her designee from a temporary/portable stand. The sale of such products must comply with all requirements of the Livingston County Health Department.

(Ord. No. 424, § I, 5-21-98; Ord. No. 434, § 1, 7-15-99)

Sec. 98-702. Prohibition of premanufactured buildings or sales trailers.

The use of premanufactured buildings or trailers as temporary sales offices is prohibited.

(Ord. No. 424, § I, 5-21-98)