

**AGENDA
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
TUESDAY, MARCH 5, 2019, 7:00 P.M.**

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL CALL:** Binder, Culinkski, Grimes, Krueger, Dennis Novak, Pinkston, Ridley, Root, Stephens.
- 4. APPROVAL OF AGENDA:**
- 5. APPROVAL OF MINUTES:**
- 6. CORRESPONDENCE:**
 - A. Resolutions
 - B. Minutes: February 5, 2019
 - C. Staff Meeting Letter
 - D. Zoning Amendment Drafts
- 7. MEETING OPENED TO PUBLIC (NON-PUBLIC HEARING ITEMS):**
- 8. BUSINESS:**
 - A. Zoning Updates
- 9. MEETING OPENED TO THE PUBLIC:**
- 10. REMARKS BY PLANNING COMMISSION MEMBERS:**
- 11. ADJOURNMENT:**

**RESOLUTIONS
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
TUESDAY, MARCH 5, 2019, 7:00 P.M.**

Resolution No. 190305-__ **Agenda – March 5, 2019**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the agenda for the March 5, 2019 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 190305-__ **Minutes – February 5, 2019**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the Minutes for the February 5, 2019 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 190305-__ **Adjourn**

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission adjourns the March 5, 2019 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK SWARTZ
CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
FEBRUARY 5, 2019**

Meeting called to order at 7:00 p.m. by Commissioner Stephens.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Culinski, Root, Grimes, Krueger, Ridley, Stephens.

Commissioners absent: Novak, Pinkston.

Staff present: Adam Zettel, City Manager.

Others present: Bob Plumb, Lania Rocha, Justin Sprague.

APPROVAL OF AGENDA:

Resolution No. 190205-01

(Carried)

Motion by Commissioner Krueger support by Commissioner Ridley, the Swartz Creek Planning Commission approves the agenda as amended for the February 5, 2019 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

APPROVAL OF MINUTES:

Resolution No. 190205-02

(Carried)

Motion by Commissioner Krueger support by Commissioner Binder the Swartz Creek Planning Commission approves the minutes for the January 8, 2018 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

Selection of Officers

Resolution No. 190205-03

(Carried)

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Binder

I Move, the Swartz Creek Planning Commission reelect the same officers as current. Commissioner Stephens to serve as the Planning Commission Chairperson , Commissioner Pinkston to serve as Vice Chairperson and Commissioner Root to serve as the Secretary for a twelve month period commencing immediately and ending at the next annual meeting or as stated in the bylaws.

Unanimous Voice Vote
Motion Declared Carried

Zoning Audit & Updates

Discussion

Commissioner Krueger thinks the ordinances would be easier to follow if arranged in a table and suggest this be done and adopted. Policies are the main things we need to adopt.

Justin Sprague, CIB Planning Consultant, there are policy issues to discuss that the state recommends through the program that would bring the city closer to being Redevelopment Ready certified. A couple of those included are site plan review and the new article recommended around conditional land uses. He would like to prepare a draft for conditional/special uses for review and comment at next meeting (March) then follow-up with a public hearing at the following meeting (April) if the commission agreed. The commission agreed and would like to see the draft at the next meeting.

Community Updates

Adam Zettel, City Manager, encourage members to read the DDA and Council packets. The raceway was sold but will sit dormant this year for the most part. The ownership is present and they are working with community groups.

He updated the commission on Apple Creek Station, the town home project on Fortino Drive, Sharp Funeral Homes, streetscape bids, water grant work, street construction, Chamber projects, school bond improvements and DDA façade projects.

Community Monument Sign

Adam Zettel, City Manager, the owner of the raceway would like to have some feedback from the commission in regards to allowing a monument sign with community messages/advertisements. The commission would agree to a presentation from the owner.

Meeting Open to Public:

None.

Remarks By Planning Commission:

Commissioner Binder would like to attend the training in Frankenmuth.

Commissioner Krueger got a lot accomplished tonight and excited about all the positive things happening in Swartz Creek.

Adjourn

Resolution No. 190205-04

(Carried)

MINUTES OF PLANNING COMMISSION – February 5, 2019

Motion by Planning Commission Member Krueger

Second by Planning Commission Member Grimes

I Move the Swartz Creek Planning Commission adjourns the February 5, 2019 Planning Commission meeting.

Unanimous Voice Vote

Motion Declared Carried

Meeting adjourned at 8:10 p.m.

Angie Root, Secretary



Where Friendships Last Forever

Date: February 28, 2019

Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

To: Planning Commissioners
From: Adam Zettel, AICP
RE: March 5 2019 Planning Commission Meeting

Hello everyone,

We will be meeting at 7:00 p.m. on March 5, 2019. Jentery Farmer is back with the planning commission, something he has been desiring since he was unable due to serve after getting elected to the council. Unfortunately, this has come about because of Dr. Pinkston's resignation. While he still serves on the council, he needed to pull back from some of the other obligations he had, including the planning commission.

The focus of this meeting is to return to reviewing some of the specific zoning changes recommended by the consultant. This is a follow up from the audit and discussion at the February meeting. At that time, everyone appeared to be on board for a 'conditional use' chapter. This allowance will make it easier for some uses by creating a third level of review. For simplicity, we will have a system that looks like this:

1. Use permitted as of right; lowest scrutiny level (e.g. retail plaza in commercial zone); no public hearings or notice required;
2. Conditional use; moderate scrutiny level (e.g. outdoor dining downtown); uses allowed provided conditions are met; no public hearings required;
3. Special land use; highest level of scrutiny (e.g. outdoor storage in a commercial zone); requires public hearing and notice; burden shifts to developer to show compliance

The proposed changes take the form of creating a 'Conditional Land Use' chapter, as well as modifying the Neighborhood Business and General Business district chapters to specify which uses are conditional uses for those areas. The three modified chapters are included in the packet. I think the goal for the meeting is to see if the proposed uses are indeed aligning with the goals of the commission. Some may need to stay in the special land use category, and some current special land uses might be placed as conditional uses.

The site plan review chapter has also been altered to enable planning commission approval of site plans. This appears to be the only change proposed at this time and is also one that was discussed in February.

I expect to have Justin back to guide us through the changes. If agreeable, we should be able to proceed with holding the amendment hearings in April, with the understanding that a council approval and publication will have them in effect by May. Additional changes will still be

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March 5, 2019
Planning Commission

forthcoming, so we will look to prioritize our zoning audit recommendations to see what amendments could be in first draft in April and further down the road.

That is all for now. Contact me with questions or comments. If I get other materials, I will send them along!

Sincerely,

A handwritten signature in blue ink that reads "Adam Zettel". The signature is fluid and cursive, with the first name "Adam" and the last name "Zettel" clearly distinguishable.

Adam H. Zettel, AICP
City Manager
City of Swartz Creek
azettel@cityofswartzcreek.org

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ARTICLE 33: CONDITIONAL LAND USES

Section 33.00 Intent

The intent of this Article is to provide standards for Conditional Land Uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the Zoning Administrator or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

Section 33.01 Standards for Approval

- a. Prior to approving a Conditional Land Use, the Zoning Administrator shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a Conditional Land Use permit is granted.
- b. Properties for which application for conditional land use approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of ARTICLE 29, SITE PLAN REVIEW. Failure to obtain site plan approval will constitute denial of the approved conditional land use.

Section 33.02 Requirements and Standards of Approval

- a. The requirements to permit the conditional use shall remain unchanged.
- b. The Building Official shall make periodic investigations of the conditional land use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Zoning Administrator to terminate the approval.

Section 33.03 Validity of Conditional Land Use Approval

- a. In cases where actual physical construction of a substantial nature of the structures authorized by a Conditional Land Use and site plan approval has not commenced within eighteen (18) months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.

- b. Upon written application filed prior to the termination of the eighteen (18) month period, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the eighteen (18) month extension.
- c. The granting of a conditional land use shall allow that particular use to be conforming in the zoning district, as long as the standards of this Article are maintained.

Section 33.04 Conditional Land Use Specific Requirements

Conditional Land Uses, because of their unique character and potential impacts on adjacent properties and the City, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.

The following are Conditional Land Uses with specific site and/or use standards which are described on the following pages:

Land Uses with Conditional Requirements

Automobile washes, automatic or self-service (Section 33.04.a)

Automobile or vehicle dealerships (Section 33.04.b)

Bars, taverns, lounges, microbreweries (accessory), and brewpubs (Section 33.04.c)

Funeral homes and mortuary establishments (Section 33-04.d)

Kennels (Section 33.04.e)

Mini- or self-storage warehouses (Section 33.04.f)

Outdoor retail display and sales, (Section 33.04.g)

Pet boarding facilities (Section 33.04.h)

Restaurants with an pick-up window (Section 33.04.i)

Veterinary Hospitals (Section 33.04.j)

- a. Automobile Washes, Automatic or Self-service

- 1. Only one (1) ingress/egress driveway shall be permitted on any single street.

2. Where adjoining property zoned or used as residential, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.
3. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any Residential District. Such areas shall be screened with obscuring landscaping as determined by the Planning Commission.
5. Adequate stacking space shall be provided in accordance with the requirements of ARTICLE 26, OFF-STREET PARKING AND LOADING STANDARDS. Stacking spaces shall not be permitted in the public right-of-way.

b. Automobile or Vehicle Dealerships

1. Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.
2. All parking, display and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.
3. Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.
4. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten (10) footcandles and 0.5 footcandles is permitted for vehicle storage areas.
5. Flags, banners, streamers, and inflatables of any kind, shall not be permitted unless approved by the Planning Commission.

C. Bars, Taverns, Lounges, Microbreweries (Accessory), and Brewpubs

1. The principal building shall be setback at least one hundred (100) feet from a Residential District (does not apply in the CBD, Central Business District).

2. Noise shall not be a nuisance outside of the building, in accordance with Section 20.04, Performance Standards, and other City ordinances.
3. Outdoor seating must meet the requirements of Section XX, Outdoor Seating for Restaurants and Cafes.

d. Funeral Homes and Mortuary Establishments

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

e. Kennels

1. For kennels housing dogs, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
2. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located closer than one hundred fifty (150) feet to any lot line and two hundred (200) feet from any road right-of-way.
3. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
4. All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains.
5. A kennel may be permitted as an accessory use to a veterinary office, clinic, or hospital. Such accessory use shall be subject only to the special land use standards of the veterinary use.

f. Mini- or Self Storage Warehouses

1. Minimum lot size shall be three (3) acres.

2. Minimum building and parking setbacks shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet from any residential district and twenty-five (25) feet from any nonresidential zoning district.
3. The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by the Planning Commission.
4. The storage units shall be screened from all abutting properties through the use of landscaping and/or walls.
5. Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the Planning Commission. All roofs must be pitched.
6. No storage unit doors shall face a public right-of-way. Walls, fences, and landscaping as determined by the Planning Commission may be utilized to obscure views of doors from the public right-of-way.
7. All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with Section 33.04(g), Outdoor Display, Sales, or Storage. Buildings shall be limited to storage only.

g. Outdoor Retail Display and Sales

1. Unless accessory to an approved retail business, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.
2. Displays shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building façade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
3. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's façade, whichever is less.
4. Displays shall not interfere with fire lanes.
5. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.

6. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall not be displayed.
7. A sketch plan indicating the location and dimensions of the outdoor display must be submitted and approved by the City prior to any outdoor display. Any outdoor display shall at all times comply with the sketch plan or site plan approved by the City.

h. Pet Boarding Facilities

1. Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.
2. The lot shall be at least two (2) acres in size.
3. Up to 5% of the floor area may be used for accessory retail sales.
4. Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.
5. An outdoor play area is allowed with the following restrictions:
 - (a) Any outdoor play area shall not be any closer than one-hundred fifty (150) feet from a residential zoning district.
 - (b) Any outdoor play area shall be located in the interior side yard or rear yard.
 - (c) A maximum eight (8) foot high fence enclosure is required around the play area and surface must be easy to maintain.
 - (d) All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.
 - (e) Pets shall not be permitted to remain outdoors overnight.

i. Restaurants with an Pick-Up Window

1. All containers shall be made of recyclable materials; styrofoam and similar petroleum based material containers shall be prohibited.
2. Trash receptacles shall be provided and maintained on the property.
3. All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed

twenty-five percent (25%) of that area. Temporary signs indicating the whether the establishment is "opened" or "closed for the season" shall be permitted in accordance with ARTICLE 21 SIGNS.

4. Outdoor seating may be provided when meeting the requirements of Section 102-34, Outdoor Seating for Restaurants and Cafes.
5. Months and hours of operation shall be provided as part of the conditional land use application.

j. Veterinary Hospitals

1. Such facilities shall be used only for domesticated animals. Treatment or boarding of non- domesticated, wild, exotic, or vicious animals shall not be permitted
2. The principal buildings or structures shall be set back at least seventy-five (75) feet from the front property line; and at least two hundred (200) feet from any property line abutting a Residential District or use on the same side of the street, and at least seventy-five (75) feet from all other property lines.
3. The Planning Commission may permit veterinary and animal grooming uses as accessory uses to retail pet supply establishments.
4. Parking lots shall be set back at least fifty (50) feet from a Residential District or use, and shall be screened by a wall at least four (4) feet high with landscaping on the exterior side of the wall. The Planning Commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
5. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel under Section 33.04(e), Kennels, or pet boarding facility under Section 33.04(h).
6. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
7. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
8. All waste disposal shall meet the requirements of the Health Department of the State of Michigan.

ARTICLE 12. - NBD, NEIGHBORHOOD BUSINESS DISTRICT

Section 12.02.- Conditional Land Uses

The following uses may be permitted, upon review and approval by the city council, in accordance with the general standards for all special land uses listed in Article 33:

- A. Funeral homes and mortuary establishments.

Section 12.02. 03- Special land uses.

The following uses may be permitted, upon review and approval by the city council, in accordance with the general standards for all special land uses listed in [Article 30](#):

- A. Accessory uses, buildings and structures customarily incidental to an approved special land use permit as permitted with the approved special land use permit; except use or storage of hazardous materials or above ground fuel storage, which require a special land use permit.
- B. Banks, savings and loans and credit unions and restaurants with drive-through lanes.
- C. Adult and child residential care facilities in accordance with [section 20.08](#), Adult and child care facilities.
- D. Churches, temples and similar places of worship with more than 250 seats.
- E. Essential public service buildings, structures and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- F. Expansion of an apartment unit within existing buildings in the NBD District may be permitted, subject to meeting the following standards:
 - 1. Two means of access shall be provided to the residential apartment unit. The primary access shall not be through the existing business establishment.
 - 2. A minimum of two off-street parking spaces shall be required for the apartment unit in addition to the minimum required parking spaces for the principal business use.
 - 3. Minimum floor area requirements for the residential apartment unit shall be the same as those required for units in the R-4 and RM-1 Residential Districts. There shall be no more than one residential apartment per building.
 - 4. The residential apartment use shall not detract or otherwise negatively impact adjacent development or detract from the business of the principal permitted use.
- ~~G. Funeral homes and mortuary establishments.~~

- H. G. Professional or medical offices and clinics of doctors, lawyers, dentists, architects, engineers and similar professions, but not including veterinary offices or clinics, with more than 15,000 square feet gross floor area.
- ~~I.~~H. Retail sales, excluding drive-throughs and drive-ins, such as grocery store or supermarket; drug store; bakery; clothing or shoe store; hardware store; gift shop; florists, dry goods, book store; music; radio and TV sales, with more than 15,000 square feet gross floor area.
- J. I Pet stores that do not perform veterinary services.
- K. J. Shopping centers with a gross floor area of 15,001 to 30,000 square feet of gross floor area.

ARTICLE 14. - GBD, GENERAL BUSINESS DISTRICT

14.02 Conditional Land Uses

The following uses shall be permitted upon review by the planning commission and approval by the city council, in accordance with the general and specific standards listed in Article 33 Conditional Land Uses:

- A. Automobile washes, automatic or self-service
- B. Automobile or vehicle dealerships
- C. Bars, taverns, lounges, microbreweries (accessory), and brewpubs
- D. Funeral homes and mortuary establishments
- E. Kennels
- F. Mini or self storage
- G. Outdoor retail display and sales
- H. Pet boarding facilities
- I. Veterinary hospitals

14.02 .03 Special Land Uses

The following uses shall be permitted upon review by the planning commission and approval by the city council, in accordance with the general and specific standards listed in [Article 30](#), Special Land Uses:

- A. Arcades and similar devices at public commercial mechanical amusement device centers.
- B. Automobile service (gasoline) stations, including those accessory to another use.
- C. Automobile service centers and automobile repair (minor maintenance and repair).
- ~~D. Automobile or vehicle dealerships.~~
- ~~E. Automobile washes, automatic or self-service.~~
- F. ~~D.~~ Banks, credit unions, savings and loan institutions with drive-through lanes, including an automatic letter drive-through lane(s).
- ~~G.~~ ~~E.~~ Adult and child residential care facilities in accordance with [section 20.08](#), Adult and child care facilities.
- ~~H.~~ ~~F.~~ Retail businesses supplying merchandise on the premises in an enclosed building with more than to 30,000 square feet of gross floor area, including sales of bakery goods (including bakery items produced on the premises), groceries, meats (no slaughtering is permitted on the premises), seafood, dairy products, drugs, books, shoes, apparel, florists, hardware, furniture, home furnishings, paint, wall paper,

appliances, auto parts (without service bays), greeting cards, art galleries, beer/wine sales, convenience stores and similar retail establishments

~~†~~ **G.** Churches, temples, and similar places of worship with more than 500 seats.

~~J.~~ ~~Commercial outdoor sales or storage and open air businesses (as permitted or accessory use).~~

~~K.~~ **H.** Conference centers/convention facilities.

~~L.~~ **I.** Essential public service buildings and storage yards.

~~M.~~ ~~Funeral homes and mortuary establishments.~~

~~N.~~ ~~J.~~ Hospitals, general and specialty (including substance abuse treatment facilities).

~~Œ.~~ **K.** Indoor commercial recreational facilities including but not limited to health clubs, hard ball and racquetball facilities, pool and billiard establishments, tennis, batting, archery and soccer facilities.

~~P.~~ ~~Kennels (commercial).~~

~~Œ.~~ **L.** Professional or medical offices of doctors, lawyers, dentists, architects, engineers and similar professions, but not including veterinary offices or clinics, with more than 15,000 square feet gross floor area.

~~R.~~ **M.** Motels, hotels, bed and breakfast inns, including accessory convention/meeting facilities and restaurants.

~~S.~~ **N.** Nursing or convalescent homes.

~~Ʀ.~~ **O.** Nurseries and lawn and garden centers.

~~Ũ.~~ **P.** Outdoor theater, plazas, parks, and public gathering places.

~~∕.~~ **Q.** Recreation: Outdoor recreation establishments (except for golf-related uses).

~~∕.~~ **R.** Recreation: Golf driving ranges, miniature golf courses, golf courses.

~~×.~~ **S.** Recreation: Indoor recreation (bowling alleys, billiard and pool halls, indoor golf, ice arenas, skating rinks, etc.).

~~∕.~~ **T.** Recreation: Private recreation facilities and swimming pool clubs.

~~Z.~~ **U.** Restaurants and other establishments with drive-in or drive-through facilities, ~~open front window service~~, and outdoor eating areas.

~~AA.~~ **V.** Roadside market.

~~BB.~~ **W.** Shopping centers and retail businesses with over 30,000 square feet of gross floor area.

~~€€.~~ **X.** Theaters (indoor), cinemas, concert halls, play houses, assembly halls, or similar places of assembly when conducted completely within enclosed buildings, with more than 500 seats.

~~ÐÐ.~~ **Y.** Urgent medical care centers.

~~EE.~~ ~~Veterinary clinics, without outdoor runs or enclosures.~~

~~FF.~~ **Z.** Accessory uses, buildings and structures customarily incidental to an approved special land use permit.

(Ord. No. 407, § 2, 5-24-11 ; Ord. No. 431, § 2, 12-12-16)

ARTICLE 29. - SITE PLAN REVIEW

Section 29.00. - Intent and purpose.

The intent of this article is to establish the procedures and consistent standards for review and approval of site plans to ensure full compliance with the regulations in this ordinance and other applicable ordinances and state and federal regulations of development proposals. Site plan review standards are intended to encourage consultation and cooperation between the applicant and the city to balance the property owner's right to a reasonable rate of return on investment with the city's overall land use goals and desire to minimize adverse impacts on the investments of surrounding landowners. Therefore, these site plan review standards insure a thorough evaluation of a development in relation to the goals of the City of Swartz Creek Master Plan and the potential impacts on the environment, drainage, utilities, traffic, aesthetics, property values and other public health, safety and welfare issues.

This section also contains special provisions to evaluate impacts of particular uses and to allow administrative approval in certain cases where there is a change in use, a minor change to an existing site or a minor change determined necessary in the field during construction.

Section 29.01. - Relationship to platting and land divisions or combinations.

The ~~city council~~Planning Commission shall require the platting of parcels of property and/or the approval of land divisions or land combinations prior to the consideration of site plans where the ~~city council~~Planning Commission determines a site plan is needed to ensure compliance with the standards of the zoning ordinance or other ordinances.

Section 29.02. - Uses requiring site plan review.

Except as specifically provided in section 29.02(d) the development of any new use, the construction of any new structures, any change of an existing use of land or site, and all other building or development activities in R-4, RM-1, NBD, GBD, CBD, PUD, PMSHDD, O-1, I-1 & I-2 Districts shall require site plan approval by the planning commission pursuant to the conditions of this article.

A building permit shall not be issued until a full site plan or sketch plan has been reviewed and approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into four types in Table of Eligible Uses and Required Review Process.

- (a) *Full site plan.* The most involved process for larger and more intense projects, including most new developments and major expansions.
- (b) *Limited site plan.* A limited site plan, rather than a complete site plan package, may be submitted for minor modifications to a legally existing and conforming use and building which is permitted in the zoning district (i.e. special land uses are not eligible) including alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards
- (c) *Administrative review.* Certain smaller scale projects and expansions or changes in use to existing sites, which are required to provide a limited site plan, do not require review by the planning commission; but instead shall undergo a formal review for approval by the zoning administrator.
- (d) *Exempt.* Certain projects, such as single-family homes on an individual lot, are exempt from site plan review given their relatively low level of impact on adjacent land uses, and given that compliance with applicable zoning regulations can be addressed during the building permit review process.

Table of Eligible Uses and Required Review Process				
Situation/Use	Required Review			
	Full Site Plan	Limited Site Plan	Admin. Review	Exempt
New Development				
Any development, except one-family residential, for which off-street parking areas are provided.	X			
Any use in a RM-1, NBD, GBD, CBD, PUD, PMSHDD, O-1, I-1 & I-2 District lying contiguous to or across a street from a One-Family Residential District.	X			
Any use except one-family residential which lies contiguous to a major thoroughfare or collector street.	X			
Development of any non-single-family use or building in a residential district	X			
Any residential development, except construction or expansion of one single-family or two-family dwelling unit on an individual lot or parcel in the residential zoning districts, or placement of dwelling units in an approved manufactured home park.	X			
Development of any non-residential use or building.	X			
The erection, relocation, conversion or structural alteration to any non-one-family or two-family building, structure or site which results in additional floor space.	X			
Any development which would establish more than one (1) principal use on a single lot, for example, a one-family site condominium or similar project where a single parcel is to be developed with more than one (1) detached dwelling unit.	X			
Special land uses in all zoning districts.	X			

Telecommunications.	X			
Essential public service and utility buildings and/or storage areas. State licensed residential facilities.	X			
Home occupations.		X		
Temporary uses, sales and seasonal events.		X		
Modifications to upgrade a building to improve barrier-free design, or to comply with the Americans with Disabilities Act (ADA) or other federal, state or county regulations.		X		
A change in use in a non-conforming use building or site to a more conforming situation.		X		
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees.		X		
Approved changes to utility systems.		X		
Construction or relocation of a permitted accessory building of less than 100 square feet.		X		
Changes to the façade or architectural features (an elevation plan describing changes and construction materials is required).		X		
Relocation of a waste receptacle to a more inconspicuous location or installation of screening around the waste receptacle.		X		
Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant, and the construction plans and lot construction are approved by the city engineer.		X		
Improvements or installations of walls, fences, lighting or curbing consistent with the other requirements of this ordinance.		X		
Expansion, replanting or alterations of landscaping areas consistent with the other requirements of this ordinance.		X		

Improvements to outdoor recreational uses and parks.		X		
An existing building and site are to be re-occupied by a use permitted in the subject zoning district and the new use will not require any significant changes in the existing site facilities such as landscaping, lighting, signs, bikepaths or sidewalks.		X		
Construction or erection of permitted accessory buildings and/or structures accessory to a single- or two-family dwelling unit.				X
Construction or erection of permitted accessory buildings and/or structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential public services, municipal or industrial use.				X
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to 100 square feet, provided such activity is normally and customarily incidental to single-family uses on the site.				X
Permitted family foster care homes, family day homes and adult day care homes in Single-Family Zoning Districts.				X
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of the ordinance.				X
Construction or erection of retaining walls, fences, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment, telephone booths, newspaper boxes, landscaping and similar structures which conform to other city standards.				X
Minor changes during construction such as changes in landscape species to a similar variety, realignment of a driveway or road due to an unanticipated & documented constraint during construction, or to improve safety or protect natural features.			X	
Minor changes during construction required by outside agencies.			X	
Expansions				

Expansion of one (1) one-family dwelling on one (1) lot in a residential zoning district.				X
An increase in the floor area up to 25% of the existing floor area for a use requiring site plan approval.		X		
An increase in the floor area greater than that specified above.	X			
An increase in parking or loading area of up to 25% or 6,000 sq. ft. of pavement area without any building changes.			X	
An increase in parking or loading area over 25% or 6,000 sq. ft. of pavement area without any building changes.		X		
Changes to building height that do not add additional floor area.			X	
Changes in Use				
Any change in the use of land or a building to a more intensive use, in terms of parking needs, noise, traffic volumes, and similar impacts.		X		
A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, or signs.			X	
A change from a non-conforming use, building or site, to a more conforming situation.		X		
Other Types of Projects				
Accessory buildings and structures in any zoning district.			X	
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of this ordinance.				X
State licensed residential family care facilities and family day care homes.			X	

Temporary uses.		X		
Terraces, patios, porches, and decks (covered or uncovered).			X	
Any use which, in the opinion of the development official, should be reviewed by the planning commission for site plan approval because of the intensity of development proposed and potential effects on properties in the general vicinity.	X			
Other projects not specifically listed in this table.			X	

Section 29.03. - Limited site plan review process.

1. *Intent.* The intent of this section is to permit submittal of a limited site plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this zoning ordinance.
2. *Procedure.* The process for administrative approval shall involve submittal of a limited site plan and required application form and fee to the zoning administrator. The zoning administrator shall review the sketch plan to ensure compliance with standards of this ordinance and make a report to the planning commission.

The zoning administrator retains the option to require a complete site plan for review by the planning commission ~~and city council~~, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the zoning administrator shall inform the applicant to submit a set of plans in accordance with section 29.06 of this ordinance within 14 days of receipt of the application.

3. *Requirements for a limited site plan:* A "limited site plan" submittal shall include at least the following:
 - a) Application form and review fee.
 - b) Name, address and telephone number of the applicant and the person(s) responsible for preparing the plot plan.
 - c) North arrow.
 - d) Legal description of the property.
 - e) The "limited site plan" shall be drawn at an engineers scale. Any building expansion over 500 square feet within a five-year period involving public safety issues, as determined by the zoning administrator shall require a professional seal of an architect, landscape architect, engineer or surveyor.
 - f) Property lines and dimensions.
 - g) Existing and proposed buildings and structures with dimensions, setbacks and details or elevations where appropriate.
 - h) Existing and proposed parking including number of spaces provided v. required according to Article 26. If changes are made to the parking area, a detail of pavement, storm water runoff calculations and description of detention methods shall be provided.

- i) Details on any new driveways or changes to existing driveways (radii, throat width, slope, boulevard design, etc.).
- j) Location of existing signs and details on any proposed changes or new signs.
- k) General illustrations of existing landscaping; location, size and species of any new landscaping.
- l) Layout of any proposed changes to utilities.
- m) Description of any proposed changes to drainage.
- n) Floor plan of any new building area and building elevations, if applicable.
- o) Any other items requested by city staff or the planning commission.

Section 29.04. - Criteria for full site plan review.

- A. The planning commission ~~(and city council)~~ shall review the site plan to insure that it complies with all of the criteria below:
 - a) The proposed use will not be injurious to the surrounding neighborhood.
 - b) The location of buildings, outside storage receptacles, parking areas, fences or obscuring walls, and utility areas will minimize adverse effects of the proposed use for the occupants of that property and the tenants, owners, and occupants of surrounding properties.
 - c) There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas to encourage the safety and convenience of pedestrian and vehicular traffic. The site plan includes the minimum number of driveways required to provide reasonable access. Driveways are spaced as far apart from intersections and other driveways as practical to reduce accident and congestion potential. Sharing with adjacent uses is encouraged. The planning commission may require a traffic impact study.
 - d) The site plan provides for proper development of roads, easements, and public utilities and protects the general health, safety, and welfare of the city and its residents.
 - e) Building architecture, materials, roof line, colors, windows and similar elements shall be consistent with the majority of other buildings in the city, as determined by the planning commission. Brick construction or brick trim, varying façade depths and peaked roofs, is encouraged. Stark white or bold colors and reflective glass are discouraged. The intent of this standard is to provide a harmonious, unified community to help create a sense of place and contribute to the image and quality of life in the city.
 - f) The proposed site plan complies with all city codes and ordinances. Site plans for Mobile Home Park Districts shall comply with the preliminary plan requirements established in the Michigan Mobile Home Commission Acts.

Section 29.05. - Site plan review process.

The city clerk shall refer the site plans to the city planning commission for processing. After considering all information, the planning commission shall ~~forward its recommendations of the site plans and all other pertinent data to the city council. The city council shall~~ then make its determination of approval, approval with conditions, denial. Upon approval of the site plans by the ~~city council~~ Planning Commission, an application for a building permit shall be made by the petitioner in accordance with provisions of Article 21 of this ordinance.

- A. Upon approval of a site plan by ~~city council~~ Planning Commission, construction consistent with said site plan shall be commenced within one year of the date said site plan was approved. In the event construction is not so commenced said site plan approval shall become void and of no force and effect.

- B. Upon a site plan approval becoming void pursuant to the provisions hereof no construction may commence upon said site unless and until the site plan approval process has been reinstated and completed. In such event all applicable fees shall be paid.
1. The applicant shall submit the required number of copies of an application for site plan approval, site plans, and other information where applicable. The number of copies required will be determined by the zoning administrator. The applicant or the applicant's representative must be present at the scheduled reviews or the matter will be tabled.
 2. If the site plan is in order and contains the required information, the site plan shall be placed on the agenda of a regular or special planning commission meeting.
 3. ~~The planning commission shall make a recommendation on the site plan and special land uses, with the final action by the city council.~~
 4. The planning commission shall take action no sooner than 14 days and within 70 days of the meeting at which the application first appeared on the agenda.
 5. The planning commission, as a condition of its approval of a site plan, may require reasonable modifications relating to: the location, height, number of stories, and size of dwellings, buildings, and other structures; the area of the yards, courts, and other open spaces; and the sanitary, safety, and protective measures which shall be required for such dwellings, buildings, and structures; and any other changes to meet the standards and intent of this zoning ordinance and other ordinances, laws and regulations.
 6. For any approval with condition(s), the applicant shall submit a revised plan within 60 days illustrating compliance with all conditions for approval by the zoning administrator. No permits shall be issued until such revised plan is submitted and approved.
 7. The applicant shall be responsible for the cost of preparing all site plan submittal information and for the evaluation of the site plan and related documents by consultants selected _____ by _____ the _____ city.

Section 29.06. - Application for full site plan review.

The detailed site plan presented for consideration shall contain all information required in this ordinance.

1. *Application form.* An application form provided by the city and required fee established by resolution of the city council, shall include the following:
 - a) Applicant's name, address and telephone/fax number(s).
 - b) Name and address of property owner, if different from applicant.
 - c) Common description of property and complete legal description including the tax identification number.
 - d) Dimensions of land and total acreage.
 - e) Existing zoning.
 - f) Proposed use of land and name of proposed development, if applicable.
 - g) Proposed buildings to be constructed, including square feet of gross floor area.
 - h) Proof of property ownership.
 - i) Anticipated number of employees at peak shift.
 - j) Names, addresses, and telephone/fax number(s) of engineers, attorneys, architects, and other professionals associated with the project.
2. *Site plan drawings and illustrations (fully dimensioned):* Site plans shall contain all of the required data prior to approval of such plans by the city. Site plans shall consist of an overall

plan for the entire development. Sheet size shall be at least 24-inch by 36-inch, with the plan view drawn to a scale of one inch equals 50 feet for property less than three acres or one inch equals 100 feet for property of three or more acres.

3. *Descriptive and identification data.* The following descriptive and identification information shall be included on all site plans:
 - a) Applicant's name, address and telephone/fax number(s).
 - b) Title block indicating the name of the development.
 - c) Scale.
 - d) Northpoint.
 - e) Dates of submission and revisions (month, day, year).
 - f) Location map drawn to scale with northpoint.
 - g) Legal and common description of property.
 - h) The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
 - i) A schedule for completing the project, including the phasing or timing of all proposed developments.
 - j) Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
 - k) Written description of proposed land use.
 - l) Zoning classification of applicant's parcel and all abutting parcels.
 - m) Proximity to driveways serving adjacent parcels.
 - n) Proximity to section corner and major thoroughfares.
 - o) Notation of any variances which have or must be secured.
 - p) Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth acre.
4. *Site data.*
 - a) Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
 - b) Front, side, and rear setback dimensions.
 - c) Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
 - d) Proposed site plan features, including buildings, roadway widths and names, and parking areas.
 - e) Dimensions and centerlines of existing and proposed roads and road rights-of-way.
 - f) Acceleration, deceleration, and passing lanes, where required.
 - g) The proposed location and design of driveways providing vehicular ingress to and egress from the site, in relation to the street giving access to the site.
 - h) The traffic circulation features and location of automobile parking areas within the site. The site plan should demonstrate features or improvements that will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

- (2) Satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - i) Typical cross-section of proposed roads and driveways.
 - j) Location of existing drainage courses, floodplains, lakes and streams, with elevations.
 - k) Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
 - l) Location of sidewalks within the site and within the right-of-way.
 - m) Exterior lighting locations and method of shielding lights to prevent off-site glare.
 - n) Trash receptacle locations and method of screening, if applicable.
 - o) Transformer pad location and method of screening, if applicable.
 - p) Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing involving state and federal barrier-free requirements.
 - q) Information needed to calculate required parking in accordance with zoning ordinance standards.
 - r) The location of lawns and landscaped areas, including required landscaped greenbelts.
 - s) Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.
 - t) Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot off the ground, before and after proposed development.
 - u) Cross-section of proposed berms.
 - v) Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.
 - w) Designation of fire lanes.
 - x) Loading/unloading area.
 - y) The location of any outdoor storage of materials and the manner by which it will be screened.
5. *Building and structure details.*
- a) Location, height, and outside dimensions of all proposed buildings or structures.
 - b) Indication of the number of stores and number of commercial or office units contained in the building.
 - c) Building floor plans.
 - d) Total floor area (gross floor area and usable floor area).
 - e) Location, size, height, and lighting of all proposed signs.
 - f) Proposed fences and walls, including typical cross-section and height above the ground on both sides.
 - g) Building façade elevations, drawn to a scale of one inch equals four feet, or another scale approved by the zoning administrator and adequate to determine compliance with the requirements of this ordinance. Elevations of proposed buildings shall indicate type of building materials, proposed colors, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers.

- h) Samples of building materials and colors are required for review and approval by the planning commission.

Section 29.07. - Optional site plan review.

The site plan approval process includes a review, at the option of the applicant, of a preliminary site plan by the planning commission. This option is recommended for site plans affecting over five acres, plans affecting locations designated in the City of Swartz Creek Master Plan as having significant natural features, sites containing floodplains or within the flood hazard zone, sites containing or potentially containing MDEQ designated/regulated wetlands, special land uses, complex industrial developments, redevelopment projects, and complex commercial developments. The review of a preliminary site plan allows and encourages exhaustive review, comment, and recommendation towards the conceptual and final approval of such projects.

([Ord. No. 401, § 9, 5-11-09, eff. 6-15-09](#))

Section 29.08. - Aesthetic review.

In addition to the specific design requirements for residential and nonresidential reviews, the planning commission ~~and city council~~ shall review and approve the design, construction and overall aesthetics of all new structures, including alterations and/or additions, which are subject to site plan review. The planning commission ~~and city council are is~~ to insure that any such structure, alteration and/or addition complies with the purposes and intentions of the respective zoning district and its overlay district, if any. The planning commission is empowered to restrict the use of unacceptable construction methods and materials of any such structure, alteration and/or addition and shall strive to fulfill the aesthetic intentions of assuring compatibility of structures located within the district.

([Ord. No. 401, § 9, 5-11-09, eff. 6-15-09](#))

Section 29.09. - As-built drawings

- (A) All projects within the city which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the city engineer or the city building official and zoning administrator prior to final acceptance of the project by the City of Swartz Creek.
- (B) The initial submittals shall be of two sets of black line prints providing the applicable information shown on the checklist below. The minimum scale shall be one inch equals 40 feet and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the State of Michigan. All record lengths and elevations must be labeled as record.
- (C) After the record drawings have been approved by the city engineer, the applicant shall submit two mylar copies of the approved drawings. A CD shall also be provided which contains a .pdf or other acceptable version of each sheet of the plan set with the following attributes:
 - 1. Locations shall be shown on the plans in state plane coordinates using the NAD83 Michigan South zone.
 - 2. Individual pipe sizes and structure types should be on separate layers.
 - 3. The scale shall be one inch equals 40 feet unless otherwise approved by the city engineer or the city building official and zoning administrator.
 - 4. Annotation should be snapped to the mid-point of lines. Lines should be snapped to the center of structures.

([Ord. No. 401, § 9, 5-11-09, eff. 6-15-09](#))

Section 29.10. - Nonresidential design requirements.

The following design requirements for nonresidential buildings shall be applied during site plan review:

A. *Exterior building design.*

1. Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
2. Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, or awnings.
3. Window area or spandrel glass shall make up at least 20 percent or more of the exterior wall area facing the principal street(s).
4. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this ordinance must also be satisfied.
5. Overhead doors shall not face a public street or Residential District. The planning commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required in Article 28 (Landscaping).
6. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and spacing of openings.

B. *Building materials.*

1. Durable building materials which provide an attractive, quality appearance must be utilized.
2. New structure exteriors shall be predominantly (75 percent or more) constructed from quality materials such as earth-toned brick, native stone, and/or glass products. The planning commission may choose to allow distribution of coverage across all elevations evenly or to concentrate such coverage on more visible elevations, provided no elevation shall have less than 50 percent of its exterior constructed of such materials. Tinted/textured concrete masonry units may be used as accent materials on all sides and as a primary material on side and rear elevations.
3. Other materials such as smooth-faced concrete block, EIFS panels or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
4. Metal roofs may be allowed if deemed by the planning commission to be compatible with the overall architectural design of the building.

C. *Building colors.*

1. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the façade and/or roof of the building are prohibited except as approved by the planning commission for building trim.
2. The use of trademark colors not meeting this requirement must be approved by the planning commission.
3. Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

D. *Roof design.*

1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
 2. Roofs shall have no less than two of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
 - b. Overhanging eaves, extending no less than one foot past the support walls;
 - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;
 - d. Three or more roof slope planes.
 - e. A specific architectural element proposed by the applicant's architect that is acceptable to the city planner and planning commission.
- E. *Customer entrances.*
1. Each large retail establishment (15,000 square feet or more) on a site shall have clearly defined, highly visible customer entrances featuring no less than five of the following:
 - a. Canopies or porticos;
 - b. Overhangs;
 - c. Recesses/projections;
 - d. Arcades;
 - e. Raised corniced parapets over the door;
 - f. Peaked roof forms;
 - g. Arches;
 - h. Outdoor patios;
 - i. Display windows;
 - j. Architectural details such as tile work and moldings which are integrated into the building structure and design;
 - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - l. A specific architectural element proposed by the applicant's architect that is acceptable to the city planner and planning commission.
 2. Where additional stores will be located in the large retail establishment, each such store may have at least one exterior customer entrance, which shall conform to the above requirements.
- F. *Community amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- G. *Signs.* Signs shall be in accordance with the city's sign ordinance. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.

- H. *Natural features.* Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.
- I. *Building location and orientation.* New buildings in the CBD District shall have at least one principal building entrance oriented toward the front lot line.
- J. *Sidewalks.* All development shall include a provision for sidewalks, per City Code, within the site and within the right-of-way to provide connectivity between adjacent sites, the public realm, parking areas, and any other on-site amenities.

([Ord. No. 401, § 9, 5-11-09, eff. 6-15-09](#); [Ord. No. 410, § 2, 3-25-13, eff. 5-10-13](#))

Section 29.11. - Single-family dwelling design standards.

- A. *Intent.* This section is intended to establish regulations for the construction of new single-family dwellings zoned R-1, R-2, & R-3 including in-fill housing. The standards herein are intended to:
 1. Prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area.
 2. Prevent adverse effects on the desirability of an area to existing or prospective homeowners.
 3. Ensure the stability of the environment.
 4. Promote the most appropriate use of real estate.
 5. Increase the opportunity to realize the development pattern envisioned in the Swartz Creek Community Master Plan.

These regulations are based on the finding that the cohesiveness and character of the city's neighborhoods are significant factors in the city's quality of life, contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the city overall and ensure a stable housing stock. While some level of diversity is desirable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- B. *Applicability.* The regulations of this section shall apply to all new single-family home construction zoned R-1, R-2, & R-3. Major home expansions where the homeowner is expanding the footprint of the home by 40 percent or more shall comply with subsections 29.09.D.9, 29.09.D.10, and 29.09.D.11, in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the Single-Family Zoning Districts.
- C. *Approval.* Compliance with these regulations shall be determined by the building and zoning administrator at the time the building permit is reviewed and shall be based on the standards of subsection D. below.
- D. *Standards.*
 1. Each such dwelling unit shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
 2. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the City Building Code and other building regulations.

3. Each such dwelling unit shall comply with the minimum standards listed throughout Appendix A for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
4. Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the City Building Code.
5. The dwelling shall have an attached structure of equal workmanship as the dwelling unit, designed for the parking and storage of vehicles. Said structure shall be functionally and aesthetically compatible in design and appearance with other residences in the surrounding area as defined in subsection 12. below. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the Michigan Building Code relative to grade separation and fire restrictive requirements.
6. Each such dwelling unit shall contain a storage area equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less. This storage area shall consist of a basement, attic or in a separate detached accessory structure that complies with the standards of this section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
7. The roof shall have a minimum 4:12 pitch and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
8. A minimum of two exterior doors shall be provided with the second one being in either the rear or side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the façade that faces the street contains a door, windows, and other architectural features customary to the front façade of a residence.
9. The width across any front, side or rear elevation shall be a minimum of 20 feet and comply in all respects with the City Building Code.
10. In-fill housing or development on vacant lots in an existing platted subdivision shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least 90 percent and no more than 135 percent of the average square footage of constructed single-family dwellings within 500 feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.
11. In-fill housing or development on vacant lots in an existing platted subdivision shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than 90 percent and no more than 135 percent of the average established front yard setback of other single-family dwelling unit within 500 feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street.
12. Building appearance for all new single-family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in the surrounding area.

Definitions for what constitutes the surrounding area are as follows:

- i. For new single-family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities.
- ii. For in-fill housing development where there are one or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within 500 feet, up to the boundary of the

existing neighborhood, of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street.

The determination shall be made by the building and zoning administrator and in considering similarity and compatibility with the surrounding area the following features must be considered in order to meet this requirement:

- a. Exterior building material used on the proposed dwelling;
- b. Roof style;
- c. The design and position of windows;
- d. Front entry design (presence of porches, front door location, etc.);
- e. Garage style and design.

If the building and zoning administrator cannot reach a determination on architectural compatibility, the application shall be forwarded to the planning commission for review and final action.

6. Appeal. An applicant may appeal the decision of either the building and zoning administrator or the planning commission to the zoning board of appeals. The city shall provide written notification of denial at the last address of record. A written application for an appeal hearing before the zoning board of appeals shall be filed with the office of the building and zoning administrator within 15 calendar days of the receipt of the notice of denial.
7. Exceptions. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks.

([Ord. No. 401, § 9, 5-11-09, eff. 6-15-09](#))