

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

1. CALL TO ORDER:

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL: Binder, Culinkski, Farmer, Grimes, Henry, Krueger, Novak, Ridley, Stephens.

4. APPROVAL OF AGENDA:

5. APPROVAL OF MINUTES:

6. CORRESPONDENCE:

- A. Resolutions
- B. Minutes: April 2, 2019
- C. Staff Meeting Letter
- D. Zoning Amendment Drafts
- E. Economic Development Strategy
- F. Incentive Sheets

7. MEETING OPENED TO PUBLIC (NON-PUBLIC HEARING ITEMS):

8. BUSINESS:

- A. Zoning Updates
- B. Economic Development Strategy
- C. Incentive Guidelines Discussion

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, MAY 7, 2019, 7:00 P.M.**

Resolution No. 190507-01

Agenda – May 7, 2019

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the agenda for the May 7, 2019 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 190507-02

Minutes – April 2, 2019

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the Minutes for the April 2, 2019 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 190507-03

**Resolution to Recommend Approval of Swartz Creek
Economic Development Strategy**

Motion by Planning Commission Member: _____

WHEREAS, the City of Swartz Creek is pursuing accreditation by the State of Michigan as a Redevelopment Ready Community; and,

WHEREAS, RRC accreditation requires an Economic Development Strategy to be created, reviewed, and adopted by the city; and,

WHEREAS, the city, through a committee composed of numerous stakeholders and the assistance of the state planning consultant, has created a draft of the Swartz Creek Economic Development Strategy; and,

WHEREAS, the planning commission, in reviewing the strategy, finds that it satisfies the aspirations and needs of the community.

NOW, BE IT RESOLVED that the City of Swartz Creek Planning Commission hereby recommends approval of Swartz Creek Economic Development Strategy with the following conditions:

- 1.
- 2.
- 3.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 190507-04

Adjourn

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission adjourns the May 7, 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
APRIL 2, 2019**

Meeting called to order at 7:01 p.m. by Commissioner Stephens.

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Culinski, Novak, Grimes, Krueger, Farmer, Ridley, Stephens.

Commissioners absent: None.

Staff present: Adam Zettel, City Manager.

Others present: Bob Plumb, Rae Lynn Hicks, Nate Henry, Carmine Avantini.

APPROVAL OF AGENDA:

**Resolution No. 190402-01
(Carried)**

Motion by Commissioner Krueger support by Commissioner Binder, the Swartz Creek Planning Commission approves the agenda with addition of election of new officer for the April 2, 2019 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

APPROVAL OF MINUTES:

Resolution No. 190402-02 (Carried)

Motion by Commissioner Krueger support by Commissioner Ridley the Swartz Creek Planning Commission approves the minutes for the March 5, 2019 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC:

None.

BUSINESS:

**Zoning Updates
Discussion**

Carmine Avantini, CIB Planning Consultant, explained that he is advocating a table in place of the use description sections for NBD & GBD. Conditional Land Use & Site Plan Review sections explained; including exempt, administrative review and all site plan with Planning Commission approval.

Mr. Zettel explained the RCC initiative, zoning audit and process so far.

Commissioner Binder requested a land use key.

Commissioner Ridley asked if council will approve site plans. Mr. Avantini responded no.

Public Hearing

Open: 7:12 p.m.

No comments.

Closed 7:12 p.m.

Discussion amongst commission members took place and requested changes to:

Special Land Uses

Adding cemeteries and studios

Section 33.04

Land Uses with Conditional Requirements

b. Automobile or Vehicle Dealerships

1. deletion of front or side yard and replace with parking setback.

g. Outdoor Retail Display and Sales

3. Change the whole sentence.

Discussion in regards to temporary uses being included.

Site Plan Review

Uses Requiring Site Plan Review (Table)

h. Home occupations - change to sketch plan review.

Table needs x marks under the requirement so it's easier to read and increase the font size of the table.

No resolutions were required at meeting tonight. All the requested changes will be done and brought back to the next meeting.

Public Participation Plan

Discussion

Mr. Zettel explained the Community Engagement Statement included in packet. This is another RRC requirement. This is a draft with one item missing which is a flowchart that we are still

working on. The document is here tonight for comment and feedback.

Commissioner Novak recommended that the Key Stakeholders list needs additions of Local businesses, DPW Operations.

Commissioner Grimes, suggested adding Development Community (realtors, builders, etc.)

Resolution No. 190402-03 (Carried)

Motion by Commissioner Krueger support by Commissioner Novak the Swartz Creek Planning Commission recommends this to City Council for adoption.

Unanimous Voice Vote
Motion Declared Carried

Selection of Secretary

Resolution No. 180402-04 (Carried)

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

I Move, the Swartz Creek Planning Commission selects Commissioner Jentery Farmer to serve as the Planning Commission Secretary.

Yes: Grimes, Krueger, Farmer, Ridley, Stephens Binder, Culinski, Novak.
No: None. Motion Carried.

Selection of Vice Chairperson

Resolution No. 180402-05 (Carried)

Motion by Planning Commission Member Ridley
Second by Planning Commission Member Farmer

I Move, the Swartz Creek Planning Commission selects Commissioner Dennis Novak to serve as the Planning Commission Vice-Chairperson.

Yes: Krueger, Farmer, Ridley, Stephens, Binder, Culinski, Novak, Grimes.
No: None. Motion Carried.

Meeting Open to Public:

Rae Lynn Hicks, 8373 Miller Road, thanked everyone on the commission for stepping up and taking on a really important role. She would like to see more councilmembers attend the planning commission meetings.

Remarks By Planning Commission:

Commissioner Farmer KFC drive thru is tough.

Commissioner Ridley found out that her barn on Wade was owned by Homer Wade and it was a blacksmith shop.

Commissioner Binder everyone have a Happy Easter.

Adjourn

Resolution No. 190402-06

(Carried)

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

I Move the Swartz Creek Planning Commission adjourns the April 2, 2019 Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 8:24 p.m.

Jentery Farmer,
Secretary



Where Friendships Last Forever

Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

Date: May 3, 2019

To: Planning Commissioners
From: Adam Zettel, AICP
RE: May 7, 2019 Planning Commission Meeting

Hello everyone,

We will be meeting at 7:00 p.m. on May 7, 2019. First things first; the City Council has appointed Mr. Nate Henry to the vacancy left by Mrs. Root's appointment to the council. Welcome Nate!

We have a busy meeting and a lot of new material. I apologize for the late delivery, but some of the items are hot off the press. Concerning the ordinances, Carmine has taken a different approach to the amendments. While the proposed content remains the same, he took it upon himself to redo the ordinance presentation. The primary changes to form include consolidation of all our various land use classifications into the broad categories of industrial, commercial, residential, and office.

I like what he is proposing. This format makes it easier to see the expectations listed out. It also shortens our code and makes it more approachable. In doing so, he is able to provide the permitting charts in a much more condensed fashion as it relates to distinguishing the need for permitted uses, conditional uses, and special land uses.

Another change is in the condominium section. This section regulates the process and expectations for projects that are completed under the state condominium act. This includes projects like Springbrook, Carriage Commons, and the proposed Brewer Townhomes. Such projects include a master deed and bylaws that account for common elements and performance standards, such as association operated roads, ponds, walkways, lighting, and related features. Our old ordinance (which is included) is outdated and cumbersome. Carmine is providing a new and improved version, which he will explain at our meeting.

In addition to these modified sections, we still have the proposed changes for the new 'Conditional Land Use' chapter and the modified site plan review chapter. None of the ordinances are up for a vote at this point. Based upon the reception here, I anticipate another public hearing in June, with approval at that time.

Concerning the Economic Development Strategy, we have a complete draft. This document represents much of what our community has already laid out in terms of action items for economic prosperity. However, this is another Redevelopment Ready Community requirement. As such, the state consultant worked with a dedicated committee to consolidate our other initiatives into a document that can be used within the guidelines of the RRC program. I am including it with the

8083 Civic Drive

Swartz Creek Michigan 48473

Phone: (810)-635-4464

Fax: (810)-635-2887

www.cityofswartzcreek.org

<ftp://cityofswartzcreek.org>

May 7, 2019
Planning Commission

packet. The consultant will be on hand to briefly go over this, answer questions, and seek a recommendation on approval.

There is also new business regarding a local incentive program. This is geared toward the Redevelopment Ready Community identified properties and similarly situated downtown properties. The city council approved the conceptual use of incentives for such properties at their last meeting. The incentives include:

1. Michigan Public Act 255 of 1978: Commercial Redevelopment Act
2. Michigan Public Act 210 of 2005: Commercial Rehabilitation Act
3. Michigan Public Act 198 of 1974: Plant Rehabilitation and Industrial Development Act
4. Expedited Permitting
5. Water and Sewer Connection Fee Waivers
6. Tax Increment Financing Assistance

The resolution passed does not create any abatement districts or result in direct policy, but it enables marketing of RRC sites with the state, and it will provide a basis for developer interest in our community development goals. The resolution also directs the planning commission to work on a policy for the application of the incentives. At a minimum, I suggest the policy provide the legislative intent and layout a guideline for encouraging the following:

1. RRC sites
2. Hospitality, culture, entertainment, and recreational uses
3. Historic preservation and/or consideration
4. Build-to lines for development (little or no setbacks)
5. Outdoor uses
6. Walkable design
7. Mixed uses
8. Multiple stories
9. Total investment and job creation

I do not expect this policy to be prescriptive or rigid in nature. Instead, we want the city to have latitude to consider each project independently and award any incentives on an incremental/percentage basis using the site-specific circumstances.

With that said, I am including fact sheets on the state incentives along with this background. My goal is to verbally explain our intent and to get commissioner initial thoughts on crafting our policy moving forward.

Contact me with any comments, questions, or additional agenda items.

Sincerely,

8083 Civic Drive
Swartz Creek Michigan 48473
Phone: (810)-635-4464 Fax: (810)-635-2887
www.cityofswartzcreek.org <ftp://cityofswartzcreek.org>

May 7, 2019
Planning Commission



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

8083 Civic Drive
Swartz Creek Michigan 48473

Phone: (810)-635-4464
www.cityofswartzcreek.org

Fax: (810)-635-2887
<ftp://cityofswartzcreek.org>

ARTICLE 4, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 4.00. Intent.

The R-1 and R-2 districts are designed to be composed of low-density residential home development. The regulations are intended to stabilize, protect and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood.

The R-3 district is designed to be primarily composed of the smallest residential lots. The regulations are intended to stabilize, protect and encourage the residential character of the existing neighborhood immediately surrounding downtown Swartz Creek. The retention and conservation of the residential neighborhood is vital to the long-term preservation, vitality and economic health of downtown. The residential lots and dwellings in the district are smaller than found elsewhere in the city.

Development is limited to one-family dwellings plus such other uses as schools, parks, churches and certain public facilities which serve residents of the district of the district.

Section 4.01. Permitted Uses

In the Residential Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “C” are considered conditional land uses and uses denoted by a “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 30, Special Land Uses* and *Article X, Conditional Land Uses*.

	R-1, Single Family	R-2, Single Family	R-3, Downtown Residential
Accessory Buildings, Structures, and Uses customarily incidental to the principle uses permitted by right	P	P	P
Accessory Dwelling Units	CLU		
Agriculture	CLU	CLU	CLU
Apartments in Single Family Home			P
Cemetery	CLU	CLU	CLU
Community centers	SLU	SLU	SLU
Detached single-family dwellings	P	P	P
Equine and stables	CLU		

	R-1, Single Family	R-2, Single Family	R-3, Downtown Residential
Essential public service buildings (no outdoor storage)	SLU	SLU	SLU
Expansion of Apartments within existing building	CLU	CLU	CLU
Family Day Care	SLU	SLU	SLU
Farms	CLU	CLU	
Granny Flat	CLU	CLU	CLU
Group Living (Adult and Child Residential Facilities)	SLU	SLU	SLU
Home Occupation	CLU	CLU	CLU
Keeping of livestock	CLU		
Manufactured Housing on Individual Lots (not part of a park, Section 20.20)		SLU	SLU
Nursing and Convalescent Care	SLU		
Nursing, Assisted Living	SLU	SLU	SLU
Parks (public and private)	SLU	SLU	SLU
Places of assembly, including places of worship (less than 250 seats)	SLU	SLU	SLU
Places of assembly, including places or worship (between 251-499 seats)	SLU	SLU	SLU
Private Recreation	SLU	SLU	SLU
Private Swimming Club	SLU	SLU	SLU
Public Library	P	P	P
Public utilities	SLU		
School (public and private)	SLU	SLU	SLU

	R-1, Single Family	R-2, Single Family	R-3, Downtown Residential
Small Inn/B&B	SLU		
Stables	CLU		

Section 4.02. Site development requirements.

All permitted, conditional and special uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

District Regulations	R-1 Requirements	R-2 Requirements	R-3 Requirements
Minimum lot area	11,200 square feet	7,250 square feet	6,000 square feet
Minimum lot width	80 feet	65 feet	60 feet
Minimum front yard setback (a)	30 feet	25 feet	25 feet
Minimum side yard setback (b)	1. 10 feet (each side) 2. 20 feet (total both sides)	1. 5 feet each side 2. 10 feet combined	1. 5 feet each side 2. 10 feet combined
Minimum rear yard setback	35 feet	30 feet	35 feet
Maximum lot coverage for all buildings	35%	30%	35%
Maximum building height	1. 25 feet or 2. 2 stories	1. 25 feet or 2. 2 stories	1. 25 feet or 2. 2 stories
Minimum floor area per dwelling unit (c)	1,050 square feet	950 square feet	800 square feet

Footnotes to Table:

- a) *Front yards only.* An unenclosed porch may project into a required front yard a distance not to exceed six feet. The porch may be covered with an awning or other type of roof provided the awning or roof does not extend beyond the footprint of the porch. In no case shall the porch be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and/or ramp may

project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.

- b) *Side yards only.* The side yard abutting upon a street shall not be less than the 25 feet. When there is a common rear yard abutting a side yard on an adjacent lot, the side yard abutting a street shall not be less than 25 feet.
- c) *Floor area of dwelling unit:* Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirement to provide space for utilities such as, but not limited to: furnace, hot water tank, laundry tubs, incinerators, and the like.

Section 4.03. General development standards.

Buildings and uses in the Single-Family Residential District (R-1, R-2, and R-3) shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- a. Area, height, and use exceptions are permitted in accordance with the requirements set out in *Article 20*.
- b. Parking and off-street loading and unloading is required in accordance with *Article 26*.
- c. Exterior lighting is required in accordance with *Article 27*.
- d. Landscaping is required in accordance with *Article 28*.
- e. Site plan review is required in accordance with the requirements of *Article 29*.
- f. Signs are permitted in accordance with the city's sign ordinance.

Existing R-1, R-2, and R-3 District Ordinances

ARTICLE 4. - R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 4.00. - Intent.

This district is designed to be composed of low density residential home development. Density of development within this district is less intense than in the R-2 District to recognize existing lot sizes found in areas affected by the district. The regulations are intended to stabilize, protect and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single-family dwelling plus such other uses as schools, parks, churches and certain public facilities which serve residents of the district.

Section 4.01. - Principal uses permitted.

In the R-1 District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- A. Single-family dwellings.
- B. Publicly-owned and operated libraries, parks, parkways, recreational facilities, and municipal buildings.
- C. Home occupations, in accordance with section 20.07.
- D. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- E. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 4.02. - 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 standards for special land uses listed in Article 30:

- A. Accessory apartments in a single-family home.
- B. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- C. Churches, temples and similar places of worship with less than 500 seats.
- D. Schools: public and non-public elementary or secondary schools.
- E. Bed and breakfast inns.
- F. Cemeteries.
- G. Essential public service buildings, structures and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- H. Recreation: private community recreation center, swimming pool clubs.
- I. Cellular towers, wireless communication facilities, attached wireless communication facilities, and wireless communication support structures.

Section 4.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

R-1 District Regulations	Requirements
Minimum lot area	11,200 square feet
Minimum lot width	80 feet
Minimum front yard setback (a)	30 feet
Minimum side yard setback (b)	1. 10 feet (each side)

	2. 20 feet (total both sides)
Minimum rear yard setback	35 feet
Maximum lot coverage for all buildings	35%
Maximum building height	1. 25 feet or 2. 2 stories
Minimum floor area per dwelling unit (c)	1,050 square feet

Footnotes to Table:

- (a) *Front yards only.* An unenclosed porch may project into a required front yard a distance not to exceed six feet. The porch may be covered with an awning or other type of roof provided the awning or roof does not extend beyond the footprint of the porch. In no case shall the porch be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and/or ramp may project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.
- (b) *Side yards only.* The side yard abutting upon a street shall not be less than the 25 feet. When there is a common rear yard abutting a side yard on an adjacent lot, the side yard abutting a street shall not be less than 25 feet.
- (c) *Floor area of dwelling unit:* Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirement to provide space for utilities such as, but not limited to: furnace, hot water tank, laundry tubs, incinerators, and the like.

Section 4.04. - General development standards.

Buildings and uses in the R-1, Single-Family Residential District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Signs are permitted in accordance with the city's sign ordinance.
- E. Parking is required in accordance with Article 26.
- F. Off-street loading and unloading is required in accordance with Article 26.
- G. Landscaping is required in accordance with Article 28.

ARTICLE 5. - R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 5.00. - Intent.

This district is designed to be composed of low density residential home development. Density of development within this district is more intense than the R-1 District but less than in the R-3 District. The regulations are intended to stabilize, protect and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to one-family dwellings plus such other uses as schools, parks, churches and certain public facilities which serve residents of the district.

Section 5.01. - Principal uses permitted.

In the R-2 District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- A. Single-family dwellings.
- B. Publicly-owned and operated libraries, parks, parkways, recreational facilities, and municipal buildings.
- C. Home occupations, in accordance with section 20.07.
- D. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- E. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.

Section 5.02. - 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 standards for special land Uses listed in Article 30:

- A. Accessory apartments in a single-family home.
- B. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- C. Churches, temples and similar places of worship, with less than 500 seats.
- D. Schools: public and non-public elementary or secondary schools.
- E. Bed and breakfast inns.
- F. Cemeteries.
- G. Manufactured homes on individual sites and not part of a manufactured community or development subject to the conditions in section 20.02.
- H. Essential public service buildings, structures and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- I. Recreation: private recreation center, swimming pool clubs.
- J. Cellular towers, wireless communication facilities, attached wireless communication facilities, and wireless communication support structures.

Section 5.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

R-2 District Regulations	Requirements
Minimum lot area	7,250 square feet
Minimum lot width	65 feet
Minimum front yard setback (a)	25 feet
Minimum side yard setback (b)	1. 5 feet each side 2. 10 feet combined
Minimum rear yard setback	30 feet
Maximum lot coverage for all buildings, including accessory buildings and structures	30%
Maximum building height	1. 25 feet or 2. 2 stories
Minimum floor area per dwelling unit (c)	950 square feet

Footnotes to table:

- (a) *Front yards only.* An unenclosed porch may project into a required front yard a distance not to exceed six feet. The porch may be covered with an awning or other type of roof provided the awning or roof does not extend beyond the footprint of the porch. In no case shall the porch be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and/or ramp may project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.
- (b) *Side yards only.* The side yard abutting upon a street shall not be less than 25 feet. When there is a common rear yard abutting a side yard on an adjacent lot, the side yard abutting a street shall not be less than 25 feet.
- (c) *Floor area of dwelling unit:* Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirement to provide space for utilities such as, but not limited to: furnace, hot water tank, laundry tubs, incinerators, and the like.

Section 5.04. - General development standards.

Buildings and uses in the R-2, Single-Family Residential District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Signs are permitted in accordance with the city's sign ordinance.
- E. Parking is required in accordance with Article 26.
- F. Off-street loading and unloading is required in accordance with Article 26.
- G. Landscaping is required in accordance with Article 28.

ARTICLE 6. - R-3, DOWNTOWN RESIDENTIAL DISTRICT

Section 6.00. - Intent.

This district is designed to be primarily composed of the smallest residential lots. The regulations are intended to stabilize, protect and encourage the residential character of the existing neighborhood immediately surrounding downtown Swartz Creek. The retention and conservation of the residential neighborhood is vital to the long-term preservation, vitality and economic health of downtown. The residential lots and dwellings in the district are smaller than found elsewhere in the city. The district prohibits activities not compatible with a residential neighborhood. Development is limited to single-family dwellings plus such other uses as schools, parks, churches and certain public facilities which serve residents of the district.

Section 6.01. - Principal uses permitted.

In the R-3 District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- A. Single-family dwellings.
- B. Publicly-owned and operated libraries, parks, parkways, recreational facilities, and municipal buildings.
- C. Home occupations, in accordance with section 20.07.
- D. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- E. Accessory buildings, structures and uses customarily incident to any of the above permitted uses.

Section 6.02. - 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 standards for special land uses listed in Article 30:

- A. Accessory apartments in a single-family dwelling.
- B. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- C. Churches, temples and similar places of worship, with less than 500 seats.
- D. Schools: Public and non-public elementary or secondary schools.
- E. Bed and breakfast inns.
- F. Cemeteries.
- G. Manufactured homes on individual sites and not part of a manufactured community or development subject to the following conditions in section 20.02.
- H. Essential public service buildings, structures and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.

Section 6.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions:

R-3 District Regulations	Requirements
Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Minimum front yard setback (a)	25 feet
Minimum side yard setback (b)	1. 5 feet each side 2. 10 feet combined
Minimum rear yard setback	35 feet
Maximum lot coverage for all buildings, including accessory buildings and structures	35%
Maximum building height	1. 25 feet or 2. 2 stories
Minimum floor area per dwelling unit (c)	800 square feet

Footnotes to Table:

- (a) *Front yards only.* An unenclosed porch may project into a required front yard a distance not to exceed six feet. The porch may be covered with an awning or other type of roof provided the awning or roof does not extend beyond the footprint of the porch. In no case shall the porch be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and/or ramp may project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.
- (b) *Side yards only.* The side yard abutting upon a street shall not be less than 25 feet. When there is a common rear yard abutting a side yard on an adjacent lot, the side yard abutting a street shall not be less than 25 feet.

- (c) *Floor area of dwelling unit.* Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirement to provide space for utilities such as, but not limited to: furnace, hot water tank, laundry tubs, incinerators, and the like.

Section 6.04. - General development standards.

Buildings and uses in the R-3, Downtown Residential District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Signs are permitted in accordance with the city's sign ordinance.
- E. Parking is required in accordance with Article 26.
- F. Off-street loading and unloading is required in accordance with Article 26.
- G. Landscaping is required in accordance with Article 28.

ARTICLE 5. MULTIPLE FAMILY RESIDENTIAL: R-4, TWO-FAMILY RESIDENTIAL DISTRICT and RM-1, MULTI FAMILY

Section 5.00 Intent.

The R-4 District is designed to provide sites for two-family dwelling structures, and related uses, which will generally serve as zones of transition between the Non-Residential Districts and the lower density Single-Family Residential Districts.

The RM-1 Multiple-Family Residential District is designed to provide sites for low-rise multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential districts and the Single-Family Residential Districts, and whose height limitations are generally *conducive* to single-family residential areas.

Section 5.01 Permitted Uses.

In the Residential Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “C” are considered conditional land uses and uses denoted by a “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 30, Special Land Uses* and *Article X, Conditional Land Uses*.

	R-4, Two-Family	RM-1, Multi-Family
Accessory Building, Structures, and Uses, customarily incidental to the principle uses permitted by right	P	P
Cemetery	CLU	CLU
Cluster family dwelling units		P
Community centers	SLU	SLU
Detached single-family dwellings	P	P
Essential public service buildings (no outdoor storage)	SLU	SLU
Family Day Care	SLU	SLU
Golf Course (no range)		SLU
Group Living (Adult and Child Residential Facilities)	SLU	SLU
Home Occupation	CLU	CLU
Manufactured Housing		
Manufactured Housing on Individual Lots (not part of a park)		

	R-4, Two-Family	RM-1, Multi-Family
Multi-family residential dwellings (apartment, senior community, row houses, similar multiple family residential)		P
Nursing, Assisted Living	SLU	SLU
Parks (public and private)	SLU	SLU
Places of assembly, including places of worship (less than 250 seats)	SLU	SLU
Places of assembly, including places or worship (between 251-499 seats)	SLU	SLU
Private Recreation	SLU	SLU
Public Library	P	P
School (public and private)	SLU	SLU
Two-family dwellings	P	P

Section 5.02. R-4 Site development requirements.

All permitted, special, and conditional land uses are subject to the following setbacks, height, area, and lot dimensions:

District Regulations	R-4 Requirements
Minimum lot area	8,000 square feet per unit
Minimum lot width	100 feet
Minimum front yard setback (a)	30 feet
Minimum side yard setback (b)	10 feet
Minimum rear yard setback	35 feet
Maximum lot coverage for all buildings	35%
Maximum building height	1. 25 feet or 2. 2 stories
Minimum floor area per dwelling unit (c)	800 square feet

Footnotes to Table:

- a) *Front yards only.* An unenclosed porch may project into a required front yard a distance not to exceed six feet. The porch may be covered with an awning or other type of roof provided the awning or roof does not extend beyond the footprint of the porch. In no case shall the porch be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and/or ramp may project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.
- b) *Side yard.* The side yard abutting upon a street shall not be less than 25 feet. When there is a common rear yard abutting a side yard on an adjacent lot, the side yard abutting a street shall not be less than 25 feet.
- c) *Floor area of dwelling unit.* Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirement to provide space for utilities such as, but not limited to: furnace, hot water tank, laundry tubs, incinerators, and the like.

Section 5.03. RM-1 Site development requirements.

All permitted, special, and conditional land uses are subject to the following setbacks, height, area, and lot dimensions:

- a. In order to determine density, the following minimum lot area per dwelling unit type shall be met:

Dwelling Unit Type	Minimum Lot Area Per Unit
Efficiency	3,200 sq. ft.
One-Bedroom	3,800 sq. ft.
Two-Bedroom	4,200 sq. ft.
Three-Bedroom	4,600 sq. ft.
Four-Bedroom	5,000 sq. ft.

- b. Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this ordinance.

- c. Minimum floor areas for apartments shall be as follows:
1. *Efficiency apartment*: 500 square feet of floor area or less, and consisting of not more than one room in addition to kitchen, dining, and necessary sanitary facilities.
 2. *One-bedroom unit*: 600 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining, and necessary sanitary facilities.
 3. *Two-bedroom unit*: 750 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining, and necessary sanitary facilities.
 4. *Three or more bedroom unit*: For each room in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional area of 150 square feet to the minimum floor area of 750 square feet.
 5. Yards abutting major thoroughfares shall have a minimum depth of 50 feet. A minimum building setback of 35 feet is required from interior roads.
 6. For the purpose of yard regulations, all multiple-family dwellings shall be considered as one building occupying one lot.
 7. Front, side and rear yards relating to the spacing between buildings shall have the following minimum overall dimensions:

Building Relationship	Minimum Distance Between Buildings (Exclusive of Parking Area)	Overall Between (Exclusive)
Front to Side	50 feet	
Front to Front	60 feet	
Front to Rear	60 feet	
Rear to Rear	60 feet	
Rear to Side	45 feet	
Side to Side	25 feet	
Corner to Corner	25 feet	

- d. Parking may be permitted in 50 percent of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the multiple-family building.
- e. The front and rear of the multiple-family building shall be considered to be the faces along the longest dimension of said structure. The front of the multiple-family building shall be considered to be the direction faced by the living rooms of the dwelling units in said building; the rear of the multiple-family building shall be considered to be the direction faced by the service entrance of

the dwelling units in said building; and the side of the multiple-family building shall be considered to be the face along the narrowest dimension of said building.

- f. No multiple-family structure shall exceed 180 feet in length along any one face of the building.
- g. Any court shall have a width equal to not less than 50 feet for the front yard and 60 feet for the rear yard. The depth of any court shall not be greater than three times the width.
- h. Service drives shall have a width of at least 33 feet and shall not be located in any front yard.
- i. Not more than ten percent of the total number of units shall be of the efficiency type and in no instance shall the maximum density exceed 12 units per acre.
- j. The zoning board of appeals may modify the height requirements where unusual architectural features exist.

Section 5.04. General Development Standards.

Buildings and uses in the *R-4, Two Family* and *RM-1, Multiple-Family* Residential District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- a. Area, height, and use exceptions are permitted in accordance with the requirements set out in *Article 20*.
- b. Parking and off-street loading and unloading is required in accordance with *Article 26*.
- c. Exterior lighting is required in accordance with *Article 27*.
- d. Landscaping is required in accordance with *Article 28*.
- e. Site plan review is required in accordance with the requirements of *Article 29*.
- f. Signs are permitted in accordance with the city's sign ordinance.

Existing R-4 and RM-1 District Ordinances

ARTICLE 7. - R-4, TWO-FAMILY RESIDENTIAL DISTRICT

Section 7.00. - Intent.

The district is designed to provide sites for two-family dwelling structures, and related uses, which will generally serve as zones of transition between the Non-Residential Districts and the lower density Single-Family Residential Districts.

Section 7.01. - Principal uses permitted.

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Publicly-owned and operated libraries, parks, parkways, recreational facilities, and municipal buildings.
- D. Home occupations, in accordance with section 20.07.
- E. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- F. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 7.02. - 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 standards for special land uses listed in section [Article] 30:

- A. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- B. Public and non-public elementary or secondary schools.
- C. Churches, temples, and similar places of worship.
- D. Cemeteries.
- E. Bed and breakfast inns.
- F. Manufactured two-family dwellings on individual sites and not part of a manufactured community or development subject to the conditions in section 20.02.
- G. Essential public service buildings and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- H. Recreation facilities: Private recreation center and swimming pool clubs.
- I. Cellular towers, wireless communication facilities, attached wireless communication facilities, and wireless communication support structures.
- J. Use of the same nature or class as the majority of the uses listed in this district as either a principal use permitted or a special land use, but not listed elsewhere in this zoning ordinance, as determined by the zoning board of appeals following a public hearing. Any use not listed and not found to be a similar use is prohibited in this zoning district.
- K. Accessory uses, buildings and structures customarily incidental to an approved special land use permit.

Section 7.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions:

R-4 District Regulations	Requirements
Minimum lot area	8,000 square feet per unit

Minimum lot width	100 feet
Minimum front yard setback (a)	30 feet
Minimum side yard setback (b)	10 feet
Minimum rear yard setback	35 feet
Maximum lot coverage for all buildings	35%
Maximum building height	1. 25 feet or 2. 2 stories
Minimum floor area per dwelling unit (c)	800 square feet

Footnotes to Table:

- (a) *Front yards only.* An unenclosed porch may project into a required front yard a distance not to exceed six feet. The porch may be covered with an awning or other type of roof provided the awning or roof does not extend beyond the footprint of the porch. In no case shall the porch be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and/or ramp may project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.
- (b) *Side yards only.* The side yard abutting upon a street shall not be less than 25 feet. When there is a common rear yard abutting a side yard on an adjacent lot, the side yard abutting a street shall not be less than 25 feet.
- (c) *Floor area of dwelling unit.* Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirement to provide space for utilities such as, but not limited to: furnace, hot water tank, laundry tubs, incinerators, and the like.

Section 7.04. - General development standards.

Buildings and uses in the R-4, Two-Family Residential District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Signs are permitted in accordance with the city's sign ordinance.
- E. Parking is required in accordance with Article 26.
- F. Off-street loading and unloading is required in accordance with Article 26.
- G. Landscaping is required in accordance with Article 28.

ARTICLE 8. - RM-1, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 8.00. - Intent.

The RM-1 Multiple-Family Residential District is designed to provide sites for low-rise multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the non-residential districts and the Single-Family Residential Districts, and whose height limitations are generally conducive to single-family residential areas.

Section 8.01. - Principal uses permitted.

In the RM-1, Multiple-Family District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Publicly-owned and operated libraries, parks, parkways, recreational facilities, and municipal buildings.
- D. Home occupations, in accordance with section 20.07.
- E. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- F. Attached or clustered single-family dwelling units, including condominiums, provided no more than 50 percent of any wall may be a common part wall for adjacent units and at least 25 percent of the units have a recessed garage (i.e. the garage is setback farther than the dwelling portion of the unit) or side entry garage.
- G. Townhouses not to exceed six attached dwelling units per building.
- H. Other types of multiple-family dwellings such as, but not limited to, apartments, senior apartments, elderly housing complexes, row houses, terrace homes, and similar types of multiple-family.
- I. Accessory buildings and uses customarily incidental to any of the above permitted uses.

Section 8.02. - 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 standards listed in section [Article] 31.

- A. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- B. Public and non-public elementary and secondary schools.
- C. Churches, temples, and similar places of worship including accessory schools or day care.
- D. Nursing homes.
- E. Cemeteries.
- F. Golf courses without driving ranges.
- G. Essential public service buildings, structures and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- H. Recreation: Private non-commercial institutional or community recreation center, or swimming pool clubs.
- I. Cellular towers, wireless communication facilities, attached wireless communication facilities, and wireless communication support structures.
- J. Accessory uses, buildings and structures customarily incidental to an approved special land use permit.

Section 8.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions:

RM-1 District Regulations	Requirements
---------------------------	--------------

Footnotes to Table:

- a) In order to determine density, the following minimum lot area per dwelling unit type shall be met:

Dwelling Unit Type	Minimum Lot Area Per Unit
Efficiency	3,200 sq. ft.
One-Bedroom	3,800 sq. ft.
Two-Bedroom	4,200 sq. ft.
Three-Bedroom	4,600 sq. ft.
Four-Bedroom	5,000 sq. ft.

- b) Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this ordinance.

- c) Minimum floor areas for apartments shall be as follows:

Efficiency apartment: 500 square feet of floor area or less, and consisting of not more than one room in addition to kitchen, dining, and necessary sanitary facilities.

One-bedroom unit: 600 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining, and necessary sanitary facilities.

Two-bedroom unit: 750 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining, and necessary sanitary facilities.

Three or more bedroom unit: For each room in addition to the three rooms permitted in a two-bedroom unit, there shall be provided an additional area of 150 square feet to the minimum floor area of 750 square feet.

- d) Yards abutting major thoroughfares shall have a minimum depth of 50 feet. A minimum building setback of 35 feet is required from interior roads.
- e) For the purpose of yard regulations, all multiple-family dwellings shall be considered as one building occupying one lot.
- f) Front, side and rear yards relating to the spacing between buildings shall have the following minimum overall dimensions:

Building Relationship	Minimum Overall Distance Between Buildings (Exclusive of Parking Area)
Front to Side	50 feet
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Rear to Side	45 feet
Side to Side	25 feet

Corner to Corner	25 feet
------------------	---------

- g) Parking may be permitted in 50 percent of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the multiple-family building.
- h) The front and rear of the multiple-family building shall be considered to be the faces along the longest dimension of said structure. The front of the multiple-family building shall be considered to be the direction faced by the living rooms of the dwelling units in said building; the rear of the multiple-family building shall be considered to be the direction faced by the service entrance of the dwelling units in said building; and the side of the multiple-family building shall be considered to be the face along the narrowest dimension of said building.
- i) No multiple-family structure shall exceed 180 feet in length along any one face of the building.
- j) Any court shall have a width equal to not less than 50 feet for the front yard and 60 feet for the rear yard. The depth of any court shall not be greater than three times the width.
- k) Service drives shall have a width of at least 33 feet and shall not be located in any front yard.
- l) Not more than ten percent of the total number of units shall be of the efficiency type and in no instance shall the maximum density exceed 12 units per acre.
- m) The zoning board of appeals may modify the height requirements where unusual architectural features exist.

Section 8.04. - General development standards.

Buildings and uses in the RM-1, Multiple-Family Residential District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Signs are permitted in accordance with the city's sign ordinance.
- E. Parking is required in accordance with Article 26.
- F. Off-street loading and unloading is required in accordance with Article 26.
- G. Landscaping is required in accordance with Article 28.

ARTICLE 9. O-1 OFFICE DISTRICT

Section 9.00. Intent.

The O-1, Office District is intended to provide primarily for a community of business offices, professional offices, and research and related facilities. This area is further designed to insure the compatibility between the permitted and special uses and the existing character of the adjacent land uses.

Section 9.01. - Principle uses permitted.

In the Office District, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “C” are considered conditional land uses and uses denoted by a “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 30, Special Land Uses* and *Article X, Conditional Land Uses*.

Office District	
Accessory Buildings, Structures, and Uses customarily incidental to the principle uses permitted by right	P
Automobile and vehicle dealerships	CLU
Automobile washes, automatic or self-service	CLU
Bank, Savings and Loan, Credit Union	P
Banks; Credit Unions; Savings and Loan	P
Bars, taverns, lounges, micro-breweries, brew-pubs	CLU
Cell Tower	SLU
Colleges and Vocational Schools	P
Community centers	P
Conference Center/Convention Center	SLU
Day Care Center	P
Drive-through retail, service establishments, and drive-through restaurants	SLU
Golf Course (no range)	P
Golf Course with range	SLU
Hospital	P

Indoor Commercial Recreation (health club, handball, raquet ball, bowling, pool, billiards, tennis, batting, archery, soccer fields, indoor pool, ice arena)	CLU
Medical Offices (doctor, dentists, chiropractor and similar profession) greater than 15,000 sq. ft.	P
Medical Offices (doctor, dentists, chiropractor and similar profession) up to 15,000 sq.ft.	P
Multiplex and outdoor theatres (drive-in theatres)	SLU
Nursing, Assisted Living	SLU
Outdoor Recreation	CLU
Outdoor retail sales	
Parks (public and private)	SLU
Personal and business services (beauty/barber, tailor, show repair)	P
Pet boarding facilities	CLU
Places of assembly, including places of worship (greater than 500 seats)	P
Places of assembly, including places of worship (less than 250 seats)	P
Places of assembly, including places or worship (between 251-499 seats)	P
Private Club, Fraternal Organization, Lodge	P
Private Recreation	SLU
Professional Offices (Corporate, Lawyers, Architects, Engineers similar professions) greater than 15,000 sq. ft.	P
Professional Offices (Corporate, Lawyers, Architects, Engineers similar professions) up to 15,000 sq. ft.)	P
Public Library	P
Radio Station	SLU
Restaurant	P
Restaurant with Outdoor Seating/Cafe	CLU
Retail sales and services (grocery, drug store, clothing, hardware etc.)	P

School (public and private)	SLU
Shopping Center (up to 15,000 sq. ft.)	P
Show Rooms	SLU
Small Manufacturing and Processing establishments	CLU
Storage facilities/units	CLU
Studio, such as art, dance, health, music or other similar place of instruction	P

Section 9.02. Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

O-1 District Regulations	Requirements
Minimum lot area	1 acre
Minimum lot width	250 feet
Minimum front yard setback	40 feet
Minimum side yard setback	30 feet each side ^a 60 feet combined ^b
Minimum rear yard setback	30 feet
Maximum lot coverage for all buildings ^a	0%
Height	1. 25 feet or 2. 2 stories

Footnotes to Table:

- a) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- b) Off-street parking for visitors may be permitted within the required front yard provided that such off-street parking is not located within 30 feet of the front lot line. The zoning board of appeals may permit the front yard requirement to be reduced to not less than 20 feet for buildings constructed prior to the effective date of this ordinance, provided that minimum off street parking requirements can still be met.

- c) A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.
- d) No yard shall be required along the interior side lot lines when said property line is adjacent to like use districts or to railroad rights-of-way. A 20-foot greenbelt shall be provided, in addition to five- to eight-foot completely obscuring wall, within the required yard area and adjacent to the property line, when O-1 Office uses abut residential districts.

Section 9.03. General development standards.

Buildings and uses in the O-1, Office District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- a. Area, height, and use exceptions are permitted in accordance with the requirements set out in *Article 20*.
- b. Parking and off street loading and unloading is required in accordance with *Article 26*.
- c. Exterior lighting is required in accordance with *Article 27*.
- d. Landscaping is required in accordance with *Article 28*.
- e. Site plan review is required in accordance with the requirements of *Article 29*.
- f. Signs are permitted in accordance with the city's sign ordinance.

Existing O-1 Office District Ordinance

ARTICLE 15. - O-1 OFFICE DISTRICT

Section 15.00. - Intent.

The O-1, Office District is intended to provide primarily for a community of business offices, professional offices, and research and related facilities. This area is further designed to insure the compatibility between the permitted and special uses and the existing character of the adjacent land uses.

Section 15.01. - Principle uses permitted.

In an Office District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Businesses establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (not including drive-thru branches), insurance offices and real estate offices, with up to 15,000 square feet gross floor area. Pedestrian oriented ATM facilities.
- B. Professional or medical offices of doctors, lawyers, dentists, architects, engineers and similar professions, but not including veterinary offices or clinics, with up to 15,000 square feet gross floor area.
- C. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- D. Research, design, and pilot experimental product development as principal function.
- E. Technical training as principal function.
- F. Office buildings, intended when incident to the above uses and the executive and administrative offices of businesses engaged in basic research, design, and pilot or experimental product design.
- G. Essential public service buildings, structures and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- H. Accessory uses, building signs, and structures customarily incidental to a principal use in their district, except use and storage of hazardous materials.

Section 15.02. - Special land uses.

- A. Businesses establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (not including drive-thru branches), insurance offices and real estate offices, with more than 15,000 square feet gross floor area.
- B. 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.
- C. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.

Section 15.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

O-1 District Regulations	Requirements
Minimum lot area	2 acres
Minimum lot width	250 feet
Minimum front yard setback	40 feet

Minimum side yard setback	a) 30 feet each side b) 60 feet combined
Minimum rear yard setback	30 feet
Maximum lot coverage for all buildings a)	0%
Maximum building height	1. 25 feet or 2. 2 stories

Notes:

- a) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- b) Off-street parking for visitors may be permitted within the required front yard provided that such off-street parking is not located within 30 feet of the front lot line. The zoning board of appeals may permit the front yard requirement to be reduced to not less than 20 feet for buildings constructed prior to the effective date of this ordinance, provided that minimum off street parking requirements can still be met.
- c) A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.
- d) No yard shall be required along the interior side lot lines when said property line is adjacent to like use districts or to railroad rights-of-way. A 20-foot greenbelt shall be provided, in addition to five- to eight-foot completely obscuring wall, within the required yard area and adjacent to the property line, when O-1 Office uses abut residential districts.

Section 15.04. - General development standards.

Buildings and uses in the O-1, Office District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Parking is required in accordance with Article 26.
- E. Off-street loading and unloading is required in accordance with Article 26.
- F. Landscaping is required in accordance with Article 28.

ARTICLE 8. COMMERCIAL DISTRICTS

Section 8.00. - Intent.

The ***Neighborhood Business District*** is intended for the location of retail, service, and office enterprises serving a localized market area. It is intended that uses in this district serve the day to day needs of a neighborhood or group of neighborhoods. It is intended that structures in this district will generally be small in floor and site area.

The ***Central Business District*** is designed and intended to promote the development of a pedestrian oriented and accessible district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other city services.

The Central Business District is further designed and intended to:

- a. Encourage innovative, neo-traditional residential/mixed use developments.
- b. Extend greater opportunities for traditional community living, working, housing and recreation to all citizens and residents of the city.
- c. Encourage a more efficient use of land and of public services and to reflect changes in technology of land development, by directing new development in a traditional pattern of mixed use and varied housing types.
- d. Reduce the excessive sprawl of development and the segregation of land uses that cause unnecessary traffic congestion.
- e. Discourage the development of drive-through facilities, which contributes to traffic congestion.
- f. Discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses.
- g. Prohibit uses that are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as at automobile service stations, auto parts retail stores, car washes, new and used motor vehicle sales or service establishments, drive-in restaurants and restaurants with drive-through facilities, business with drive-through facilities (such as but not limited to banks, credit unions, pharmacies, etc.).
- h. Promote the creation of urban places which are oriented to the pedestrian thereby promoting citizen security and social interaction.
- i. Promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate to the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious manner, resulting in coherent overall development patterns and streetscape.
- j. Discourage commercial and business uses that create objectionable noise, glare or odors.
- k. Encourage development of an urban "Main Street" with mixed land uses and shared parking.

The **GBD, General Business District** is intended to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using I-69. These districts are intended to create cohesive commercial areas that provide convenient vehicular and pedestrian access between business in attractive settings, thereby ensuring safety, and discouraging undesirable strip commercial development.

Section 8.01 Permitted Uses.

In the Commercial Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “C” are considered conditional land uses and uses denoted by a “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 30, Special Land Uses* and *Article X, Conditional Land Uses*.

	NBD, Neighborhood Business	CBD, Central Business	GBD, General Business
Accessory Buildings, Structures, and Uses customarily incidental to the principle uses permitted by right	P	P	P
Arcade and similar devices			SLU
Automobile and vehicle dealerships			CLU
Automobile service stations		SLU	SLU
Automobile washes, automatic or self-service		CLU	CLU
Bank, Savings and Loan, Credit Union	P	P	P
Banks; Credit Unions; Savings and Loan	P	P	P
Bars, taverns, lounges, micro-breweries, brew-pubs	CLU	P	P
Boutique Hotel		P	
Cell Tower			SLU
Colleges and Vocational Schools	SLU	SLU	P
Commercial dog kennels			CLU
Community centers	P	P	P
Conference Center/Convention Center			SLU
Convenience Store	P	P	P
Day Care Center	SLU	SLU	P
Drive-through retail, service establishments, and drive-through restaurants		SLU	SLU
Dry cleaning and self-service laundries	P	P	P

	NBD, Neighborhood Business	CBD, Central Business	GBD, General Business
Essential public service buildings (no outdoor storage)	P	P	P
Essential public service buildings (with outdoor storage)			SLU
Existing Single and Multiple Family Homes in non-residential districts	P	P	SLU
Expansion of Apartments within existing building	SLU	CLU	
Funeral homes and mortuaries	SLU	CLU	CLU
Golf Course (no range)		SLU	P
Golf Course with range		SLU	SLU
Group Living (Adult and Child Residential Facilities)	SLU	SLU	
Hospital		SLU	P
Hotels and motels		SLU	SLU
Indoor Commercial Recreation (health club, handball, racquet ball, bowling, pool, billiards, tennis, batting, archery, soccer fields, indoor pool, ice arena)		SLU	SLU
Live-Work Units, Single Family		P	
Medical Offices (doctor, dentists, chiropractor and similar profession) greater than 15,000 sq. ft.			SLU
Medical Offices (doctor, dentists, chiropractor and similar profession) up to 15,000 sq.ft.	CLU	P	P
Mixed Use Residential	SLU	CLU	
Multiplex and outdoor theatres (drive-in theatres)			SLU
Nursery/Garden Center			P
Nursing and Convalescent Care	SLU	SLU	SLU
Nursing, Assisted Living	SLU	SLU	SLU
Outdoor Recreation		CLU	CLU
Outdoor retail sales			CLU
Parks (public and private)	SLU		
Personal and business services (beauty/barber, tailor, show repair)	P	P	P

	NBD, Neighborhood Business	CBD, Central Business	GBD, General Business
Pet boarding facilities			CLU
Pet Store	CLU		P
Places of assembly, including places of worship (greater than 500 seats)	SLU	SLU	CLU
Places of assembly, including places of worship (less than 250 seats)	SLU	P	P
Places of assembly, including places or worship (between 251-499 seats)	SLU	CLU	P
Private Club, Fraternal Organization, Lodge	CLU	CLU	P
Private Recreation			SLU
Professional Offices (Corporate, Lawyers, Architects, Engineers similar professions) greater than 15,000 sq. ft.			SLU
Professional Offices (Corporate, Lawyers, Architects, Engineers similar professions) up to 15,000 sq. ft.)	CLU	P	P
Public Library	P	P	P
Radio Station			SLU
Restaurant	P	P	P
Restaurant with Outdoor Seating/Cafe	CLU	CLU	CLU
Retail sales and services (grocery, drug store, clothing, hardware etc.)	P	P	P
Roadside Market			SLU
School (public and private)	SLU	SLU	SLU
Servicing and repairing of other types of motor vehicles, trailers and boats			SLU
Shopping Center (between 15,000 sq. ft. and 30,000 sq. ft.)			SLU
Shopping Center (greater than 30,000 sq. ft.)			SLU
Shopping Center (up to 15,000 sq. ft.)	P	P	P
Small Inn/B&B	SLU	SLU	SLU
Small Manufacturing and Processing establishments	CLU	CLU	P
Storage facilities/units			CLU
Studio, such as art, dance, health, music or other similar place of instruction	P	P	P

	NBD, Neighborhood Business	CBD, Central Business	GBD, General Business
Upper floor residential dwellings	SLU	CLU	CLU
Veterinary hospitals		CLU	CLU
Walk-Up Window Retail or Restaurant	CLU	CLU	P

8.02. - Site Development Requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

District Regulations	NBD	CBD	GBD
Minimum lot area	0 square feet	0 square feet	0 square feet
Minimum lot width	0 feet	0 feet	0 feet
Minimum front yard setback	5 feet	5 feet	5 feet
Minimum side yard setback	0 feet	0 feet	0 feet
Minimum rear yard setback	20 feet	20 feet	20 feet
Maximum lot coverage for all buildings	0%	0%	0%
Maximum building height	1. 30 feet; or 2. 2 stories	1. 40 feet; or 2. 3 stories	30 feet or 2 stories

Footnotes to Table:

- a) No side yards are required along the interior side lot lines, except as otherwise specified in the Building Code.
- b) On the exterior side yard which borders on a residential district there shall be provided a side yard setback of not less than ten feet. If walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 15 feet shall be provided.
- c) Loading spaces shall be provided in the rear yard. Where an alley exists or is provided at the rear of the buildings, the rear setback and loading requirements may be computed from the center of said alley.
- d) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- e) A wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- f) A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.

- g) A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the planning commission finds that improved screening of the highway service district could be accomplished by changing the grade. The greenbelt area shall be maintained by one of, or a combination of, the following, depending, upon the characteristics of the area:
1. The greenbelt shall be left in its natural state if, in the judgment of the planning commission, it would provide the best protection for the residential district and preservation of the natural setting. The commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
 2. If sufficient vegetation does not exist in the greenbelt area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with Article 28, the landscape design principles adopted by the planning commission.
 3. In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site. The construction of the wall shall be in accordance with Article 28.

Section 8.03. General Development Standards.

Buildings and uses in the *NBD, Neighborhood Business District, CBD, Central Business District, and GBD, General Business District* shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- a. Area, height, and use exceptions are permitted in accordance with the requirements set out in *Article 20*.
- b. Parking and off-street loading and unloading is required in accordance with *Article 26*.
- c. Exterior lighting is required in accordance with *Article 27*.
- d. Landscaping is required in accordance with *Article 28*.
- e. Site plan review is required in accordance with the requirements of *Article 29*.
- f. Signs are permitted in accordance with the city's sign ordinance.

Existing NBD, CBD, and GBD District Ordinances

ARTICLE 12. - NBD, NEIGHBORHOOD BUSINESS DISTRICT

Section 12.00. - Intent.

It is intended that this district provide for the location of retail, service and office enterprises serving a localized market area. It is intended that uses in this district serve the day to day needs of a neighborhood or group of neighborhoods. It is intended that structures in this district will generally be small in floor and site area.

Section 12.01. - Principal uses permitted.

No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- A. Accessory structures, uses and signs customarily incidental to the permitted use in this district.
- B. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (not including drive-through branches), insurance offices and real estate offices, with up to 15,000 square feet gross floor area.
- C. Churches, temples and similar places of worship up to 250 seats.
- D. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer and not using or storing hazardous materials.
- E. Single-family and two-family dwellings existing at the time of adoption of this ordinance.
- F. Personal services such as beauty and barber shops, tailoring shops, laundry and shoe repair shops.
- G. Professional or medical offices and clinics of doctors, lawyers, dentists, architects, engineers and similar professions, but not including veterinary offices or clinics, with up to 15,000 square feet gross floor area.
- H. Publicly-owned libraries, parks, municipal buildings, etc.
- I. Restaurants (not including drive-throughs), without sale of alcoholic beverages, where the patrons are served while seated within the building occupied by such establishments.
- J. 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 a maximum gross floor area of 15,000 square feet.
- K. Shopping centers, with any of the above uses, up to 15,000 square feet of gross floor area.
- L. Convenience stores, with a maximum gross floor area of 15,000 square feet.

Section 12.02. - 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. 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. 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. Pet stores that do not perform veterinary services.
- K. Shopping centers with a gross floor area of 15,001 to 30,000 square feet of gross floor area.

Section 12.03. - Required conditions.

- A. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

Section 12.04. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

NBD District Regulations	Requirements
Minimum lot area	0 square feet
Minimum lot width	0 feet
Minimum front yard setback	5 feet

Minimum side yard setback	0 feet
Minimum rear yard setback	20 feet
Maximum lot coverage for all buildings	0%
Maximum building height	1. 30 feet; or 2. 2 stories

Notes to Table:

- a) No side yards are required along the interior side lot lines, except as otherwise specified in the Building Code.
- b) On the exterior side yard which borders on a residential district there shall be provided a side yard setback of not less than ten feet. If walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 15 feet shall be provided.
- c) Loading spaces shall be provided in the rear yard. Where an alley exists or is provided at the rear of the buildings, the rear setback and loading requirements may be computed from the center of said alley.
- d) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- e) A wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- f) A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.
- g) A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the planning commission finds that improved screening of the highway service district could be accomplished by changing the grade. The greenbelt area shall be maintained by one of, or a combination of, the following, depending, upon the characteristics of the area:
 - 1. The greenbelt shall be left in its natural state if, in the judgment of the planning commission, it would provide the best protection for the residential district and preservation of the natural setting. The commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
 - 2. If sufficient natural vegetation does not exist in the greenbelt area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with Article 28, the landscape design principles adopted by the planning commission.

In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site. The construction of the wall shall be in accordance with Article 28.

Section 12.05. - General development standards.

Buildings and uses in the NBD, Neighborhood Business District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Parking is required in accordance with Article 26.
- E. Off-street loading and unloading is required in accordance with Article 26.
- F. Landscaping is required in accordance with Article 28.

ARTICLE 13. - CBD, CENTRAL BUSINESS DISTRICT

Section 13.00. - Intent.

The Central Business District is designed and intended to promote the development of a pedestrian oriented and accessible, Central Commercial Service District in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other city services.

The Central Business District is further designed and intended to:

- A. Encourage innovative, neo-traditional residential/mixed use developments.
- B. Extend greater opportunities for traditional community living, working, housing and recreation to all citizens and residents of the city.
- C. Encourage a more efficient use of land and of public services and to reflect changes in technology of land development, by directing new development in a traditional pattern of mixed use and varied housing types.
- D. Reduce the excessive sprawl of development and the segregation of land uses that cause unnecessary traffic congestion.
- E. Discourage the development of drive-through facilities, which contributes to traffic congestion.
- F. Discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses.
- G. Prohibit uses that are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as at automobile service stations, auto parts retail stores, car washes, new and used motor vehicle sales or service establishments, drive-in restaurants and restaurants with drive-through facilities, business with drive-through facilities (such as but not limited to banks, credit unions, pharmacies, etc.).
- H. Promote the creation of urban places which are oriented to the pedestrian thereby promoting citizen security and social interaction.
- I. Promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate to the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious manner, resulting in coherent overall development patterns and streetscape.
- J. Discourage commercial and business uses that create objectionable noise, glare or odors.
- K. Encourage development of an urban "Main Street" with mixed land uses and shared parking.

Section 13.01. - Principal uses permitted.

No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance.

- A. Businesses establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (not including drive-thru branches), insurance offices and real estate offices, with up to 15,000 square feet gross floor area. Pedestrian oriented ATM facilities.
- B. Funeral homes.
- C. Single-family and two-family dwellings existing at the time of adoption of this ordinance.
- D. Personal services such as beauty and barber shops, tailoring shops, laundry and shoe repair shops.
- E. Professional or medical offices of doctors, lawyers, dentists, architects, engineers and similar professions, but not including veterinary offices or clinics, with up to 15,000 square feet gross floor area.
- F. Restaurants, brewpubs, taverns and bars (not including drive-throughs), where the patrons are served while seated within the building occupied by such establishments.
- G. 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 a maximum gross floor area of 15,000 square feet. Retail sales may be conducted outdoors on sidewalks provided:
 - 1. At least six feet of sidewalk width is unobstructed for pedestrian traffic.
 - 2. All equipment and merchandise is kept indoors during non-business hours.
- H. Retail sales in which both a workshop and retail outlet or showroom are required, such as plumbing, electrician, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than 80 percent of the total useable floor area of the establishment shall be used for servicing; repairing, or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.
- I. Shopping centers up to 15,000 square feet of gross floor area.
- J. Convenience stores, with a maximum gross floor area of 15,000 square feet.
- K. Business schools and colleges.
- L. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- M. Hotels.
- N. Newspaper offices.
- O. Public and quasi-public uses such as municipal offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities and fractional organizations.
- P. Residential dwellings; provided the following conditions are met:
 - 1. Single-family detached dwellings shall meet requirements for the R-1 District.
 - a) The minimum distance between buildings shall be ten feet.
 - b) Front building setback shall equal the average setback line of the block.

- c) Building setback to any side property line shall be 30 feet, except where adjacent to single-family residential property, in which case the setback shall be 75 feet. Driveways, parking and walls may be within the setback as long as a ten-foot greenbelt area is placed between the property line and any improvement.
- 2. Multiple-family dwelling units and attached single-family units (i.e. cluster housing, duplex, townhouse) shall meet requirements of the RM-1 District and/or cluster housing option as modified herein.

In a multiple-family development within the Central Business District the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of 1,200. If such multiple housing is within a mixed-use building a factor of 800 shall apply pursuant to the following:

- a) Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.

Q. Accessory structures, uses, and signs incidental customarily to the permitted uses in this district.

Section 13.02. - Special land uses.

The following uses may be permitted, upon review and approval by the city council, in accordance with the general and specific standards for special land uses listed in Article 30.

- A. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities. Reduced outdoor play space may be allowed by the planning commission upon a showing that alternative indoor space is available and that at least 35 square feet of outdoor space per child is available either on-site or on nearby available open space or publicly dedicated park land provided that safe pedestrian access is afforded across any intersecting road and that appropriate security is provided.
- B. Essential public service buildings, structures and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- C. Indoor commercial recreational facilities such as health clubs, hard ball and racquetball facilities, pool and billiard establishments, tennis, batting, archery and soccer facilities.
- D. Mixed use buildings for residential and office/business purposes, where the residential units are above or behind an office/business use.
- E. Outdoor cafés, outdoor eating areas and open front restaurants.
- F. Outdoor theater, plazas, parks, and public gathering places.

Section 13.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

CBD District Regulations	Requirements
Minimum lot area	0 square feet
Minimum lot width	0 feet

Maximum front yard setback	5 feet
Minimum side yard setback	0 feet
Minimum rear yard setback	20 feet
Maximum lot coverage for all buildings	0%
Maximum building height	1. 40 feet; or 2. 3 stories

Notes:

- a) No side yards are required along the interior side lot lines, except as otherwise specified in the Building Code. On the exterior side yard which borders on a residential district there shall be provided a setback of not less than ten feet on the side, or residential street. If walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 15 feet shall be provided.
- b) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of the buildings, the rear setback and loading requirements may be computed from the center of said alley.
- c) A wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- d) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- e) A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.
- f) A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the planning commission finds that improved screening of the Highway Service District could be accomplished by changing the grade. The greenbelt area shall be maintained by one of, or a combination of, the following, depending, upon the characteristics of the area:
 - 1. The greenbelt shall be left in its natural state if, in the judgment or the planning commission, it would provide the best protection for the residential district and preservation of the natural setting. The commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
 - 2. If sufficient natural vegetation does not exist in the greenbelt area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with the landscape design principles adopted by the planning commission.

In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site. The construction of the wall shall be in accordance with the standards set out in Article 28 (Landscaping).

Section 13.04. - General development standards.

Buildings and uses in the CBD Central Business District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the standards set out in Article 20.
- D. Parking is required in accordance with Article 26.
- E. Off-street loading and unloading is required in accordance with Article 26.
- F. Landscaping is required in accordance with Article 28.

ARTICLE 14. - GBD, GENERAL BUSINESS DISTRICT

Section 14.00. - Intent.

The GBD, General Business District is intended to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using I-69. These districts are intended to create cohesive commercial areas that provide convenient vehicular and pedestrian access between business in attractive settings, thereby ensuring safety, and discouraging undesirable strip commercial development.

Section 14.01. - Principal uses permitted.

No building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless provided in this ordinance:

- A. Businesses establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (not including drive-thru branches), insurance offices and real estate offices, with up to 15,000 square feet gross floor area. Pedestrian oriented ATM facilities.
- B. Churches, temples and similar places of worship with up to 500 seats.
- C. Single-family and two-family dwellings existing at the time of adoption of this ordinance.
- D. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- E. Personal services such as beauty and barber shops, tailoring shops, laundry and shoe repair shops.
- F. Professional or medical offices of doctors, lawyers, dentists, architects, engineers and similar professions, but not including veterinary offices or clinics, with up to 15,000 square feet gross floor area.
- G. Restaurants, taverns, bars, and brew pubs where the patrons are served while seated within the building occupied by such establishments.
- H. Retail businesses supplying merchandise on the premises in an enclosed building up 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.

- I. Retail sales in which both a workshop and retail outlet or showroom are required, such as plumbing, electrician, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than 80 percent of the total useable floor area of the establishment shall be used for servicing; repairing, or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.
- J. Shopping centers up to 30,000 square feet of gross floor area.
- K. Business schools and colleges.
- L. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- M. Hotels.
- N. Newspaper offices.
- O. Public and quasi-public uses such as municipal offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities and fractional organizations.
- P. Residential dwellings, provided the following conditions are met:
 - 1. Single-family detached dwellings shall meet requirements for the R-1 District.
 - a) The minimum distance between buildings shall be ten feet.
 - b) Front building setback shall equal the average setback line of the block.
 - c) Building setback to any side property line shall be 30 feet, except where adjacent to single-family residential property, in which case the setback shall be 75 feet. Driveways, parking and walls may be within the setback as long as a ten-foot greenbelt area is placed between the property line and any improvement.
 - 2. Multiple-family dwelling units and attached single-family units (i.e. cluster housing, duplex, townhouse) shall meet requirements of the RM-1 District and/or cluster housing option as modified herein.

In a multiple-family development within the General Business District the total number of rooms (not including kitchen, dining and sanitary facilities) shall not have more than the area of the parcel in square feet, divided by a factor of 1,200. If such multiple housing is within a mixed-use building a factor of 800 shall apply pursuant to the following:

 - a) Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.
- Q. Theaters, assembly halls, or similar places of assembly when conducted completely within enclosed buildings, up to 500 seats.
- R. Business services establishment (mailing, copying, data processing).
- S. Child day care centers.
- T. Pet stores.
- U. Private clubs, fraternal organizations, and lodge halls.

- V. Self-service laundromats and dry cleaning establishments.
- W. Accessory structures, uses and signs customarily incidental to a principal use in this district.

Section 14.02. - 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. Banks, credit unions, savings and loan institutions with drive-through lanes, including an automatic letter drive-through lane(s).
- G. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities.
- H. 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.
- I. 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. Conference centers/convention facilities.
- L. Essential public service buildings and storage yards.
- M. Funeral homes and mortuary establishments.
- N. Hospitals, general and specialty (including substance abuse treatment facilities).
- O. 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).
- Q. 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. Motels, hotels, bed and breakfast inns, including accessory convention/meeting facilities and restaurants.
- S. Nursing or convalescent homes.
- T. Nurseries and lawn and garden centers.
- U. Outdoor theater, plazas, parks, and public gathering places.
- V. Recreation: Outdoor recreation establishments (except for golf-related uses).
- W. Recreation: Golf driving ranges, miniature golf courses, golf courses.
- X. Recreation: Indoor recreation (bowling alleys, billiard and pool halls, indoor golf, ice arenas, skating rinks, etc.).

- Y. Recreation: Private recreation facilities and swimming pool clubs.
- Z. Restaurants and other establishments with drive-in or drive-through facilities, open front window service, and outdoor eating areas.
- AA. Roadside market.
- BB. Shopping centers and retail businesses with over 30,000 square feet of gross floor area.
- CC. 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.
- DD. Urgent medical care centers.
- EE. Veterinary clinics, without outdoor runs or enclosures.
- FF. 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)

Section 14.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

GBD District Regulations	Requirements
Minimum lot area	0 square feet
Minimum lot width	0 feet
Minimum front yard setback	5 feet
Minimum side yard setback	0 feet
Minimum rear yard setback	20 feet
Max. lot coverage for all buildings	0%
Maximum building height	30 feet or 2 stories

Notes:

- a) No side yards are required along the interior side lot lines, except as otherwise specified in the Building Code. On the exterior side yard which borders on a residential district there shall be provided a setback of not less than ten feet on the side, or residential street. If walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 15 feet shall be provided.

- b) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of the buildings, the rear setback and loading requirements may be computed from the center of said alley.
- c) A wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- d) A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.
- e) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- f) A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the planning commission finds that improved screening of the Highway Service District could be accomplished by changing the grade. The greenbelt area shall be maintained as follows, depending, upon the characteristics of the area:
 - 1. The greenbelt shall be left in its natural state if, in the judgment of the planning commission, it would provide the best protection for the residential district and preservation of the natural setting. The commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
 - 2. If sufficient natural vegetation does not exist in the greenbelt area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with the landscape design principles adopted by the planning commission.

In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site. The construction of the wall shall be in accordance with the standards set out in Article 28 (Landscaping).

Section 14.04. - General development standards.

Buildings and uses in the GBD General Business District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements of Article 20
- D. Parking is required in accordance with Article 26.
- E. Off-street loading and unloading is required in accordance with Article 26.
- F. Landscaping is required in accordance with Article 28.

ARTICLE 10. INDUSTRIAL DISTRICT

Section 10.00. Intent.

The I-1, Light Industrial District is designed to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district and will not affect in a detrimental way any of the surrounding districts. The I-2, Heavy Industrial District is established primarily for manufacturing, assembling and fabrication activities including large-scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts.

Section 10.01. Principal uses permitted.

In the Industrial Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “C” are considered conditional land uses and uses denoted by a “S” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 30, Special Land Uses* and *Article X, Conditional Land Uses*.

	I-1, Light Industrial	I-2, Heavy Industrial
Accessory Buildings, Structures, and Uses customarily incidental to the principle uses permitted by right	P	P
Adult Entertainment Regulated Uses	SLU	SLU
Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs and products not involving a normal retail or service activity on the lot	P	P
Automobile and vehicle dealerships	P	P
Automobile service stations	P	P
Automobile washes, automatic or self-service	P	P
Building supply and equipment stores and yards	SLU	SLU

	I-1, Light Industrial	I-2, Heavy Industrial
Cell Tower	SLU	SLU
Colleges and Vocational Schools	P	
Conference Center/Convention Center	SLU	
Contractor's establishments not engaging in any retail activities on the site	P	P
Crematorium	P	P
Drive-through retail, service establishments, and drive-through restaurants	SLU	SLU
Golf Course (no range)	P	P
Golf Course with range	P	P
Hospital	P	
Indoor Commercial Recreation (health club, handball, racquet ball, bowling, pool, billiards, tennis, batting, archery, soccer fields, indoor pool, ice arena)	P	P
Log yards (sorting and/or storage)	SLU	SLU
Marijuana growing and testing	SLU	SLU
Nursery/Garden Center	P	P
Outdoor Recreation	P	P
Outdoor retail sales	P	P
Outdoor storage	CLU	CLU
Outdoor use	SLU	SLU
Pet boarding facilities	P	P
Places of assembly, including places of worship (greater than 500 seats)	P	
Private Club, Fraternal Organization, Lodge	P	P

	I-1, Light Industrial	I-2, Heavy Industrial
Radio Station	SLU	SLU
Research and testing laboratories	P	P
Roadside Market		
School (public and private)	SLU	
Servicing and repairing of other types of motor vehicles, trailers and boats	P	P
Show Rooms	CLU	CLU
Stone cutting and monuments	CLU	CLU
Storage facilities/units	P	P
Studio, such as art, dance, health, music or other similar place of instruction	P	P
Veterinary hospitals	P	P

Section 10.02. Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

District Regulations	I-1 Requirements	I-2 Requirements
Minimum lot area	0 square feet	0 square feet
Minimum lot width	0 feet	0 feet
Minimum front yard setback	30 feet	30 feet
Minimum side yard setback	1. 50 feet (each side) and 2. 100 feet (total both sides)	1. 50 feet (each side) 2. 100 feet (total both sides)
Minimum rear yard setback	0 feet	50
Maximum lot coverage for all buildings	0%	0%
Maximum building height	40 feet	40 feet

Notes:

- a) No side yards are required along the interior side lot lines that abut another property zoned for non-residential use, except as otherwise specified in the building code. On the exterior side yard which borders on a residential district or residential street there shall be provided a setback of not less than 50 feet. If walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 75 feet shall be provided.
- b) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of the buildings, the rear setback and loading requirements may be computed from the center of said alley.
- c) A wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- d) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- e) A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the planning commission finds that improved screening of the Highway Service District could be accomplished by changing the grade. The greenbelt area shall be maintained by one of, or a combination of, the following, depending, upon the characteristics of the area:
 - 1. The greenbelt shall be left in its natural state if, in the judgment or the planning commission, it would provide the best protection for the residential district and

preservation of the natural setting. The commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.

2. If natural vegetation does not exist in the greenbelt area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with the landscape design principles adopted by the planning commission.
 3. In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site.
- f) Parking shall be permitted in the front yard after recommended approval of the parking plan layout and points of access by the planning commission. The required front yard setback required by planning commission shall be measured from the nearest side of existing and or proposed right-of-way lines, whichever is greater.

Section 10.03. General development standards.

Buildings and uses in the *I-1, Light Industrial and I-2, Heavy Industrial* shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- a. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- b. Parking and off-loading and unloading is required in accordance with Article 26.
- c. Exterior lighting is required in accordance with Article 27.
- d. Landscaping is required in accordance with Article 28.
- e. Site plan review is required in accordance with the requirements of Article 29.
- f. Signs are permitted in accordance with the city's sign ordinance.

Existing I-1 and I-2 Industrial District Ordinance

ARTICLE 16. - I-1, LIGHT INDUSTRIAL DISTRICT

Section 16.00. - Intent.

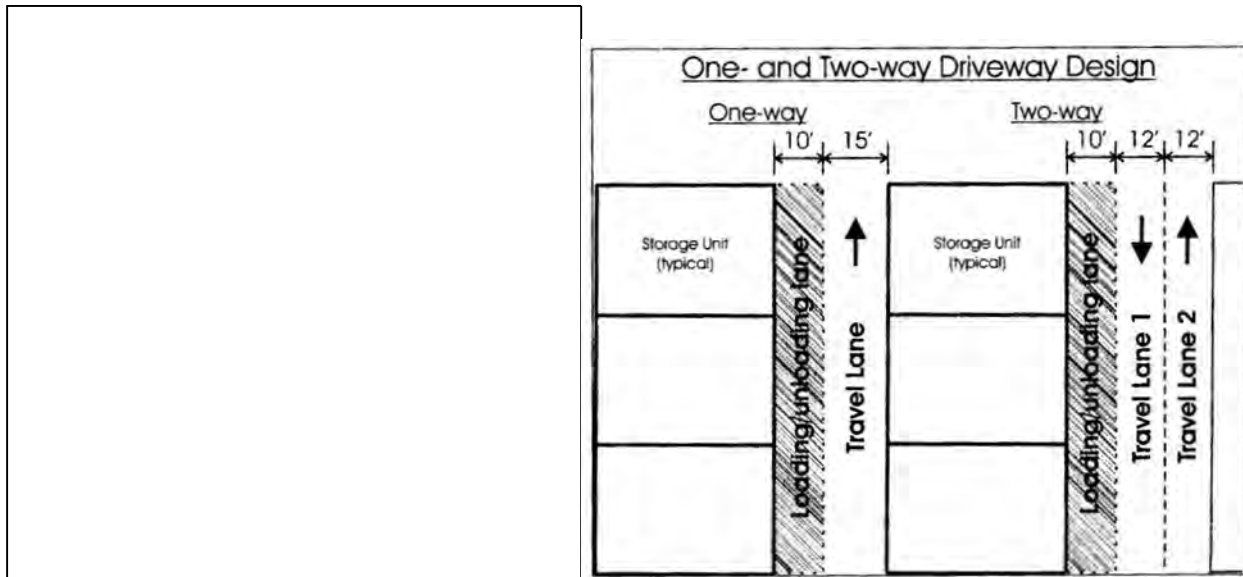
The I-1, Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehousing, and industrial operations whose external, physical effects are restricted to the area of the district and will not affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.

Section 16.01. - Principal uses permitted.

In a Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Any use charged with the principal function of basic research design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- B. Warehousing and wholesale establishments, and trucking facilities.
- C. Laboratories—Experimental, film, or testing.
- D. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. The extent of such fence or wall may be determined by the city council in consideration of the type of use and surrounding uses.
- E. Packaging plants.
- F. Central dry cleaning plants or laundries, with no retail service.
- G. Commercial outdoor sales or storage and open air businesses (as permitted or accessory use).
- H. Kennels (commercial), including boarding and outdoor runs.
- I. Mini- or self-storage warehouses that meet the following requirements:
 1. Minimum lot size shall be three acres.
 2. Minimum building and parking setback shall be 50 feet from any public street right-of-way line, 50 feet setback from any residential district and 25 feet from any non-residential zoning district.
 3. The front yard and any side yards adjacent to residential districts shall include wrought iron or similar decorative fencing and evergreen plantings spaced a maximum of ten feet apart on center. If approved by the city council, a fence, which meets the requirements of section 28.03 D. may be constructed provided evergreen trees spaced a maximum of ten feet apart on center are planted outside of the fence.
 4. Mini-storage/warehouse establishments shall provide for storage only. All storage must be completely within an enclosed building, unless a separate special land use permit is granted for commercial outdoor storage on the premises.
 5. Buildings must be oriented so that open service bays do not face adjacent collector or principal or minor arterial roads, as shown on the Transportation Map in the Swartz Creek Master Plan, unless screened by an adjoining lot, building, or buffer area in compliance with item I.3. above.

6. The exterior of any mini- or self-storage warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
7. The following standards shall apply to on-site circulation and parking:



- i. All one-way driveways shall be designed with one ten-foot wide loading/unloading lane adjacent to each storage unit building and one 15-foot travel lane.
 - ii. All two-way driveways shall be designed with one ten-foot wide loading/unloading lane adjacent to each storage unit building and two 12-foot travel lanes.
 - iii. The loading and unloading lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.
8. The hours of operation may be limited by the city council when mini- or self-storage warehouse establishments abut a residentially zoned district or residential use.
 9. All on-site lighting is to be shielded and directed downward to prevent off-site glare. Where such establishments abut a residential district or use, on-site lighting is to be limited to pole lights that do not exceed 15 feet in height. There is to be no more than one footcandle at the property line.
 10. Public address systems are prohibited.
 11. A resident manager may be permitted on-site with the responsibility of maintaining the operation of the facility in conformance with the conditions of approval. The manager's residence shall conform to the provision of this ordinance.
- J. Offices, professional or corporate offices.
 - K. Print shops and book publishing.
 - L. Public or private parks or open space.
 - M. Radio or television studios.
 - N. Essential public service and utilities storage yards.
 - O. Experimental, film, or testing laboratories.
 - P. Printing, lithography, blueprinting, publishing, and similar uses.
 - Q. Professional and corporate offices related to a permitted manufacturing operation.

- R. Tool, die, gauge, and machine shops.
- S. Vocational schools and technical training schools.
- T. Accessory buildings, structures, and uses customarily incidental to any of the above principal uses.

Section 16.02. - Special land uses.

The following uses shall be permitted upon review of the site plan by the planning commission, and approval by the city council, in accordance with the general and specific standards listed in Article 30.

- A. Assembly, manufacture, compounding, processing, packaging, or treatment from previously prepared materials, or repair, of such products as, but not limited to:
 - 1) Bakery goods and candy.
 - 2) Cosmetics, pharmaceuticals, and toiletries.
 - 3) Hardware and cutlery.
 - 4) Pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - 5) Musical instruments, toys, sporting goods, and novelties.
 - 6) Small molded rubber products.
 - 7) Electrical appliances, electronic instruments and devices, electronic consumer products, and photographic equipment.
 - 8) Electric or neon signs.
 - 9) Light sheet metal products, including heating and ventilating equipment, siding, cornices, eaves, and the like.
 - 10) Textile goods.
 - 11) Apparel, jewelry, and leather goods.
 - 12) Furniture and fixtures.
- B. Billboards in accordance with the standards of the city's sign ordinance.
- C. Commercial breweries, distilleries, and wineries.
- D. Adult and child residential care facilities in accordance with section 20.08, Adult and child care facilities, when on the perimeter of the district or affiliated with firms within the district.
- E. Commercial composting centers.
- F. Crematoria.
- G. Fairgrounds, horse and dog race tracks.
- H. Freezer locker plants and cold storage.
- I. Indoor recreation center (including but not limited to bowling alleys, billiard and pool halls, indoor golf, ice arenas, skating rinks, etc.).
- J. Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District.
- K. Auto repair (major) such as auto engine, undercoating, and body repair shops conducted within an enclosed building.
- L. Metal plating, buffing and polishing, subject to appropriate measures to prevent noxious results and/or nuisances.

- M. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings.
- N. Oil, gas, or brine wells.
- O. Outdoor theaters.
- P. Painting and varnishing shops.
- Q. Recycling stations.
- R. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to: lumber yards, building materials, outlets, garage sales, upholsterer, cabinet maker, outdoor boat, or house trailer, automobile, or agricultural implement sales).
- S. Retail, restaurants (including drive-throughs), and service establishments serving the needs of the Industrial District, such as, but not limited to: banks, credit unions, savings and loan associations (including drive-throughs), automobile service stations, motels, bowling alleys, trade or industrial schools, or industrial clinics.
- T. Riding academies and stables.
- U. Slaughterhouses.
- V. Storage and transfer, and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water, propane and petroleum tank holders; railroad transfer and storage tracks, railroad rights-of-way, and freight terminals.
- W. Accessory uses, buildings and structures customarily incidental to an approved special land use.

Section 16.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

I-1 District Regulations	Requirements
Minimum lot area	0 square feet
Minimum lot width	0 feet
Minimum front yard setback	50 feet
Minimum side yard setback	1. 50 feet (each side) and 2. 100 feet (total both sides)
Minimum rear yard setback	0 feet
Maximum lot coverage for all buildings	0%
Maximum building height	40 feet

Notes:

- a) No side yards are required along the interior side lot lines that abut another property zoned for non-residential use, except as otherwise specified in the building code. On the exterior side yard which borders on a residential district or residential street there shall be provided a setback of not less than 50 feet. If walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 75 feet shall be provided.

- b) Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of the buildings, the rear setback and loading requirements may be computed from the center of said alley.
- c) A wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- d) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- e) A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the planning commission finds that improved screening of the Highway Service District could be accomplished by changing the grade. The greenbelt area shall be maintained by one of, or a combination of, the following, depending, upon the characteristics of the area:
 - 1. The greenbelt shall be left in its natural state if, in the judgment or the planning commission, it would provide the best protection for the residential district and preservation of the natural setting. The commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
 - 2. If sufficient natural vegetation does not exist in the greenbelt area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with the landscape design principles adopted by the planning commission.

In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site.
- f) Parking shall be permitted in the front yard after recommended approval of the parking plan layout and points of access by the planning commission. The required front yard setback required by planning commission shall be measured from the nearest side of existing and or proposed right-of-way lines, whichever is greater.

Section 16.04. - General development standards.

Buildings and uses in the I-1 Light Industrial District shall also be subject to all applicable standards and requirements set forth in this ordinance, including the following:

- A. Exterior lighting is required in accordance with Article 27.
- B. Site plan review is required in accordance with the requirements of Article 29.
- C. Area, height, and use exceptions are permitted in accordance with the requirements set out in Article 20.
- D. Parking is required in accordance with Article 26.
- E. Off-street (un)loading is required in accordance with Article 26.
- F. Landscaping is required in accordance with Article 28.

ARTICLE 17. - I-2, HEAVY INDUSTRIAL DISTRICTS

Section 17.00. - Intent.

The I-2, Heavy Industrial District is established primarily for manufacturing, assembling and fabrication activities including large-scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit, in

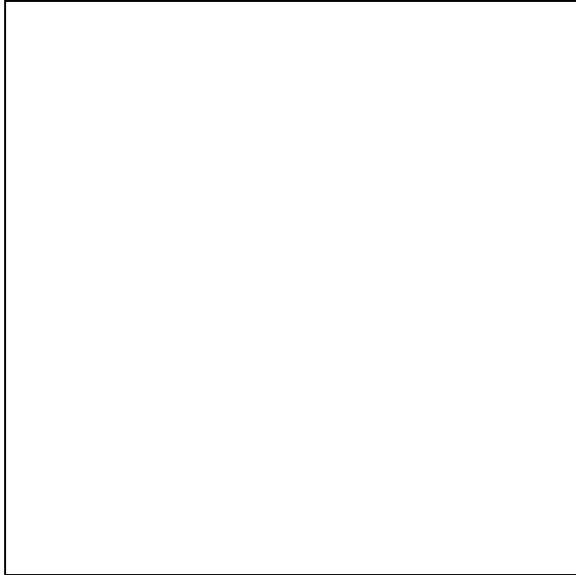
addition to I-1 Light Industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

Section 17.01. - Principal uses permitted.

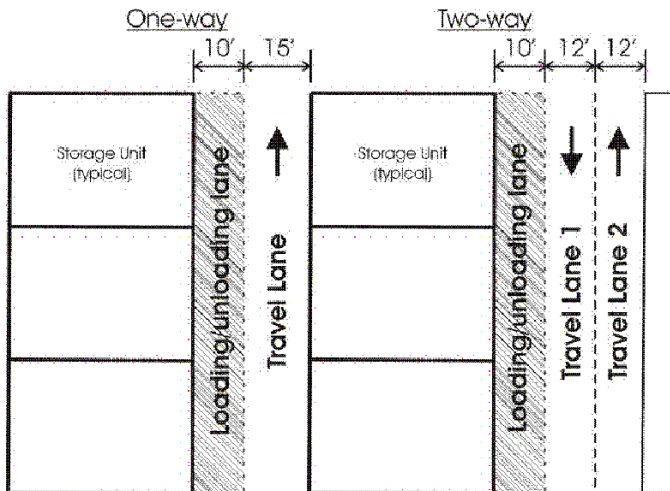
In the I-2, Heavy Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance, and which shall conform to the performance standards set forth in Article 20:

- A. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- B. Warehousing and wholesale establishments.
- C. Assembly, manufacture, compounding, processing, finishing, packaging, or treatment from previously prepared materials, or repair, of such products as, but not limited to:
 - 1. Auto parts manufacturing and assembly.
 - 2. Bakery goods and candy.
 - 3. Cosmetics, pharmaceuticals, and toiletries.
 - 4. Hardware and cutlery.
 - 5. Pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - 6. Musical instruments, toys, sporting goods, and novelties.
 - 7. Molded rubber products.
 - 8. Electrical appliances, electronic instruments and devices, electronic consumer products, and photographic equipment.
 - 9. Electric or neon signs.
 - 10. Light sheet metal products, including heating and ventilating equipment, siding, cornices, eaves, and the like.
 - 11. Textile goods.
 - 12. Apparel, jewelry, and leather goods.
 - 13. Furniture and fixtures.
- D. Laboratories—Experimental, film, or testing.
- E. Packaging plants.
- F. Central dry cleaning plants or laundries, with no retail service.
- G. Kennels (commercial), including boarding and outdoor runs.
- H. Mini- or self-storage warehouses that meet the following requirements:
 - 1. Minimum lot size shall be three acres.
 - 2. Minimum building and parking setback shall be 50 feet from any public street right-of-way line, 50 feet setback from any residential district and 25 feet from any non-residential zoning district.
 - 3. The front yard and any side yards adjacent to residential districts shall include wrought iron or similar decorative fencing and evergreen plantings spaced a maximum of ten feet apart on center. If approved by the city council, a fence, which meets the requirements of section 28.03 D. may be constructed provided evergreen trees spaced a maximum of ten feet apart on center are planted outside of the fence.

4. Mini- storage/warehouse establishments shall provide for storage only. All storage must be completely within an enclosed building, unless a separate special land use permit is granted for commercial outdoor storage on the premises.
5. Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or buffer area in compliance with H.3. above.
6. The exterior of any mini- or self-storage warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
7. The following standards shall apply to on-site circulation and parking:



One- and Two-way Driveway Design



- i. All one-way driveways shall be designed with one ten-foot wide loading/unloading lane and one 15-foot travel lane.
- ii. All two-way driveways shall be designed with one ten-foot wide loading/unloading lane and two 12-foot travel lanes.
- iii. The loading/unloading lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

8. The hours of operation may be limited by the city council when mini- or self-storage warehouse establishments abut a residentially zoned district or residential use.
 9. All on-site lighting is to be shielded and directed downward to prevent off-site glare. Where such establishments abut a residential district or use, on-site lighting is to be limited to pole lights that do not exceed 15 feet in height. There is to be no more than one footcandle at the property line.
 10. Public address systems are prohibited.
 11. A resident manager may be permitted on-site with the responsibility of maintaining the operation of the facility in conformance with the conditions of approval.
- I. Offices, professional or corporate offices.
 - J. Print shops and book publishing.
 - K. Public or private parks or open space.
 - L. Radio or television studios.
 - M. Breweries, distilleries, and wineries.
 - N. Experimental, film, or testing laboratories.
 - O. Painting and varnishing shops.
 - P. Printing, lithography, blueprinting, publishing, and similar uses.
 - Q. Professional and corporate offices related to a permitted manufacturing operation.
 - R. Tool, die, gauge, and machine shops.
 - S. Vocational schools and technical training schools.
 - T. Accessory buildings, structures, and uses customarily incidental to any of the above principal uses.
 - U. Heating and electric power generating plants, and all accessory uses.
 - V. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which conform with the performance standards set forth in Article 20.
 - W. Essential public services and utilities buildings without storage yards.
 - X. Accessory structures, uses and signs customarily incidental to a principal use in this district.

Section 17.02. - Special land uses.

The following uses shall be permitted after review of the site plan by the planning commission, and approval by the city council, in accordance with the general and specific standards in Article 30.

- A. Adult regulated uses.
- B. Auto repair (major) such as auto engine, undercoating, and body repair shops conducted within an enclosed building.
- C. Auto race track (including midget auto and karting tracks).
- D. Cellular towers, wireless communication facilities, attached wireless communication facilities, and wireless communication support structures.
- E. Chemical plants and storage.
- F. Commercial composting centers.
- G. Crematoria.
- H. Essential public services and utilities buildings with storage yards.
- I. Gun clubs.

- J. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
- K. Junk yards, provided such are entirely enclosed within an obscuring wall. There shall be no burning on the site and all industrial processes including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- L. Lumber and planting mills when completely enclosed in a building.
- M. Mushroom farms.
- N. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings.
- O. Oil, gas, or brine wells.
- P. Storage and transfer, and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water, propane and petroleum tank holders; railroad transfer and storage tracks, railroad rights-of-way, and freight terminals.
- Q. Storage facilities for building materials, sand, gravel, stone, lumber, or storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. The extent of such fence or wall may be determined by the city council in consideration of the type of use and surrounding uses.
- R. Accessory uses, buildings and structures customarily incidental to an approved special land use.

([Ord. No. 407, § 3, 5-24-11](#) ; [Ord. No. 431](#) , § 3, 12-12-16)

Section 17.03. - Site development requirements.

All permitted uses and special land uses are subject to the following setbacks, height, area, and lot dimensions are required as noted below:

I-2 District Regulations	Requirements
Minimum lot area	0 square feet
Minimum lot width	0 feet
Minimum front yard setback	50 feet
Minimum side yard setback	1. 50 feet (each side) 2. 100 feet (total both sides)
Minimum rear yard setback	50
Maximum lot coverage for all buildings	0%
Maximum building height	40 feet

Notes:

- a) The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- b) No yard shall be required along the interior side lot lines when said property line is adjacent to like use districts or to railroad rights-of-way. A 20-foot greenbelt shall be provided, in addition to

five- to eight-foot completely obscuring wall, within the required yard area and adjacent to the property line, when I-2 industrial uses abut residential districts.

- c) Parking shall be permitted in the front yard after recommended approval of the parking plan layout and points of access by the planning commission. The required front yard setback required by planning commission shall be measured from the nearest side of existing and or proposed right-of-way lines, whichever is greater.
- d) A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the planning commission finds that improved screening of the Highway Service District could be accomplished by changing the grade. The greenbelt area shall be maintained by one of, or a combination of, the following, depending, upon the characteristics of the area:
 1. The greenbelt shall be left in its natural state if, in the judgment of the planning commission, it would provide the best protection for the residential district and preservation of the natural setting. The planning commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
 2. If sufficient natural vegetation does not exist in the greenbelt area or if, in the opinion of the planning commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with the landscape design principles adopted by the planning commission.
 3. In determining the proper buffering technique, the planning commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site.

Section 17.04. - General development standards.

- A. A traffic impact statement/assessment is required for all uses that are expected to generate over 100 directional trips during peak hour or over 750 trips in an average day.
- B. Buildings and uses in the I-2, Heavy Industrial District shall be subject to all applicable standards and requirements set forth in this ordinance, including the following:
 1. Exterior lighting is required in accordance with Article 27.
 2. Site plan review is required in accordance with the requirements of Article 29.
 3. Area, height, and use exceptions are permitted in accordance with the requirements setout in Article 20.
 4. Parking is required in accordance with Article 26.
 5. Off-street loading and unloading is required in accordance with Article 26.
 6. Landscaping is required in accordance with Article 28.

ARTICLE 18 - CONDOMINIUM DEVELOPMENT STANDARDS

Section 18.00 - Intent

The intent of this Article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership. New condominium projects and conversion condominium projects shall conform to the requirements of this ordinance and all other applicable regulations of the city and the Condominium Act, P.A. 59 of 1978, as amended. Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing the zoning, site and building requirements of the city. It is the intent to regulate site condominium projects and other condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures within the following sections shall apply and more closely align with the site plan review procedural requirements of *Section 29.05, Site plan review process*, of the Code of Ordinances.

Section 18.01 - Application and Authority

The following review process shall apply to all condominium projects within the City:

- a. Concurrently with notice required to be given to the city pursuant to Section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the City Clerk the following information with respect to the projects:
 1. All names, address and telephone numbers of:
 - (a) The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
 - (b) All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
 - (c) The developer or proprietor of the project.
 2. The legal description of the land including tax identification numbers.
 3. The total acreage.
 4. The intended use.
 5. The number of units to be developed.
 6. A copy of the proposed master deed.
- b. Condominium projects shall contain all information required by the Condominium Act.
- c. The information shall be filed with the Zoning Administrator at the time the information is filed with the City Clerk and shall be kept current.
- d. In addition to the requirements of this Article, any applicable requirements of *ARTICLE 11, PLANNED UNIT DEVELOPMENT STANDARDS* and *ARTICLE 29, SITE PLAN REVIEW*, must be met.

Section 18.02 - Approval of Plans

All condominium plans must be approved by the Planning Commission following the same process identified for site plan review in the City of Swartz Creek Zoning Ordinance. In making determination, the Planning Commission shall consult with the Zoning Administrator, City planner, City attorney, and the City Engineer regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act.

Section 18.03 - Streets and Necessary Easements

- a. Condominium projects shall comply with all public and private street requirements found in the *Swartz Creek Design Standards and Construction Specifications*. Streets in condominium developments which connect to public streets shall dedicate the project street to the public.
- b. The condominium plan shall include all necessary easements granted to the city for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter called public structures) for the purpose providing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

Section 18.04 - Setbacks and Boundaries

- a. The setback requirements for condominium buildings shall be in accordance with the Site Development Requirements of the applicable zoning district, unless otherwise modified by the Planning Commission as part of planned unit development (PUD). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.
- a. The relocation of boundaries as defined in *Section 148 of the Condominium Act* shall conform to all setback requirements of this chapter for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.

Section 18.05 - Common Elements

After construction of a condominium unit, the undeveloped area of a unit site shall become a common element.

Section 18.06 - Encroachment

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

Section 18.07 - Subdivision and Amendment of Unit Sites

The subdivision and amendment of condominium unit sites is permitted with Planning Commission approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on conditions of zoning or site plan approval. All such approved changes shall be made as part of the bylaws and recorded as part of the master deed.

Section 18.08 - Conformance with Zoning Ordinance and Subdivision Regulations

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established in the *City of Swartz Creek Zoning Ordinance and Subdivision Regulations*.

Section 18.09 - Residential Recreational Area

Any residential condominium comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area the equivalent of 1,000 square per unit. The City can consider acceptance of a financial contribution in lieu of providing said recreation area, with the funds to be used toward improvement of existing City recreation facilities in the area.

Section 18.10 - Water and Waste Water

The condominium project shall comply with and meet all Federal, State and County standards for a domestic water system and waste water disposal.

Section 18.11 - Expansion and Conversion

Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the Planning Commission.

Section 18.12 - Master Deed

The project developer shall furnish the Zoning Administrator with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this chapter and the *City Code of Ordinances* and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the city for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the city for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the City Council.

Section 18.13 - As-Built Plan and Occupancy

Submission of an as built plan of a condominium unit is required prior to occupancy. The Zoning Administrator may allow occupancy of the project before all improvements required are installed, provided that a bond is submitted to the City Clerk, sufficient in amount and type to provide for the installation of improvements, before the expiration of the temporary occupancy permit without expense to the City. The amount of the bond shall be determined by the City Engineer.

Section 18.14 - Final Bylaws, Consolidated Master Deed, and Site Plan

Upon approval of the development furnish the city a copy of the bylaws and consolidated master deed shall be furnished to the City. The site plan shall be provided in digital format meeting the requirements of the *Swartz Creek Design Standards and Construction Specifications*.

Section 18.15 - Compliance with Other Statutes and Ordinances

All condominium projects shall comply with Federal, State and City laws, statutes and ordinances.

Existing Condominium Ordinance

ARTICLE 18. - CONDOMINIUMS

Section 18.00. - Intent.

New condominium projects and conversion condominium projects shall conform to the requirements of this ordinance and all other applicable regulations of the city and the Condominium Act, P.A. 59 of 1978, as amended. Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing the zoning, site and building requirements of the city. It is the intent to regulate site condominium projects and other condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures within the following sections shall apply.

Section 18.01. - General.

The following regulations shall apply to condominium projects:

- (a) *Lot.* For all purposes of this ordinance, each condominium lot or unit lot shall be considered the equivalent of a platted lot of record as defined in this ordinance and shall comply with all applicable regulations for the zoning district in which it is located.
- (b) *Computation.* Any area within a public or private road right-of-way shall not be included in the computation of the minimum area of a condominium lot or in determination of dwelling density for a site.
- (c) *Dwelling unit.* In the case of a condominium project in which the condominium units are intended for single-family residential purposes, not more than one single-family dwelling unit shall be proposed or constructed on a condominium lot, nor shall any dwelling unit be located on a condominium lot with any other principal use.
- (d) *Setback requirement.* Yard setback requirements as specified in each district shall be measured from the perimeter of the condominium lot to the appropriate part of a structure.
- (e) *Utility connections.* Each condominium unit shall be separately connected to any available community or public water supply and/or sanitary sewer system.
- (f) *Relocation of lot boundaries.* Relocation of condominium lot boundaries, if allowed in the condominium documents, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of this ordinance. The relocation of the boundaries or any other change in the dimensions of a condominium lot or unit lot shall be considered an amendment to the condominium documents of the project and the related site plan.
- (g) *Resulting lots.* Each condominium lot formed by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of this ordinance.
- (h) *Road requirements in condominium projects.* All condominium projects shall require direct access and direct connection to a public road from the project site. Public and private roads within a condominium project shall conform to the requirements and specifications established by the city's engineering manual.
- (i) *Storm water.* Storm water detention and retention ponds shall be included as general common elements within the condominium project and shall not be included within individual lots. The ponds shall be design in accordance with city and county standards. Where the ponds are not part of a county drainage district, the master deed shall establish a mechanism for long-term maintenance of the ponds by the condominium association.

Section 18.02. - Condominium plan review process.

- (a) *Optional tentative review.* A developer of a condominium may seek an optional tentative condominium site plan review prior to the forwarding of the ten-day notice of proposed action as required in Section 71 of the Condominium Act. A tentative approval may be beneficial to the developer of a site condominium as it parallels a tentative preliminary plat.

Based upon the design requirements and requirements set forth in this ordinance, the planning commission shall review and make a recommendation to the city council for an optional tentative condominium site plan. The council shall tentatively approve, subject to conditions, or deny the site plan.

- (1) *Effect of denial.* A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this or other city ordinances. A city council motion of denial shall specify the reasons for the denial and those requirements which are not met.
 - (2) *Effect of tentative approval.* A tentative approval shall confer upon the developer the approval of unit sizes, unit orientations, and road layout only. All required additional information must be submitted and reviews processed. A tentative preliminary site plan approval shall be valid for one year from the date of approval.
- (b) *Preliminary review.* Prior to recording of the master deed of the condominium project, as required by Section 72 of the Condominium Act, each condominium project shall be reviewed by the planning commission and submitted with comments recommending approval of the preliminary condominium site plan by the city council, based on a review and recommendation by the planning commission.
- (c) *Effect of preliminary approval.* A preliminary approval shall mean that the site plan for a condominium project meets the requirements of this ordinance. Subject to any conditions imposed by the city council as part of its motion of approval, a preliminary approval assures the applicant that the project and site plan shall receive final approval if:
- (1) The applicant meets the requirements as stated in Article 29 for final site plan approval.
 - (2) All other governmental approvals are obtained.
 - (3) No substantive negative comments are received from any governmental agencies or public utilities during the required notice period.
 - (4) All federal, state, and local laws and ordinances are met. All site condominium projects shall require the review and approval or comments from the following agencies prior to final site plan review by the city:
 1. The Genesee County Road Commission if any part of the project includes or abuts a county road.
 2. The Genesee County Drain Commissioner.
 3. Michigan Department Health and/or the Michigan Department of Environmental Quality shall approve the extension of the water and sewer utilities.
 - (5) A preliminary condominium site plan approval shall be valid for a period of two years from the date of city council approval.
- (d) *Construction plan review.* After preliminary site plan approval, a complete set of construction plans must be submitted to the city for review. Construction plans will not be considered for review until the applicant receives city approval of the preliminary site plan. The city zoning administrator shall forward the construction plans to the city engineer and other city consultants or agencies as deemed necessary for review.

Based on the review comments and recommendations of the city engineer and other review agencies, the zoning administrator shall approve or not approve the construction plans. The reasons that the construction plans are not approved will be given to the applicant.

Upon receiving city approval of the construction plans, applicable permits for construction may be issued by the zoning administrator following payment of the required fees. Construction plan approval shall be valid for a period of two years from the date of city approval of the construction plans. The applicant is

required to obtain the soil erosion and sedimentation control permit from the Genesee County Drain Commissioner and other applicable agency permits before starting construction.

- (e) *Final review.* Prior to the city assigning parcel identification numbers to each unit in the condominium development, a condominium project shall receive final condominium site plan approval from the city zoning administrator, the final site plan drawings shall be mylars of the Exhibit B Drawings to the Master Deed meeting the requirements of Condominium Act, Public Act 59 of 1978, as amended.

The applicant will be required to provide a performance guarantee to the city to cover the costs of all site improvements included in the approved construction plans that are not completed at the time of final site plan approval.

A final site plan approval shall be valid for a period of two years from the date of approval. At the end of the two-year period, a new site plan approval shall be required before development of the remaining undeveloped property can proceed. In cases where there is clear evidence that development is proceeding, planning commission may authorize up to a one-year extension of the site plan approval.

Section 18.03. - Optional tentative plan submission requirements.

Application for a tentative condominium site plan review may be provided to the zoning administrator at least 30 days in advance of a meeting for which a review is scheduled. The tentative review will allow a developer to receive a limited approval for unit lot sizes, unit lot orientation, and road layout only. The following information must be included on, or attached to a tentative condominium project site plan:

- (a) *Ownership interests.* All persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).
- (b) *Proposed use.* The proposed use of the condominium project (for example: residential, commercial, or industrial).
- (c) *Density.* The total acreage of the condominium site, acreage set aside for roads, number of condominium units to be developed on the subject parcel, and density computation on a unit per acre basis.
- (d) *Circulation.* The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) as to private ownership or proposed dedication to the public.
- (e) *Road layout.* The location of existing private and public roads adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new condominium project.
- (f) *Condominium lot orientation.* The proposed layout of structures, condominium lots, parking areas, open space and recreation/park areas.
- (g) *Drainage.* Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention and/or detention areas.
- (h) *Natural features.* Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams, and water drainage areas. Acreage of wetland areas and open space.

Section 18.04. - Preliminary site plan submission requirements.

A preliminary site plan for a condominium project shall be provided to the zoning administrator at least 30 days in advance of a meeting for which a review is scheduled. The site plan may be reviewed and processed concurrently with the notice required to be given the city pursuant to Section 71 of the Condominium Act. The following information shall be included on, or attached to a preliminary condominium project site plan:

- (a) *Tentative site plan data.* All information required for the optional tentative site plan review in section 18.03 above shall be submitted. If tentative approval was received, the information must be updated with any changes clearly delineated.
- (b) *Landscaping.* Proposed landscape screening, including greenbelt and berms, and screening walls and a maintenance plan detailing maintenance responsibilities.
- (c) *Condominium regulations.* All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments, and enforcement of condominium regulations. These items shall be physically incorporated as part of the site plan through detail sheets attached with the plan.
- (d) *Common areas shown.* Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.
- (e) *Condominium documents.* All condominium documents, including the master deed, must be provided for review by the city attorney.
- (f) *Additional information.* The following additional information must be submitted for city review:
 - (1) Cross sections of roads, drive aisles, and paved area.
 - (2) Preliminary approval by the county health department and drain commissioner of proposed septic, sanitary, storm, and/or water system locations.
 - (3) All condominium documents as defined in this ordinance.
 - (4) All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of the structures.

Section 18.05. - Final site plan submission requirements.

The developer or proprietor may request final approval by submitting to the city the following items:

- (a) *Revised plan.* A revised, dated condominium plan incorporating all of the changes, if any, required for preliminary approval.
- (b) *Approvals or comments.* Verification of all required state and county approvals or comments.
- (c) *Section 71 comments.* Presentation of all comments pursuant to Section 71 of the Condominium Act.
- (d) *Condominium documents.* Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium site plan.

Section 18.06. - Project requirements.

The following requirements are applicable to condominiums:

- (a) *Single-family site condominiums.* Single-family site condominium units and unit lots shall be subject to all dimensional and area requirements for lots and other city design requirements for the zoning district in which they are located as stated in each district, and other requirements of this ordinance. These regulations shall be applied by requiring that the minimum area of condominium unit and the surrounding limited common element be, at least equal to the minimum lot area and lot width requirements for lots of record in the district in which the project is located. The area that the condominium unit encompasses for the principal building and the surrounding limited common element shall incorporate, at a minimum the equivalent of the minimum yard

setback requirements as defined within this ordinance and shall meet all the dimensional requirements of a lot for the zoning district in which it is located.

- (b) *Commercial, office, or industrial site condominiums.* Commercial, office, or industrial site condominium projects shall be subject to all requirements applicable to the zoning district in which they are located. These regulations shall be applied by requiring that minimum area of the site condominium unit and a surrounding limited common element be at least equal to the minimum area and width requirements for the district in which the project is located. The uses contained in a commercial, office, or industrial site condominium project must be appropriate as allowed uses of the underlying zoning district.
- (c) *Subdivision requirements.* The substantive requirements for roads, sidewalks, utilities, storm drainage and subdivision lot layout and design as set forth in the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967, as amended, MCLA 560.101 et seq., and the City's Subdivision Regulations, are intended to apply to all site condominium projects.
- (d) *Conversion condominium.* All conversion condominium projects shall be subject to the provisions of this ordinance and shall require site plan approval by the planning commission prior to the occupancy of any converted condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The planning commission will review the site plan for a condominium conversion as a new site plan and may modify any previous site plan approval. Approval of a conversion condominium site plan shall be subject to site plan requirements and review of the planning commission.
- (e) *Public utilities.* All condominium projects will be required to connect to public utilities at the time of construction, if available. If public utilities are not available at the time of construction the development must be designed to accommodate future connection to the system upon availability.

Section 18.07. - Survey monuments required.

All site condominium projects shall be marked with survey monuments as follows:

- (a) *Required.* Survey monuments shall be placed in the ground according to the following requirements but it is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the roads.
- (b) *Construction.* All survey monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- (c) *Location.* Survey monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of roads and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
 - (1) If the required location of a monument is inaccessible, or if the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 - (2) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
 - (3) All required monuments shall be placed flush with the surrounding grade where practicable.
- (d) *Condominium unit.* Each condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or markers approved

by the city engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

- (e) *Timing.* The city council, on recommendation of the city engineer, may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, following the date of final site plan approval, on the condition that the proprietor deposits with the city clerk cash or a certified check, or irrevocable bank letter of credit running to the city, whichever the proprietor selects, in an amount approved by the city. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 18.08. - Post construction documents.

- (a) It shall be the responsibility of a developer or proprietor of a condominium project to furnish the city, through the zoning administrator, the following items:
 - (1) One copy of the recorded master deed.
 - (2) One copy of all restrictive covenants.
 - (3) Two copies of an "as built survey" sealed by a licensed surveyor or, professional engineer.
 - (4) One 18-inch by 24-inch and one 24-inch by 36-inch mylar of the site plan sealed by a professional engineer or land surveyor.
 - (5) One CD containing digital files that are compatible with the city's geographic information system software (AutoCAD). Acceptable data formats are DXF or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. Any digital files which are not created 1:1 shall include appropriate scale information. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers/levels. Any other information provided within the digital files shall be layer isolated and shall include a written description of both the layer name and the information contained on the layer(s). Digital information provided to the city shall be delivered in a format compatible with the city's operating system.
- (b) The above documents must be submitted prior to the issuance of any certificate of occupancy to any structure within the condominium project.
- (c) The developer or proprietor must also furnish one copy of the site plan sealed by a professional engineer, landscape architect or registered planner on a mylar sheet of at least 13 inches by 16 inches with an image not to exceed 10½ inches by 14 inches to the Genesee County Register of Deeds.

Section 18.09. - Temporary occupancy.

The city council, upon recommendation from the city zoning administrator, may allow occupancy of a condominium unit before all required improvements are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of all remaining improvements without expense to the city before the expiration of the temporary occupancy permit.

Section 18.10. - Condominium plan revision.

If the condominium subdivision plan as required by the Condominium Act is revised, the final site plan shall be revised accordingly and submitted for the review by the city council prior to the issuance of any additional building permit. A new condominium site plan review, consistent with the procedures of these regulations, shall be required for any major change to an approved site plan as defined by the requirements stated in Article 29 (Site Plan Review).

Section 18.11. - Amendment of condominium documents.

An amendment to any condominium document that affects the preliminary or final site plan, or any conditions of the preliminary or final site plan approval, shall be approved by the city council prior to the

issuance of a building permit. The city council may require a new site plan review of the amended site plan, if, in its sole opinion, such changes in a document require significant changes to an approved site plan.

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 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 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 three types in the Table of Eligible Uses and Required Review Process.

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
a.	New construction of any non-residential or multiple-family development.	✓		
b.	All special land uses in accordance with <i>Article 14 Special Land Uses</i> .	✓		
c.	Site condominium developments.	✓		
d.	Planned Unit Developments (PUDs) in accordance with <i>Article 11 Planned Unit Development Overlay Standards</i> .	✓		
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	✓		
f.	Co-location of a communication antenna upon an existing tower.		✓	
g.	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	In accordance with <i>Section 20.08 Adult and Child Care Facilities</i>		
h.	Home occupations.		✓	
i.	Temporary uses, buildings, structures, and seasonal events. (see <i>Section 20.01 Temporary Structures and Uses</i>).		✓	
j.	An increase in floor area of uses subject to site plan review up to 1,000 square feet or 5% of existing floor area, whichever is less.		✓	
k.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bikepaths or sidewalks.		✓	
l.	Improvements to outdoor recreational uses and parks.		✓	
m.	Expansion, replacing or alteration of landscaping areas consistent with this Article.		✓	
n.	Improvements or installation of walls, fences, or lighting.		✓	

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
o.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent (5%) or to meet various Federal, State, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate City staff.		✓	
p.	Construction or relocation of a commercial waste receptacle or enclosure.		✓	
q.	Changes to facade, architectural features or wall signs (elevation plan showing changes and construction materials is required). Changes within the Downtown Development Authority (DDA) must adhere to the requirements set forth by the DDA.		✓	
r.	Approved changes to utility systems.		✓	
s.	Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds or tree clearing over 100 square feet.		✓	
t.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool or clearing of trees within an area of less than 100 square feet.			✓
u.	Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with <i>Article 19 Non-Conforming Uses, Structures, and Lots</i> .		✓	
v.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other Federal, State or County regulations.		✓	
w.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.			✓

Uses Requiring Site Plan Review				
	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
x.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.			✓
y.	Development regulated by the Land Division Act of 1997 (P.A. 112) and the <i>City of Swartz Creek Subdivision Control Ordinance</i> .			✓
z.	Erection of essential public service local distribution lines.			✓
aa.	Construction, erection or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.			✓
bb.	Keeping of animals as an accessory use without additional structures, except kennels.			✓
cc.	Construction of accessory building or structure for the keeping of animals.		✓	
dd.	Accessory outdoor display of general retail items as determined by the Building Official/Zoning Administrator.		✓	
ee.	Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12-month period does not exceed 50% of the building SEV or affect parking requirements on a site.			✓
ff.	Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other City standards and where site plan review is not specifically required under other sections of this Article.			✓
gg.	Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review.	✓		

Section 29.03. – Sketch plan review process.

- a. 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.
- b. Procedure. The process for administrative approval shall involve submittal of a sketch 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.
- c. The zoning administrator retains the option to require a complete site plan for review by the planning commission, 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.
- d. Requirements for a sketch plan: A "limited site plan" submittal shall include at least the following:
 1. Application form and review fee.
 2. Name, address and telephone number of the applicant and the person(s) responsible for preparing the plot plan.
 3. North arrow.
 4. Legal description of the property.
 5. The "sketch site plan" shall be drawn at an engineer's 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.
 6. Property lines and dimensions.
 7. Existing and proposed buildings and structures with dimensions, setbacks and details or elevations where appropriate.
 8. 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.
 9. Details on any new driveways or changes to existing driveways (radii, throat width, slope, boulevard design, etc.).
 10. Location of existing signs and details on any proposed changes or new signs.

11. General illustrations of existing landscaping; location, size and species of any new landscaping.
 12. Layout of any proposed changes to utilities.
 13. Description of any proposed changes to drainage.
 14. Floor plan of any new building area and building elevations, if applicable.
- e. Any other items requested by city staff or the planning commission.

Section 29.04. - Criteria for full site plan review.

The planning commission (and city council) shall review the site plan to ensure that it complies with all of the criteria below:

- a. The proposed use will not be injurious to the surrounding neighborhood. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

- a. The city clerk shall refer the site plans to the city planning commission and after considering all information, the planning commission shall either approve, deny, or approve with conditions the site plan. Upon approval of the site plan by the planning commission , an application for a building permit shall be made by the petitioner in accordance with provisions of Article 21 of this ordinance.
- b. Upon approval of a site plan by the 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.

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 take final action on the site plan and special land uses.
4. 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.
5. 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.
6. 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.

- a. *Application form.* An application form provided by the city and required fee established by resolution of the city council, shall include the following:
 1. Applicant's name, address and telephone/fax number(s).
 2. Name and address of property owner, if different from applicant.
 3. Proof of property ownership.

4. Common description of property and complete legal description including the tax identification number.
 5. Dimensions of land and total acreage.
 6. Existing zoning.
 7. Proposed use of land and name of proposed development, if applicable.
 8. Proposed buildings to be constructed, including square feet of gross floor area.
 9. Anticipated number of employees at peak shift.
 10. Names, addresses, and telephone/fax number(s) of engineers, attorneys, architects, and other professionals associated with the project.
- b. *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 (1) inch equals 50 feet for property less than three acres or one inch equals 100 feet for property of three or more acres.
- c. *Descriptive and identification data*. The following descriptive and identification information shall be included on all site plans:
1. Applicant's name, address and telephone/fax number(s).
 2. Title block indicating the name of the development.
 3. Scale.
 4. Northpoint.
 5. Dates of submission and revisions (month, day, year).
 6. Location map drawn to scale with northpoint.
 7. Legal and common description of property.
 8. 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.
 9. A schedule for completing the project, including the phasing or timing of all proposed developments.
 10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
 11. Written description of proposed land use.
 12. Zoning classification of applicant's parcel and all abutting parcels.
 13. Proximity to driveways serving adjacent parcels.
 14. Proximity to section corner and major thoroughfares.
 15. Notation of any variances which have or must be secured.
 16. Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth acre.
- d. *Site data*.
1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
 2. Front, side, and rear setback dimensions.

3. Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
4. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Acceleration, deceleration, and passing lanes, where required.
7. 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.
8. The traffic circulation features and location of automobile parking areas within the site. The site plan should demonstrate features or improvements that will assure:
 9. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 10. Satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 11. Typical cross-section of proposed roads and driveways.
 12. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
 13. 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.
 14. Location of sidewalks within the site and within the right-of-way.
 15. Exterior lighting locations and method of shielding lights to prevent off-site glare.
 16. Trash receptacle locations and method of screening, if applicable.
 17. Transformer pad location and method of screening, if applicable.
 18. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing involving state and federal barrier-free requirements.
 19. Information needed to calculate required parking in accordance with zoning ordinance standards.
 20. The location of lawns and landscaped areas, including required landscaped greenbelts.
 21. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.
 22. 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.
 23. Cross-section of proposed berms.
 24. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.
 25. Designation of fire lanes.
 26. Loading/unloading area.
 27. The location of any outdoor storage of materials and the manner by which it will be screened.

e. *Building and structure details.*

1. Location, height, and outside dimensions of all proposed buildings or structures.

2. Indication of the number of stores and number of commercial or office units contained in the building.
3. Building floor plans.
4. Total floor area (gross floor area and usable floor area).
5. Location, size, height, and lighting of all proposed signs.
6. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
7. 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.
8. Samples of building materials and colors are required for review and approval by the planning commission.

Section 29.07. - Optional preliminary 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.

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 is to ensure 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.

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 (1) 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 (1) 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.

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. Painted concrete block shall not be used as an exterior material on new buildings and only on additions to match the existing primary building.
5. 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.
2. A specific architectural element proposed by the applicant's architect that is acceptable to the city planner and planning commission.
3. 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.
- k. *Outdoor Retail Display.* A sketch plan indicating the location and dimensions of any outdoor display must be submitted and approved by the Zoning Administrator prior to establishment of any such display. This will help ensure that said outdoor display will not interfere with approved access and circulation through the site nor create an unsightly situation. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall only be allowed for display at the front of the building extending outward no more than ten (10) feet and shall not obstruct barrier-free access to the building. Under no circumstances shall said outdoor display block or interfere with vehicular driving lanes through the site. All sketch plans for outdoor display must be renewed annually with the City and does not include outdoor storage, which is a special land use under *Section 30.09(16), Special land use specific requirements*, of the ordinance.

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.
 - a) 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.
 - b) 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:
 - i. Exterior building material used on the proposed dwelling;
 - ii. Roof style;
 - iii. The design and position of windows;
 - iv. Front entry design (presence of porches, front door location, etc.);
 - v. Garage style and design.
 - c) 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.
13. 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.

14. 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.

Existing Site Plan Review Ordinance

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 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 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, 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, 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 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](#))

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 ~~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 a Pick-Up Window

1. ~~All containers shall be made of recyclable materials; styrofoam and similar petroleum based material containers shall be prohibited.~~
12. 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.~~
24. Outdoor seating may be provided when meeting the requirements of Section 102-34, Outdoor Seating for Restaurants and Cafes.
35. 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.

	Single Family	Single Family	Downtown Residential	Two-Family	Multi-Family	Planned Manufactured Senior Housing (Article 10)	Planned Unit Development	Neighborhood Business	Central Business	General Business	Office	Light Industrial	Heavy Industrial
	R-1	R-2	R-3	R-4	RM-1	PMSHDD	PLD	CBD	CNB	GBD	O-1	I-1	I-2
Residential													
Accessory Buildings and Uses, customary to Residential uses permitted by right	P	P	P	P	P								
Accessory Dwelling Units	CLU						P						
Attached Single-Family houses													
Cluster family dwelling units					P		P						
Detached single-family dwellings	P	P	P	P	P	P	P						
Existing Single and Multiple Family Homes in non-residential districts								P	P	SLU			
Expansion of Apartments within existing building	CLU	CLU	CLU					SLU	CLU				
Family Day Care	SLU	SLU	SLU	SLU	SLU								
Granny Flat	CLU	CLU	CLU										
Group Living (Adult and Child Residential facilities)	SLU	SLU	SLU	SLU	SLU			SLU	SLU				
Home Occupation	CLU	CLU	CLU	CLU	CLU					P	CLU		
Live/work units, single family													
Manufactured Housing						P							
Manufactured Housing on Individual Lots (not part of a park)		SLU	SLU										
Mixed Use Residential								SLU	CLU				
Multi-family residential dwellings (apartment, senior community, row houses, similar multiple family residential)					P		P						
Nursing, Assisted Living	SLU	SLU	SLU	SLU	SLU			SLU	SLU	SLU	SLU		
Two-family dwellings				P	P								
Upper floor residential dwellings								SLU	CLU	CLU			
Commercial													
Accessory Buildings and Uses, customary to Commercial uses permitted by right							CLU	P	P	P	P		
Bank, Savings and Loan, Credit Union							CLU	P	P	P	P		
Bars, taverns, lounges, micro-breweries, brew-pubs							SLU	P	P	P	P		
Book stores										SLU			
Boutique Hotel										SLU			
Convenience Store							SLU	CLU	CLU	P			
Crematorium							CLU	P	P	P			
Day Care Center									SLU	SLU	SLU	SLU	SLU
Drive-thru retail, service establishments and drive-through restaurants, except drive-in theaters								P	P	P	P		
Drive-thru retail, service establishments, and drive-through restaurants							CLU	P	P	P	P	P	P
Funeral homes and mortuaries							SLU	SLU	P	P			
Hotels and motels								SLU	CLU	CLU			
Household and family service businesses, such as household equipment servicing (except automobile), laundries, dry cleaners and similar establishments									SLU	SLU			
Limited commercial*			P					SLU	SLU	SLU			
Nursery/Garden Center									P	SLU			
Nursing and Convalescent Care	SLU											P	P
Outdoor advertising which exclusively advertises a retail								CLU	CLU	P	CLU		
Outdoor retail sales										SLU	SLU		
Pet Store										CLU		P	P
Places of Assembly, including places of worship								CLU	P	P	CLU		
Restaurant							SLU	P	P	P	P		
Roadside Market							SLU	CLU	CLU	CLU	CLU		
Sec. 34-113 "in addition to the C-1 neighborhood commercial								P	P	P			
Second-hand or antique stores										P		P	P
Shopping Center (between 15,000 sq. ft. and 30,000 sq. ft.)										SLU			
Shopping Center (greater than 30,000 sq. ft.)								SLU	SLU	SLU			
Shopping Center (up to 15,000 sq. ft.)											SLU	SLU	
Small Manufacturing and Processing establishments								CLU	P				
Studio, such as art, dance, health, music or other similar place of instruction								P	P	P			
Walk-Up Window Retail or Restaurant													
Transportation													
Accessory Buildings and Uses customary to transportation uses permitted by right									SLU	SLU		P	P
Automobile and vehicle dealerships									CLU	CLU	CLU	P	P
Automobile service stations										CLU	CLU	P	P
Parking lots and sales lots, as long as they are paved with an impervious surface										SLU		P	P
Servicing and repairing of other types of motor vehicles, trailers and boats									P	P	P	P	P
Industrial Construction & Storage													
Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs and products not involving a normal retail or service activity on the lot												P	P
Contractor's establishments not engaging in any retail activities												P	P
Log yards (sorting and/or storage)												SLU	SLU
Research and testing laboratories												P	P
Stone cutting and monuments												CLU	CLU
Building supply and equipment stores and yards												SLU	SLU
Storage facilities/units										CLU	CLU	P	P
Outdoor storage												CLU	CLU
Outdoor use												SLU	SLU
Marijuana growing and testing												SLU	SLU
Accessory Buildings and Uses customary to industrial uses permitted by right												P	P
Recreation													
Accessory Buildings and Uses customary to recreation uses permitted by right										SLU	CLU	CLU	CLU
Arcade and similar devices										SLU	SLU	CLU	P
Golf Course (no range)										CLU	CLU	P	P
Golf Course with range										SLU	SLU		
Indoor Commercial Recreation (health club, handball, racquet ball, bowling, pool, billiards, tennis, batting, archery, soccer fields, indoor pool, ice arena)										SLU	SLU	SLU	P
Outdoor Recreation												P	P
Private Club, Fraternal Organization, Lodge									CLU	CLU	P	P	P
Private Recreation	SLU	SLU	SLU	SLU	SLU		P	P	P	P	P	P	P
Public Services													
Accessory Buildings and Uses customary to institutional uses permitted by right	P	P	P	P	P			SLU	CLU	P	P		
Cell Tower								SLU	SLU	CLU	P	P	
Cemetery	CLU	CLU	CLU	CLU	CLU			SLU	SLU	SLU	SLU	SLU	
Colleges and Vocational Schools								SLU	SLU	P	P	P	
Community centers	SLU	SLU	SLU	SLU	SLU	CLU		SLU			SLU		
Essential public service buildings (no outdoor storage)	SLU	SLU	SLU	SLU	SLU			P	P	P	P		
Essential public service buildings (with outdoor storage)								P	P	P			
Hospital												SLU	
Parks (public and private)	SLU	SLU	SLU	SLU	SLU	SLU		P	P	P	P		
Places of assembly, including places of worship (greater than 500 seats)													
Places of assembly, including places of worship (less than 250 seats)	SLU	SLU	SLU	SLU	SLU								

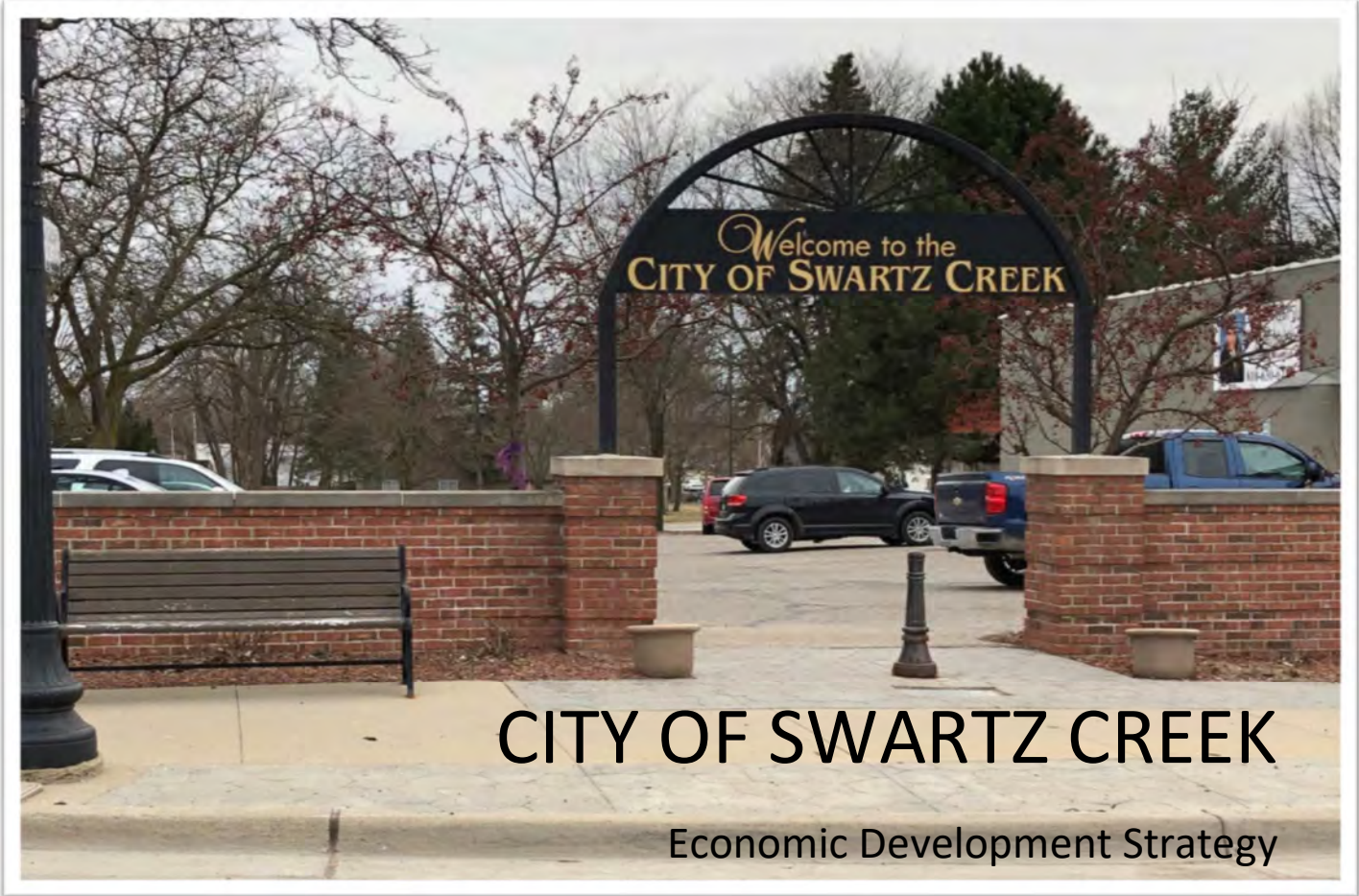


Table of Contents

Planning Process	4
Economic Conditions	5
SWOT Analysis	8
Goals and Objectives	11
Action Plan	11
Implementation	18
Redevelopment Strategies.....	19
Incentives	24

Acknowledgments

The City of Swartz Creek would like to acknowledge and thank the following individuals for their support in preparation of this Economic Development Strategy.

Angie Root

Ben Mainka

David Krueger

Dawn Jamison

Doug Stephens

Erik Jamison

John Knickerbocker

Rae Lynn Hicks

Sharlene Howe

Todd Beedy

Troy Medore

Adam Zettel

PLANNING PROCESS

This economic development strategy for the City of Swartz Creek is a collaborative planning project between the MEDC's Redevelopment Ready Communities program and the City of Swartz Creek. The result of this project will be an economic roadmap to assist with job creation, marketing and branding along with redevelopment and investment strategies for the community. These actions will both strengthen and diversify the local economy. The roadmap will also help guide the coordinated effort between the I-69 Thumb Region, Genesee County and the City of Swartz Creek to work in a cooperative manner that will integrate aspects of the regional economic development strategy with the local economic development effort.

When creating an economic development strategy, it is important to answer several questions.

1. Who are the largest employers in the community?
2. What drives the local economy?
3. What is the city's role in the larger region?
4. What are the strengths of the community and how can they contribute to growth?
5. What could be potential challenges to growth?
6. What overall image is the city working to create?
7. What strategies can be implemented to execute the end vision?

As part of the planning process, a local steering committee has been assembled comprised of local leaders, businesses and other key stakeholders with a direct interest in the economic success of the City of Swartz Creek. The steering committee will help guide the development of the overall strategy, as well as provide critical input on the future economic vision for the city. Lastly, the steering committee will assist with the identification of implementation projects throughout the community which can be benchmarked and monitored for success.

This report could not have been completed without the guidance and assistance of the members of the steering committee, the City of Swartz Creek and the Michigan Economic Development Corporation.

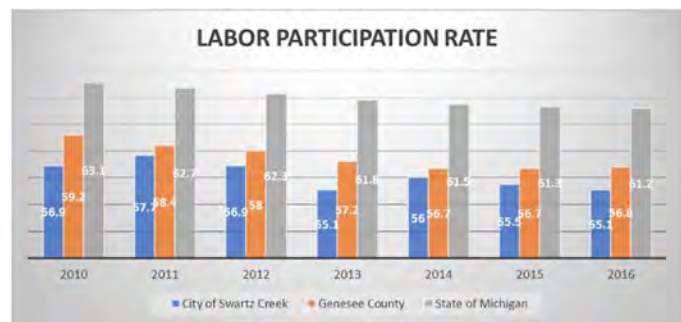
Economic Landscape

The City of Swartz Creek is located in central-western Genesee County. The city is surrounded by Gaines, Flint and Clayton Townships. The current population of the City of Swartz Creek is 5,617 according to 2016 US Census estimates with 62.8% of the current population within the work age group between 16 and 65 years of age. Of that percentage, 55.1% are active in the labor force with 44.9% not currently active in the labor force for any number of reasons. Currently, the US labor participation rate is 62.7%, which Swartz Creek nearly mirrors.

Historically, labor participation rate has been a good indicator of the strength or weakness within a local labor market. The higher the rate, the greater the availability of quality employment opportunities.

Since the last recession, labor participation rates have generally been in decline, locally, regionally and nationally, but not because of reduced employment opportunities. To better understand the decline in labor participation, we need to look at the age distribution within the City of Swartz Creek and surrounding communities.

Figure 1

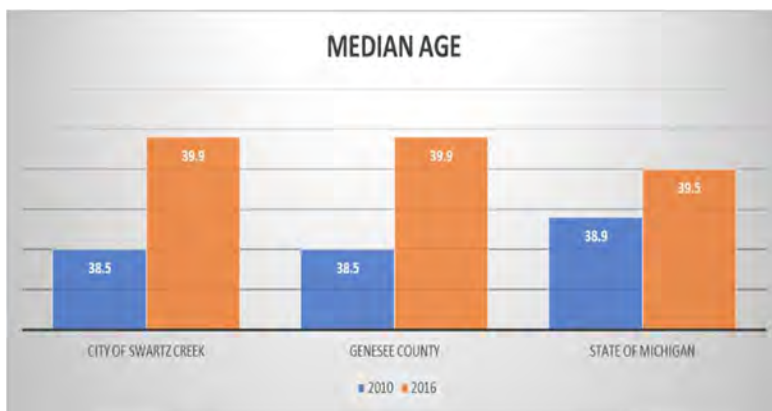


At quick glance, it is easy to see that the population is aging, meaning a greater percentage of the workforce is nearing the age of retirement. During the recent recession, a considerable number of workers that became unemployed permanently left the labor force. As employment opportunities declined, it became more difficult for workers aged 55+ to find meaningful employment, so many either took part time work, worked off the record, signed up for permanent disability or simply retired.

Figure 2

Income, Employment and Education

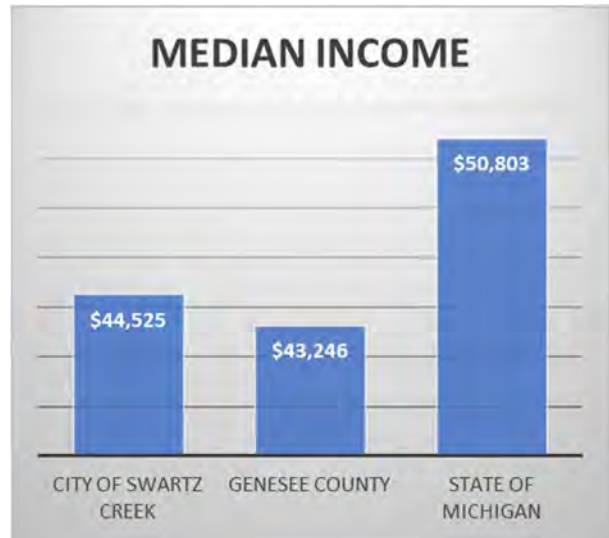
Figure 3: Age Distribution, City of Swartz Creek



The median household income of the City of Swartz Creek is relatively strong compared to Genesee County and the State of Michigan at \$52,788. When you look deeper in to the income data, the median household income for families is \$59,643. Median non-family income is \$35,114 which would generally be a single income, head of household. This again reinforces the idea that the City of Swartz

Creek is a great community to raise a family. The largest income cluster for the City of Swartz Creek is from \$35,000 to \$75,000, which according to PEW Research Center, is statistically the middle-class of the United States. Of the total households within the city, 51% fall within this income range. Given such a high percentage of the community is middle class or above, it is safe to assume that Swartz Creek is a bedroom community for employment centers such as Flint, Lansing, Owosso, Saginaw or other industry centers in southeast Michigan. Looking at the educational attainment of the City of Swartz Creek, a large percentage of the population is a high school graduate or equivalent or has completed some level of higher education.

Figure 3



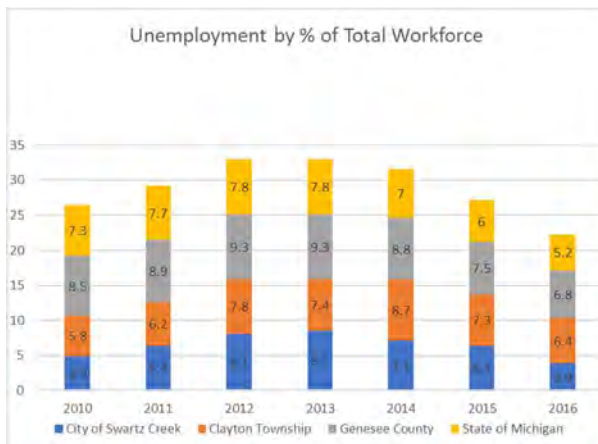
When looking to grow the economy of any community, it is extremely important to have a highly skilled and educated workforce. This has been identified as the highest priority for employers when seeking to expand their operations. It has also been identified as a top priority by the Governor for the State of Michigan.

Figure 4

EDUCATIONAL ATTAINMENT 2016 (US Census Estimate)			
	City of Swartz Creek		%
Population 25 Years and Over	4,073		100
Less than 9th grade	170		4.2
9th to 12th grade, no diploma	281		6.9
High school graduate or equivalent	1,407		34.5
Some college, no degree	1,067		26.2
Associate's degree	517		12.7
Bachelor's degree	375		9.2
Graduate or professional degree	256		6.3

The landscape of Genesee County is very diverse including thousands of acres of productive farmland, international transportation routes including I-69 along with several rail lines, revitalized urban areas and several vital smaller cities, townships and villages. Despite the county's diversity, it's residents and businesses share many of the same opportunities, assets, and challenges that can be more effectively acted upon with a coordinated effort.

Figure 5



The State of Michigan and many of its communities have been emerging from one of the most extensive economic recessions on record since the Great Depression. At its height, unemployment topped 16% across the I-69 Thumb Region. Locally, unemployment wasn't nearly as high as seen in the chart below, but the same pattern was present as identified

regionally, across the state and across the nation.

Figure 6

INDUSTRY OF EMPLOYED WORKERS (US Census 2016 Estimates)	
Civilian employed population 16 years and over	2,355
Agriculture, forestry, fishing and hunting, and mining:	0
Agriculture, forestry, fishing and hunting	0
Mining, quarrying, and oil and gas extraction	0
Construction	153
Manufacturing	461
Wholesale trade	26
Retail trade	300
Transportation and warehousing, and utilities:	91
Transportation and warehousing	75
Utilities	16
Information	82
Finance and insurance, and real estate and rental and leasing:	42
Finance and insurance	42
Real estate and rental and leasing	0
Professional, scientific, and management, and administrative and waste management	162
Professional, scientific, and technical services	49
Management of companies and enterprises	0
Administrative and support and waste management services	113
Educational services, and health care and social assistance:	593
Educational services	167
Health care and social assistance	426
Arts, entertainment, and recreation, and accommodation and food services:	218
Arts, entertainment, and recreation	54
Accommodation and food services	164
Other services, except public administration	125
Public administration	102

Comparatively speaking, from a workforce perspective, the City of Swartz Creek and Clayton Township fared better than the rest of the State of Michigan along with the I-69 Thumb Region, but still felt the pinch of the recession.

Looking at the industry of the City of Swartz Creek, the largest employment base within the city is manufacturing. Of the civilian employed population aged 16 years or over, 2,335 of the total 461 are employed within that category. Other large employment categories of note include healthcare and social assistance (426), retail trade (300) and educational services (167).

It is important to note, that while figure 6 identifies the industries of employed workers in the City of Swartz Creek, it is not indicative of the industries found within the City of Swartz Creek. In fact, much of the working population of Swartz Creek commute out of the city for daily work. The average commute time for workers living in the city of Swartz Creek is 26.8 minutes, indicating that many workers are traveling to larger metro areas for employment including Owosso, Durand, Lansing, Flint and other communities within a 30-minute drive where there are more options for employment opportunities.

Regional Economic Development

In 2013, the I-69 Thumb Region, also known as Prosperity Region 6 completed a 7-county economic development strategy called “Accelerate”. This plan is intended to find and promote economic development opportunities across the region as well as promoting the region for outside investment. Swartz Creek sits in a very strategic location within the region with its two exits onto I-69 and proximity to I-75, I-475, US-23. This positions Swartz Creek well for attracting regional investment projects near the GM Assembly facility, as well as becoming a hub for potential employees in the area due to having good housing options and a high-level school system.

SWOT Analysis

On July 31, 2018, the City of Swartz Creek Economic Development Steering Committee completed a SWOT Analysis as a way of obtaining perceptions of the city's strengths, weaknesses, opportunities and threats. The intent of the sessions was to gain insight, but more importantly, to establish a community identity and how the city fits into the larger region.

The results of the analysis are listed below and are the basis for developing an economic vision for the community as well as economic development action items to be completed over the next several years.

Strengths

- People choose to live here
- Schools are improving
 - Can be a means to attract new businesses and residents
- Trending positively/Optimism in the community
- Community buy-in
- City has name recognition
- City has history
 - Active historical society
- High concentration of vets
- Historic Downtown
 - City Parks
 - Walkable community
 - Hometown Days
 - Local newspaper
- Room to grow
- Large sites available
- Open space for future growth
- Great location off of I-69/2 exits
- Location connects city to larger economy of Southeast Michigan
- Bishop Airport is nearby
- Talented core of new business owners
- New businesses investing in the community
- Community has a very low unemployment rate
- Improving tax base
- Shift in tax base off of industry
- Rebuilding infrastructure
 - Improved roads – Millage approved by residents

Weaknesses

- Small but vocal “status quo” group
- Resistance to losing history
- Racetrack ownership is absent/not engaged
- Dislocated property owners
- Certain businesses not cooperating with change
- Residents not fully aware of downtown amenities
- No marketing of note
- No singular brand entity
- Genesee Valley magnet/Miller Road effect (proximity to)

- Non-pedestrian oriented downtown
- Little to no destination businesses
- Proximity to Flint/National image of Flint
- I-69 is an easy pass-by opportunity for the city
- Genesee County taxes are very high
- Distrust toward leadership
 - Management is out to get us
 - Takes too much time to build trust
 - “Earn it” attitude
- Facades need to be upgraded
- City is used to not paying attention

Opportunities

- School Millage
 - \$48 million to facilities
 - Security Upgrade
 - Face lift to all buildings
 - Room to grow (82% capacity across district)
 - No bonded debt
 - Bottom 1/3 in Genesee County for school debt

- Communication
 - General – City never had a consistent message
 - Specific
 - Improve resident outreach

- Chamber
 - Need a higher level of service
 - Build better awareness of community
 - Build org. capacity
 - Work closer with regional entities
 - Work closer with local businesses
 - Build a new identity

- Spin-off from “Project Tim” if it moves forward
 - Housing
 - Supply chain
 - Business attraction

- Downtown
 - Mixed use opportunities
 - Destination
 - Marketing and branding
 - City owned sites
 - Outdoor dining/shopping

- Growing artisan community

- Can draw people downtown

Threats

- Fear of change
- Passiveness of community
- Gim'me expectations
- Small town mindset
 - Terrified of outsiders
- Less volunteers
 - Working parents
- Lack of cooperation with downtown businesses
- Blight
- Facades
- Age of buildings
- Corporations aren't local – lack of corporate citizenship
- Online shopping – Amazon effect
- Neighboring communities
- Not enough mixes of housing
- Lack of public transportation

Goals and Objectives

The goals identified in this plan were identified in from the City of Swartz Creel Master Plan and relate directly to economic development within the city. Goals are high level policy statements that drive future decisions around projects and investment opportunities that can contribute to community growth.

Objectives are specific ideas, strategies, policy statements or projects that achieve goal results. The objectives identified in this plan will assist the City of Swartz Creek by providing measurable tasks that revolve around increasing economic activity within the city. Further these objectives will support other planning efforts in the city such as the Master Plan, the Swartz Creek DDA Community Improvement Objectives along with future capital improvement plans. Integrating all the above planning efforts with a committed leadership will be the most important driver of success for the community.

Goal 1: To provide attractive commercial areas that create a stable tax base and quality shopping and service uses for residents

Goal 2: To encourage the attraction of a variety and mix of new businesses to Swartz Creek

Action Table

For the City Economic Development Strategy to be an effective document for the next several years, steps must be identified to guide community leaders towards implementation. This chapter summarizes the goals and the recommendations described throughout the plan and serves as a quick reference for the City Leadership and others to monitor progress or serve as a checklist for implementing the plan.

The following table identifies major steps and projects designed to maintain and improve the City of Swartz Creek. Implementation of these items will have a positive impact on the character and vitality of the community. Many of the implementation recommendations presented herein will require the close cooperation of many bodies. The final column in the table indicates the primary group(s) responsible for implementation.



Objective	Action Item(s)	Responsible Entity	Time Frame
Dedicate new, expanded areas for a mixture of commercial development, while supporting the success and improvement of existing business areas.	<ul style="list-style-type: none"> Complete zoning amendments to meet RRC Technical Review Develop an internal business retention 	City Administration, City Council, Planning Commission	2019

	<p>strategy to support existing base companies</p> <ul style="list-style-type: none"> • Create downtown PUD District 		
<p>Encourage the type and amount of business operation supported by market analysis, historical performance and consumer desires.</p>	<ul style="list-style-type: none"> • Complete target market analysis to identify potential industry markets to attract to Swartz Creek • Complete a consumer survey to identify shopping trends of Swartz Creek residents 	DDA	Short Term
<p>Encourage the rehabilitation or replacement of obsolete commercial/office and industrial buildings and sites with viable business establishments or other appropriate uses.</p>	<ul style="list-style-type: none"> • Update codes and penalties to strengthen blight enforcement efforts for buildings and properties in need of repair and upkeep • Identify additional resources, incentives and grants to assist with façade improvements • Identify additional resources, incentives and grants to assist with redevelopment of core downtown sites • Utilize TIF Funds to assist with downtown feasibility analyses as needed • Identify funding sources and grants to assist with environmental cleanup and restoration as needed. • Review and update DDA Development Plan to ensure a current project list and access to all tools available to the DDA 	Staff, Metro PD, DDA	Short Term Ongoing

<p>Promote the revitalization of downtown Swartz Creek through the attraction of businesses and other uses suited to that area.</p>	<ul style="list-style-type: none"> • Utilize Redevelopment Communities to develop promotional materials for key redevelopment sites downtown identified in this plan, the DDA Development Plan and the City Master Plan. This should include detailed concept plans for priority sites • Create city-wide promotional materials to reach specified target investment markets. These materials should focus on consumer spending patterns, educational attainment, wages, labor force and available redevelopment sites. • Focus efforts and resources when available on priority redevelopment sites identified within this plan. 	<p>Planning Commission, DDA, Staff, Chamber</p>	<p>Ongoing</p>
<p>Encourage the retention of residential neighborhoods in the vicinity of downtown Swartz Creek as a source of customers</p>	<ul style="list-style-type: none"> • Look to identify areas within the core of the city to encourage new housing development, especially missing middle housing which can attract workforce and families to the city. • Identify opportunities to increase core residential density. 	<p>DDA, Planning Commission</p>	<p>Ongoing</p>
<p>Promote visual and physical links between the downtown and the Civic Center such as landscaped walkways, streetscape, and public art.</p>	<ul style="list-style-type: none"> • Implement the city's streetscape plan currently under development • Work with local artisan groups such as the Greater Flint Arts Council or the Flint 	<p>Council, DDA, Planning Commission</p>	<p>Ongoing</p>

	<p>Institute of Arts to identify opportunities to include art into public spaces and pedestrian ways throughout the city.</p> <ul style="list-style-type: none"> • Include artistic features such as murals or statues into downtown design guidelines • Use vacant spaces or underutilized sites in downtown to host popup events such as farmers markets, art fairs, food truck festivals, movies or concerts featuring local artists to increase programming in the city and to drive visitors to the core of the downtown 		
<p>Continue to promote community events in the downtown and Civic Center areas as a way of attracting attention and customers to downtown businesses.</p>	<ul style="list-style-type: none"> • Work with the DDA and the Chamber to develop a promotional platform to highlight local events to residents of the city and potential outside markets to attract visitors. Various forms of media including print, social, radio and television should be utilized to maximize the extent of the message. • Develop a platform to highlight local businesses to residents • Work with the Visitors and Convention Bureau of Genesee County to highlight local events and drive visitors to Swartz Creek 	<p>DDA, Chamber</p>	<p>Ongoing</p>

<p>Promote the development of a traditional mixed-use downtown corridor along Morrish Road, between the entrance into the Sports Creek racetrack and Civic Drive in accordance with the following standards</p>	<ul style="list-style-type: none"> • Permit commercial uses such as small-scale retail stores; professional offices for physicians, optometrists, chiropractors, dentists, psychologists, and similar professions, • Ensure businesses have frontage on Morrish Road and build to the right-of-way or agreed upon short distance setback. • Encourage or develop requirements for a second or third floor for residential dwellings. • Allow the use of alleyways for rear parking and loading. 	<p>Planning Commission, DDA</p>	<p>Ongoing</p>
<p>Promote the development of the mixed-use area north of the Morrish Road/I-69 interchange for retail and other uses.</p>	<ul style="list-style-type: none"> • Locate any residential uses along or in proximity to Bristol Road or within the rears of the properties and locate commercial uses near I-69 and Morrish Road. • Ensure commercial uses are of a size, scale, and character consistent with other development in the area. • Develop a gateway strategy to welcome shoppers and visitors to Swartz Creek • Enhance the entry way to Sports Creek as a prime destination site for the city should it be repurposed 	<p>Planning Commission, DDA</p>	<p>Ongoing</p>
<p>Coordinate efforts to retain and attract industrial development and work with other groups that are involved in economic development.</p>	<ul style="list-style-type: none"> • Work with the Flint & Genesee Chamber Economic Development team to ensure 	<p>Staff, Council, Chamber</p>	<p>Short Term – Mid Term</p>

	<p>available properties in the city are listed on Zoom Prospector</p> <ul style="list-style-type: none"> • Prepare a city-wide fact sheet identifying target industrial markets, properties available, proximity to major markets and industry sectors (auto, medical...), access to local workforce, tax incentives (if applicable) and any other asset (utilities) that could be used to attract new industry • Host regional and state economic developers at prime properties in the city to give them an on the ground feel for the site. • Market sites available for advanced manufacturing in all industry sectors • Encourage General Motors to increase when feasible, its operations at the Customer Care and Aftersales facility within the city • Work with Bishop Airport to solicit intermodal or other distribution industries to the city • There is a growth opportunity in manufacturing in Swartz Creek. The city will prioritize sites available for manufacturing growth and promote them to encourage 		
--	--	--	--

	business expansions within the city.		
Coordinate existing programs and provide information on small business development programs.	<ul style="list-style-type: none"> • Work with the Flint & Genesee Chamber Economic Development Team to host local small businesses educational events in partnership with the Swartz Creek Chamber of Commerce. • Host the Genesee County eTeam for small business education. • Provide a small businesses resource kiosk at city hall to inform small businesses about assistance programs available locally and throughout the state. 	Chamber, DDA	Short Term
Work to grow the City of Swartz Creek Chamber of Commerce and its capacity to assist local companies, attract new companies and promote the City as a whole	<ul style="list-style-type: none"> • Work to increase capacity of the chamber to become the city's primary promotional entity. • Focus membership growth on companies located within the City of Swartz Creek. 	Chamber	Ongoing
Implement the recently completed marketing and branding strategy	<ul style="list-style-type: none"> • Incorporate the DDA Development Plan, Master Plan and Economic Development Plan into a comprehensive marketing strategy to promote Swartz Creek • Develop a communications plan to ensure all targeted marketing is formatted to reflect the new marketing and branding strategy 	Council, Staff, DDA, Chamber	Ongoing

	<ul style="list-style-type: none"> • Complete a brand kickoff and begin implementation of new logos and taglines 		
--	---	--	--

Implementation

This plan serves as the policy guide for moving Swartz Creek forward, guiding decisions about future physical and economic development. Transforming the plan's goals into reality will require a long-term commitment and political consensus. The plan is designed to be a road map for action, incorporating strategies, specific projects, and programs that will achieve the desired results.

This chapter synthesizes the many plan recommendations and identifies the actions and timing needed to transform the plan's vision into reality.

Tenets of Successful Implementation

The input received through the master plan process provided a foundation to help achieve the city's vision, community support, commitment, and involvement must continue.

Commitment

Successful plan implementation will be directly related to a committed city leadership. While elected and appointed officials will have a strong leadership role, many others - city department directors, staff, and leaders from the community's many institutions and organizations - will also be instrumental in supporting the plan.

However, commitment reaches beyond just these individuals and includes the array of stakeholders. Citizens, landowners, developers, and business owners interested in how Swartz Creek develops must unite toward the plan's common vision.

Integrate with Project Design

City officials and departments must embrace the plan, applying its recommendations to help shape annual budgets, work programs, and the design of capital improvements. For example, the City's engineering practices can support implementation through infrastructure improvements, streets, and storm systems designed consistent with plan policies and recommendations. Each department, staff person, and elected official should find it a benefit, if not an obligation, to reference the plan when making decisions and setting priorities.

Guidance for Development Decisions

This plan is designed for routine use and should be consistently employed during any process affecting the community's future. Private investment decisions by developers, corporations, and land owners should consider the plan's direction as it is the guide for economic growth and stability of the community and supports the goals and objectives of the overall master plan.

Evaluation and Monitoring

This plan has been developed with a degree of flexibility, allowing nimble responses to emerging conditions, challenges, and opportunities. To help ensure the plan stays fresh and useful, periodic reviews and amendments may be required. This will ensure plan goals, objectives, and recommendations reflect changing community needs, expectations, and financial realities.

Redevelopment Strategies

How to Attract Developers?

Developers typically look for project locations where the potential for success is fairly certain and risks limited. This means that they are attracted to communities with strong markets where the infrastructure is in place, reasonably-priced, quality development sites are available, and the development review process is quick. They also look for opportunities to enter a market right before it “takes off” and capture the heavy demand and associated real estate price or rent increases.

Good developers are usually inundated with requests from municipalities and DDA’s to develop in their community, citing the advantages they can offer. Yet only a small percentage of communities provide the information necessary to interest developers. There is specific information they look for that will minimize the amount of time it takes to make a go- no-go decision. For example, is there a market for the type of development being sought by the community? What is the role of the community within the region (i.e. bedroom community, employment destination, transportation hub, etc.)? Are reasonably priced sites available for development of redevelopment? Is necessary infrastructure in place or will this be needed and add to the cost of the project? How accessible is the development location and how large a market area can they draw from?

These are all vital questions that can be partly answered by the community, making it easier to pique the interest of a developer. Time is money and the less time developers have to commit to looking at a project/community, the more likely they are to dig deeper and hopefully show interest in moving forward. Some of this information might already be available while additional work is needed to gather the remaining data. It is up to the City, DDA, business leaders, and civic associations to work together to assemble developer information and then actively recruit developers and businesses.

Why Swartz Creek?

Since developers look for strong or emerging markets, Swartz Creek must prove that it fits into this classification and may have just been overlooked. What are the positives with Swartz Creek that have created unmet demand for housing, commercial, office or industrial uses? This is information that must be gathered and uncovered to create the “elevator speech” for developers: meaning why invest in Swartz Creek as opposed to all the other communities that contact you? Also, what has changed in recent years causing the private sector to overlook the

City as a place to develop? A one-page handout summarizing this key information will be a good start. After that, a separate sheet can be created for each marketing item like housing, retail, office, hospitality, etc.

Understand the Market

Developers may not take the time to fully understand the dynamics of the local market and especially not unmet demand. The City can prepare a fact sheet for different market segments, working with local real estate professionals and companies. For example, some compelling information might be increased housing prices and vacancy rates; potential demand for certain types of housing using the Target Market Analysis; voids in the retail market that could be served by local businesses, etc.

Developer Matchmaking

Once the above information is collected and organized, invite developers to come in and learn about available sites and why they should consider Swartz Creek for their next project. It would be best to invite them individually and be concise, enthusiastic, and to the point with what you would like them to consider. Be sure to share success stories from other companies and developments so they can see that others have already tested the market. It is equally important to have as much information available regarding property availability, price, rental rates, recent purchase prices, traffic volumes, etc. This will provide a positive impression regarding the recruitment effort and limit the number of items that need follow-up.

DDA/City Property Acquisition

Property acquisition will be a necessary part of implementing the development projects contained herein, particularly for site development and redevelopment. By purchasing property in an area identified for new development, the DDA or the City will have an added tool to attract developers and build the desired project. For example, to develop new housing, the DDA or City can acquire several of the vacant lots and can contribute them to the project. This will provide an incentive to lower the cost, and minimize the risk, for the developer. Should the first phase be successful, the developer will more than likely undertake construction of additional units without any form of subsidy. The goal is to use tax increment financing to attract developers by minimizing risk, leverage private investment and eventually eliminate the need for financial assistance.

Gap Funding

Some projects may need financial assistance to kick-start the development. The City may, at its own discretion, commit project-specific future tax increment capture back to private projects for a specified period of time. The goal is to provide funding to close the “gap” that prevents the project from becoming a reality due to financial feasibility. There are many additional incentives that can also be utilized to support “gap” funding.

Business Retention

Business Development/Retention Program – Develop a program to take and keep the pulse of the local business community. Regular touches, or retention visits will begin to engage the

business community beyond traditional networking opportunities. Typical discussions during retention visits include business growth plans, marketing, employment and obstacles that can hinder growth. There are many resources available to the business community for finding, hiring and retaining employees, obtaining financial support, learning about import and export programs and government contracting opportunities. Having a strong business retention program can be one of the most successful tools for supporting the local business community.

Business Attraction

Now that the City of Swartz Creek has completed a Marketing and Branding Strategy, it will be important to engage fully with the Flint & Genesee Chamber of Commerce as well as the MEDC to implement a business attraction strategy that works for the community based on the outcome of the Master Plan, land available for growth and target sectors the city is looking to attract.

It will be equally important for the city to develop an attraction strategy for general retail and specialty businesses the city would like to attract to the downtown. The MEDC RRC program may assist with this as well as working with local commercial property brokers.

Marketing and Branding

The City of Swartz Creek has actively promoted specific economic development projects. For example, the Holland Square Project fundamentally encourages downtown reinvestment by redeveloping a former gas station into a new public pavilion for community events. Increasingly, communities around Michigan (and nationally) are taking similar steps to both stimulate development through actions that make surrounding property more appealing, and steps to become directly engaged in seeking development proposals for key property.

Frequently, a tool known as the Developer RFQ is used to obtain development proposals for key property. A key property might be a vacant lot, or an underutilized building in a prominent location. Typically, a community, or development organization secures site control for a key property, defines a range of development possibilities, and then offers the opportunity to offer a development proposal given incentives and parameters defined in the RFP. In this way, the community assumes a proactive role in the development process and begins to think as a developer might. This connects to marketing and branding as communities need to build a business case for a development project and provide compelling reasons to invest in the community (compared with a growing number of options elsewhere).

Swartz Creek should continue to try to set itself apart from other places and strive to offer a unique identity and brand. This can be supported by drawing attention to considerations such as city rankings, local awards, walkscores, and favorable statistics.

Increasingly, communities are also preparing optional concept plans and offering third party feasibility studies to draw a clearer picture development potential. (see <https://www.miplace.org/globalassets/media-documents/rrc/rrc-guide---developer-rfq.pdf> for more information on developer RFQ).

Additionally, efforts to build a compelling argument for local investment can be supported by crafting a succinct, clear and focused municipal “elevator speech.” An elevator speech is a short (minute or less) statement designed to grab attention. The word elevator is tied to the time it takes for a typical elevator ride. The following material was generated as a starting point for more local consideration and refinement, but it is grounded in what residents offered when asked had to offer three words that best describe Swartz Creek and the top strengths of Swartz Creek.

DRAFT - SWARTZ CREEK ELEVATOR SPEECH

Swartz Creek celebrates a hometown spirit like few other places. Our friendships with each other are lasting and our residents work hard to build the kind of community people care deeply about. We welcome those who share our love for small town charm, local pride, family, safety, friendliness and fun. Swartz Creek is loaded with opportunity for those who want to be successful here. This opportunity flows from unique community attributes and, most importantly, from the people of Swartz Creek who support and encourage each other - because that is what friends do.

Redevelopment Ready Sites

The City of Swartz Creek has identified the following sites as priorities for future redevelopment projects.

Sports Creek Raceway – The Sports Creek Raceway is a former horse racing facility located at the intersection of Morrish Road and I-69. While there are plans taking shape to reopen the facility as a race track in 2019, this site has the potential to provide the greatest economic return to the City of Swartz Creek, either as a tourist destination, or as a repurposed site for future industrial/commercial/mixed use development in the future.

The existing site is nearly 100 acres fully served by infrastructure. If the site is reopened as a race track, it will be imperative to focus development efforts along the Morrish Road Corridor to Downtown. Further, it will be important to work with MDOT to potentially widen the Morrish/I-



69 overpass to ensure traffic capacity is met given new commercial developments at that intersection. Additionally, the city should work with a hospitality consultant to determine the feasibility of a potential hotel to be located at that intersection if the demand is present. Lastly, if the track is reopened, the city will want to engage the Flint & Genesee Convention and Visitors Bureau to develop a destination marketing plan to support the track.

If the facility is not reopened as a track, the site should be repurposed into a mixed-use business park that could include a mix of industrial, office and commercial uses to increase the much-needed supply of industrial facilities within Genesee County. With access to I-69 and the I-69 International Trade Corridor, this site could be a prime destination for key industrial suppliers with both local and international clients.

Mary Crapo School – The former Mary Crapo school is located just west of Downtown Swartz Creek and is a prime property for redevelopment into high density residential housing. This would also add new tax revenues to the city’s tax roll as this site was formerly owned by the Swartz Creek Community Schools and was not taxed, creating a net win for the city.

Family Worship Center – This site is a former church located on the western side of Morrish Road just north of Miller Road near downtown. This site is ideal for repurposing as a destination hospitality/dining establishment, craft brewery/distillery or other type of establishment given the close proximity to I-69 and downtown. This site could become an anchor establishment similar to the Clarkston Union or Fenton Fire Hall and could serve both the local population as well as capture a share of the ever-growing craft food and beverage industry throughout Michigan.

8057 Miller Road

This site is the former home of Assenmacher Bicycle Company, now located on Hill Road in Mundy Township. This site is perfectly located on the south side of Miller Road, downtown Swartz Creek and is adjacent to the west of city-owned property that will be redeveloped in the near future.



Ideally, this site will be repurposed with a restaurant or some type of specialty retail. The goal is to preserve the building to the extent possible, but this would also make a prime site for a two to three-story mixed-use building if the right opportunity presents itself.

5203 Morrish Road

This is the site of the Swartz Creek Grain Elevator which is a non-designated historic site on the south side of the City. This site offers a prime opportunity for future mixed-use development. The site has been a host to a number of businesses over the years and is in need of improvements. This site could also be an extension of the industrial uses located to the west on Morrish Road.

Incentives Available to Assist Development

As soon as possible, the City of Swartz Creek should develop incentive guidelines to help determine when incentives are appropriate and how much incentive to offer. With any State of Michigan Incentive Program, a local contribution will need to be included. This can be in the form of cash, in-kind support, tax abatements, Tax Increment Finance or other.

The following programs are a sampling of incentives available to both local communities and developers to assist with redevelopment projects.

Business Development Program – The MiBDP is an incentive program available from the Michigan Strategic Fund, in cooperation with the MEDC. The program is designed to provide grants, loans or other economic assistance to businesses for highly competitive projects in Michigan that create jobs and/or provide investment.

PA 198 Industrial Facilities Exemption – Industrial property tax abatements provide incentives for eligible businesses to make new investments in Michigan. These abatements encourage Michigan manufacturers to build new plants, expand existing plants, renovate aging plants, or add new machinery and equipment. High technology operations are also available for the abatement. Depending on the scope and type of project, real property taxes can be abated up to 50% for a period not to exceed 12 years for new construction. Further, the 6-mil SET may be abated up to 100% with approval from the MEDC.

In the case of a rehabilitation, the current assessed value of the property prior to improvement is frozen. This results in a 100% exemption from property tax on the value of the improvements.

Commercial Rehabilitation Abatement – Encourages the rehabilitation of commercial property by abating the property taxes generated from new investment for a period up to 10 years. Commercial property is qualified facility that includes a building or group of contiguous building of commercial property that is 15 years or older, of which the primary purpose is the operation of a commercial business enterprise or multi-family residential. The CRA freezes the taxable value of the building and exempts the new investment from local taxes.

Community Revitalization Program - The Michigan Community Revitalization Program (MCRP) is an incentive program available from the Michigan Strategic Fund (MSF), in cooperation with the Michigan Economic Development Corporation (MEDC), designed to promote community revitalization that will accelerate private investment in areas of historical disinvestment; contribute to Michigan's reinvention as a vital, job generating state; foster redevelopment of functionally obsolete or historic properties; reduce blight; and protect the natural resources of this state. The program is designed to provide grants, loans, or other economic assistance for eligible investment projects in Michigan.

New Market Tax Credits - Historically, low-income communities experience a lack of investment, as evidenced by vacant commercial properties, outdated manufacturing facilities, and inadequate access to education and healthcare service providers. The New Market Tax Credit Program (NMTC Program) aims to break this cycle of disinvestment by attracting the private investment necessary to reinvigorate struggling local economies.

The NMTC Program attracts private capital into low-income communities by permitting individual and corporate investors to receive a tax credit against their federal income tax in exchange for making equity investments in specialized financial intermediaries called Community Development Entities (CDEs). The credit totals 39 percent of the original investment amount and is claimed over a period of seven years.

Brownfield - The Brownfield Program uses tax increment financing (TIF) to reimburse brownfield related costs incurred while redeveloping contaminated, functionally obsolete, blighted or historic properties. It is also responsible for managing the Single Business Tax and Michigan Business Tax Brownfield Credit legacy programs (SBT/MBT Brownfield Credits). The Michigan Strategic Fund (MSF) with assistance from the Michigan Economic Development Corporation (MEDC), administers the reimbursement of costs using state school taxes (School Operating and State Education Tax) for nonenvironmental eligible activities that support redevelopment, revitalization and reuse of eligible property. The MEDC also manages amendments to SBT/MBT Brownfield Credit projects approved by MSF. The Michigan Department of Environmental Quality (MDEQ) administers the reimbursement of environmental response costs using state school taxes for environmental activities, and local units of government sometimes use only local taxes to reimburse for eligible activities (i.e., “local-only” plans).

Michigan Transportation Economic Development Fund - The mission of the Transportation Economic Development Fund (TEDF) is to enhance the ability of the state to compete in an international economy, to serve as a catalyst for economic growth of the state, and to improve the quality of life in the state. The funds are available to state, county, and city road agencies for immediate highway needs relating to a variety of economic development issues.

City Properties and Utilities – The City can negotiate both property costs and utility/development fees for city owned property. The city would require a developer to submit a development proposal which would be review internally for economic impacts. If the economic impacts are high for the city, fees may be potentially reduced to support the project.

Using this Plan

This Economic Development Strategy is a key piece of the development puzzle for the City of Swartz Creek. This plan should be seen as a living document and constantly reviewed and refined as projects are completed. Further, this plan should serve as a link between the City’s Master Plan, Zoning Ordinance, Marketing and Branding Strategy and other tools developed through the Redevelopment Ready Communities program.

Additionally, economic development requires a team effort. The City of Swartz Creek has done a good job of developing a strong network of support to assist with economic development within the city. Efforts will need to be made to strengthen and enhance this network while building new partnerships. This would include adding capacity to the Swartz Creek Chamber of Commerce to assist with local promotions of events, hosting business to business events and working to promote Swartz Creek as a great place to live, do business and grow business.

Finally, the city should be utilizing all available resources to assist with promotion of the community. Some of these resources include

1. Travel Michigan – This is the tourism arm for the State of Michigan. As noted in the marketing and brand strategy, the city should be registered with Travel Michigan to promote tourism opportunities, especially when the race track comes back online.
2. MEDC – Continue to work with the RRC development team to promote development/redevelopment opportunities within the city.
3. Flint & Genesee Chamber of Commerce – Work with the Economic Development team to provide resources to local companies as well as to build a business attraction plan for the city
4. Genesee County Visitor and Convention Bureau – Work with the CVB to promote local events and tourism opportunities within the community.

Frequently Asked Questions
Commercial Redevelopment Act
(PA 255 of 1978, as amended)

The following frequently asked questions are being provided as a service to assessors and taxpayers to better inform them about the administration of Public Act 255 of 1978, as amended.

Note: The information contained in these frequently asked questions constitutes an analysis of one or more statutes and not legal advice. Since the analysis is limited to general statutory requirements, individual facts may result in different conclusions being reached. Therefore, individuals may wish to consult legal counsel.

1. What is a Commercial Facilities Exemption?

The Commercial Redevelopment Act (known as the Commercial Facilities Exemption), PA 255 of 1978, as amended, provides a tax incentive to commercial business enterprises to enable renovation and expansion of aging facilities and assist in the building of new facilities. A Commercial Redevelopment District (CRD) must be created prior to initiating a project so it is essential that you consult your local assessor before commencing a project. A Commercial Facilities Exemption Certificate entitles the facility to exemption from ad valorem real property taxes for a term of 1-12 years as determined by the local governmental unit. Applications are filed, reviewed, and approved by the local governmental unit. The State Tax Commission (STC) receives a copy of the certificate after issuance by the local governmental unit.

2. Who establishes a Commercial Redevelopment District?

The legislative body of a qualified local governmental unit may establish a Commercial Redevelopment District on its own initiative or upon written request filed by the owner or owners of 75% of the state equalized value of the commercial property located within a proposed district.

3. Who can file an application for a Commercial Facilities Exemption Certificate (CFEC) and with whom is it filed?

The owner or lessee of a commercial facility may file an application for a CFEC with the Clerk of the qualified local governmental unit that established the Commercial Redevelopment District.

4. How do I apply for a Commercial Facilities Exemption Certificate?

Applications can be found on the Michigan Department of Treasury website: www.michigan.gov/propertytaxexemptions. Completed applications are filed with the Clerk of the local governmental unit and must be accompanied by the following documentation:

- a. A legal description of the property referred to in the application.

Frequently Asked Questions
Commercial Redevelopment Act
(PA 255 of 1978, as amended)

- b. A statement describing the facility and its proposed project that must include all of the following items:
 - 1. General description of the facility (including year built, original use, most recent use, number of stories and square footage);
 - 2. General description of the proposed use of the facility;
 - 3. A description of the general nature and extent of the restoration, replacement or construction to be undertaken;
 - 4. A descriptive list of the fixed building equipment that will be a part of the facility, if applicable; and
 - 5. A time schedule for undertaking and completing the restoration, replacement or construction of the facility.

- c. A statement of the economic advantages expected from the exemption, including the number of jobs retained or created due to the exemption, including expected construction employment.

5. Are there provisions in the application process that are time sensitive?

Yes. Work may not begin before the establishment of the district. After work has begun in an established district, the application must be filed with the clerk of the local governmental unit within 45 days. Also, in order to qualify for a State Education Tax (SET) exemption from the State Treasurer, applications and certificates must be completed and received by the State of Michigan no later than October 31st. An application received after October 31st will not be processed until the following tax year.

6. Who determines if a facility qualifies for a Commercial Facilities Exemption Certificate (CFEC)?

The determination of qualification for a CFEC is made by the local governmental unit (LGU) when the application is filed with the clerk. The LGU must determine whether or not an applicant meets the definitions of the Act.

7. Can an application for a Commercial Facilities Exemption Certificate be denied?

Yes. An application can be denied at the local unit level if all of the requirements are not met by the applicant.

8. What is the term of a Commercial Facilities Exemption Certificate (CFEC)?

The CFEC may be issued for a period of at least one (1) year, but not more than twelve (12) years. The total amount of time determined for the certificate, including any extensions, shall not exceed twelve (12) years after the completion of the facility. The certificate shall commence with its effective date and end on the December 30th immediately following the last day of the number of years approved.

Frequently Asked Questions
Commercial Redevelopment Act
(PA 255 of 1978, as amended)

9. What determines the starting date of a Commercial Facilities Exemption Certificate (CFEC)?

The effective date of the CFEC is December 31st immediately following the date of issuance of the certificate by the local governmental unit.

10. How is the tax computed on a Commercial Facilities Exemption Certificate?

Restored Facility: Multiply the total mills levied as ad valorem taxes for that year by all taxing units within which the facility is situated by the taxable value of the real property (excluding land) of the obsolete commercial property for the tax year immediately preceding the effective date of the commercial facilities exemption.

New or Replacement Facility: Multiply 50% of the mills levied as ad valorem taxes for that year by all taxing units other than State Education Tax and multiply 100% of the mills levied as ad valorem taxes for that year for SET by the taxable value of the real property (excluding land) for the current tax year.

11. Are special assessment millage rates impacted by the granting of a Commercial Facilities exemption?

Special assessment millage rates may be impacted. Millage-based special assessments levied under Public Act 33 of 1951 do not apply to property with a Commercial Facilities exemption. However, the special assessments would still be applicable to the land on which the Commercial Facilities exemption property is located. Conversely, for millage-based special assessments levied under public acts other than Public Act 33 of 1951, property with a Commercial Facilities exemption pays on the full special assessment millage rate, the same as any “ad valorem” property.

12. What happens when an incomplete application for a Commercial Facilities Exemption Certificate is received?

The applicant will be contacted to submit the required items.

13. What requirements must be met to gain approval for a Commercial Facilities Exemption Certificate at the local governmental unit level?

The owner or lessee of the property must file an application with the local governmental unit (LGU). The application shall contain or be accompanied by a general description of the facility, a general description of the proposed use of the facility, a detailed description of the nature and extent of the restoration, replacement or construction to be undertaken, a descriptive list of the fixed building equipment that will be a part of the facility, a time schedule for undertaking and completing the restoration, replacement or construction of

Frequently Asked Questions
Commercial Redevelopment Act
(PA 255 of 1978, as amended)

the facility, a statement of the economic advantages expected from the exemption, including the number of jobs to be retained or created as a result of the exemption, including expected construction employment; and additional information as may be required by the LGU. Since individual LGUs may have specific application procedures and requirements, it is recommended that prospective applicants consult with the LGU early in the project planning process.

14. Can a Commercial Facilities Exemption Certificate (CFEC) be transferred?

Yes. A CFEC may be transferred and assigned by the holder of the certificate to a new owner or lessee of the facility if the qualified local governmental unit approves the transfer after application by the new owner(s).

15. Can a Commercial Facilities Exemption Certificate (CFEC) be revoked? If yes, who holds the authority to do so?

Yes. The legislative body of the qualified local governmental unit (LGU) may, by resolution, revoke the CFEC of a facility if it finds that the completion of the restoration, replacement or construction of the facility has not occurred within two years of the effective date of the exemption or a greater time authorized by the LGU for good cause, or that the holder of the exemption certificate has not proceeded in good faith with the replacement, restoration or construction and operation of the facility in a manner consistent with the purpose of the exemption and in the absence of circumstances beyond the control of the holder of the exemption certificate.

16. When does the revocation of a Commercial Facilities Exemption Certificate take effect?

The revocation will take effect December 31st in the year in which the local governmental unit revokes the certificate by resolution.

17. What is the definition of “commercial property?”

MCL 207.653(3) defines “commercial property” as:

“land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to section 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise and shall include office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities but shall not include any of the following:

- a. Land.

Frequently Asked Questions
Commercial Redevelopment Act
(PA 255 of 1978, as amended)

- b. Property of a public utility.
- c. Housing, except that portion of a building containing nonhousing commercial activity.
- d. Financial organizations.”

“Commercial property may be owned or leased. If, in the case of leased property, the lessee is liable for payment of ad valorem property taxes, and furnishes proof of that liability, the lessee is eligible for the exemption. If the lessor is liable for payment of ad valorem property taxes and furnishes proof of that liability, the lessor is eligible for the exemption.”

18. What is the definition of “new facility?”

MCL 207.654(2)(b) defines “new facility” as:

“Beginning July 1, 2008, new commercial property other than a replacement facility to be built in a redevelopment district that meets all of the following:

- (i) Is located on property that is zoned to allow for mixed use that includes high-density residential use.
- (ii) Is located in a qualified downtown revitalization district as defined in section 2 of the neighborhood enterprise zone act, 1992 PA 147, MCL 207.772.
- (iii) The local governmental unit in which the new facility is to be located does all of the following:
 - (A) Establishes and implements an expedited local permitting and inspection process in the commercial redevelopment district.
 - (B) By resolution provides for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the commercial redevelopment district.”

19. What is the definition of “obsolete commercial property?”

MCL 207.654(3) defines “obsolete commercial property” as:

“commercial property the condition of which is impaired due to changes in design, construction, technology, or improved production processes, or damage due to fire, natural disaster, or general neglect.”

20. What is the definition of “replacement facility?”

MCL 207.654(5)(b) defines “replacement facility” as:

Frequently Asked Questions
Commercial Redevelopment Act
(PA 255 of 1978, as amended)

“Beginning July 1, 2008, commercial property on the same or contiguous land within the district which land is or is to be acquired, constructed, altered, or installed for the purpose of being submitted for obsolete commercial property and any part of the old altered property that remains for use as commercial property after the replacement, that meets all of the following:

- (i) is located on property that is zoned to allow for mixed use that includes high-density residential use.
- (ii) is located in a qualified downtown revitalization district as defined in section 2 of the neighborhood enterprise zone act, 1992 PA 147, MCL 207.772.
- (iii) the local governmental unit in which the replacement facility is to be located does all of the following:
 - (A) establishes and implements an expedited local permitting and inspection process in the commercial redevelopment district.
 - (B) by resolution provides for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the commercial redevelopment district.”

21. What is the definition of “restoration?”

MCL 207.654(6) defines “restoration” as:

“Changes to obsolete commercial property other than replacement as may be required to restore the property, together with all appurtenances thereto, to an economically efficient condition. Restoration includes major renovation including but not limited to the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore the commercial property to an economically efficient condition. Restoration does not include improvements aggregating less than 10% of the true cash value of the property at commencement of the restoration of the commercial property.”

22. What is the definition of “restored facility?”

MCL 207.654(7) defines “restored facility” as:

Frequently Asked Questions
Commercial Redevelopment Act
(PA 255 of 1978, as amended)

“A facility that has undergone restoration.”

23. What is the State Treasurer’s State Education Tax (SET) exclusion?

Within sixty (60) days after the granting of a new Commercial Facilities Exemption Certificate, the State Treasurer may exempt 50% of the SET mills for a period not to exceed six (6) years. The State Treasurer will not grant more than 25 of these SET exclusions each year.

24. What is required of the Local Governmental Unit regarding the yearly status reporting of the Commercial Facilities Exemptions to the State Tax Commission?

Not later than October 15th of each year, each qualified local governmental unit granting a Commercial Facilities Exemption shall report to the State Tax Commission on the status of each exemption. The report must include the current value of the property to which the exemption pertains, the value on which the commercial facilities tax is based, and a current estimate of the number of jobs retained or created by the exemption.

25. Where can I obtain copies of previously issued Commercial Redevelopment Act Certificates?

Copies of certificates acted upon by the State Tax Commission after January 1, 2013, are available on the Department of Treasury website at: www.michigan.gov/propertytaxexemptions. Choose the exemption program under which the certificate was issued. Within the “Certificate Activity” link, the certificates are listed according to the date they were acted upon.

COMMERCIAL REDEVELOPMENT ACT

Public Act 255 of 1978 encourages the replacement, restoration and new construction of commercial property by abating the property taxes generated from new investment for a period up to 12 years. As defined, commercial property means land improvements whether completed or in the process of construction, the primary purpose and use of which is the operation of a commercial business enterprise, including office, engineering, research and development, warehousing parts distribution, retail sales, hotel or motel development, and other commercial facilities. Mixed-use developments maybe eligible, but the abatement will only apply to the commercial portion of the property. Land and personal property are not eligible for abatement under this act.

WHO IS ELIGIBLE?

“Local governmental unit” means a city or village.

WHAT IS A REPLACEMENT, NEW AND RESTORED FACILITY?

“Replacement facility” means commercial property to be acquired, constructed, altered, or installed for the purpose of being substituted for obsolete commercial property. Property impaired due to changes in design, construction, technology, or improved production processes, or damage due to fire, natural disaster, or general neglect shall be considered obsolete. All other new commercial property is considered a “new facility.” For purposes of granting the tax abatement, the replacement or new facility must meet all of the following conditions:

1. Is located on property that is zoned to allow for mixed-use, including high-density residential.
2. Is located in a qualified downtown revitalization district as defined in section two of the *Neighborhood Enterprise Zone Act (PA 147 of 1992)*. This requires either being located in a *Downtown Development Authority (PA 197 of 1975)*, a *Principal Shopping District or Business Improvement District (PA 120 of 1961)* or an area that is zoned and primarily used for business as determined by the local government unit.
3. The city or village establishes and implements an expedited local permitting and inspection process in the Commercial Redevelopment District. In addition, by resolution provides for the walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Commercial Redevelopment District.

A “restored facility” means changes to obsolete commercial property as may be required to restore the property to an economically efficient condition. Restoration must result in improvements aggregating to more than 10 percent of the true cash value of the property at commencement of the restoration. Restoration includes major renovation including, but not limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to one or two stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes.

WHAT IS THE PROCESS?

Before the Commercial Redevelopment Exemption Certificate (i.e., property tax abatement) can be granted for the Facility, the city or village, by resolution of its legislative body, must establish a Commercial Redevelopment District. The establishment of the district may be initiated by the local government unit or by owners of property comprising 75 percent of state equalized value of the property in the proposed district. At the time of the resolution's adoption, property within the district must meet one of the following:

1. Obsolete commercial property or cleared or vacant land and part of an existing developed commercial or industrial zone. The property must have been zoned commercial or industrial before June 21, 1975, and characterized by obsolete commercial property and a decline in commercial activity.
2. Land cleared as a result of fire damage, or cleared as blighted area under *Blighted Area Rehabilitation Act (PA 344 of 1945)*.
3. Cleared or vacant land included in a redevelopment plan adopted by the Downtown Development Authority (PA 197 of 1975) or Principal Shopping District or a Business Improvement District (PA 120 of 1961).

To establish the Commercial Redevelopment District, the city or village must first hold a hearing to establish a Commercial Rehabilitation District and determine in the resolution the district meets the requirements of the act. Once the district is established, the property owners may file an application

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

with the local clerk for a Commercial Facilities Exemption Certificate. Applications are available from the Michigan Department of Treasury. Before acting on the application, the city or village shall hold a public hearing on the application and not more than 60 days after receipt of the application either approved or disapproved by resolution. The local clerk shall provide written notification of the application hearing to the assessor of the local unit of government and each taxing jurisdiction that levies ad valorem property taxes. If approved, the application and resolution must be sent to the State Tax Commission for filing purposes.

COMMERCIAL FACILITIES EXEMPTION CERTIFICATE

The property owner must pay a Commercial Facilities Tax rather than the normal property tax. The certificate must be issued for a period of at least one year, but cannot exceed 12 years. Certificates initially issued for less than 12 years may be extended based upon factors placed in writing at the time the certificate is approved, but shall not exceed 12 years.

DETERMINING COMMERCIAL FACILITIES TAX RATE

For a restored facility: The Commercial Facilities Tax freezes the taxable value of the building at its value prior to restoration, therefore exempting the new investment from local taxes for a period not to exceed 12 years. The school operating tax and the State Education Tax (SET) are also frozen. Land and personal property cannot be abated under this act.

For a new or replacement facility: The Commercial Facilities Tax provides a 50 percent reduction in the number of mills levied as ad valorem taxes, excluding only the State Education Tax (SET). Land and personal property cannot be abated under this act.

Within 60 days after the granting of a new Commercial Facilities Exemption Certificate, the state treasurer may exempt 50 percent of the SET mills for a period not to exceed six years. The state treasurer will not grant more than 25 of these SET exclusions each year.

DISCUSSION

In addition to the Commercial Redevelopment Act (PA 255 of 1978), several other property tax abatements are available for the rehabilitation of commercial property in Michigan, including the Commercial Rehabilitation Act (PA 210 of 2005) and the *Obsolete Property Rehabilitation Act (PA 146 of 2000)*. Each act has unique eligibility requirements, processes, and lengths and terms of the abatement. Please refer to the Michigan Economic Development Corporation (MEDC) fact sheet for more information on each program and consult the authorizing statute to determine the best fit for your project needs.

CONTACT INFORMATION

For more information on the Commercial Rehabilitation Act, please contact the *CAteam specialist* assigned to your territory. For more general information, contact the MEDC customer contact center at 517.373.9808.

SUPPORTING STATUTES

PA 255 of 1978: Commercial Redevelopment Act

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

The following frequently asked questions are being provided as a service to assessors and taxpayers to better inform them about the administration of Public Act 210 of 2005, MCL 207.841 *et seq.*, as amended.

Note: The information contained in these frequently asked questions constitutes an analysis of one or more statutes and not legal advice. Since the analysis is limited to general statutory requirements, individual facts may result in different conclusions being reached. Therefore, individuals may wish to consult legal counsel.

1. What is a Commercial Rehabilitation Exemption?

The Commercial Rehabilitation Act, PA 210 of 2005, MCL 207.841 *et seq.*, as amended, provides a property tax exemption for multifamily residential, commercial business enterprises, or qualified retail food establishments that are rehabilitated and meet the requirements of the Act. Types of commercial business enterprises may include, but are not limited to: office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Multifamily residential is defined as housing that consists of five or more units. Qualified retail food establishments are primarily retail supermarkets, grocery stores, produce markets or delicatessens that offer fresh USDA inspected meat and poultry, fresh fruits and vegetables, and dairy products for sale.

Exemptions are approved for a term of 1-10 years as determined by the local unit of government. The property taxes are based on the previous year's, which is the year prior to the rehabilitation, taxable value. The taxable value is frozen for the duration of the exemption. Completed applications are sent to the local governmental unit for review and approval. Qualified retail food establishment applicants must also submit an additional application. If the local governmental unit approves an application, it is forwarded to the State Tax Commission (STC) for further review and approval.

Commercial Rehabilitation Tax Exemption Certificate applications are available from the Michigan Department of Treasury at: www.michigan.gov/propertytaxexemptions.

2. Who establishes a Commercial Rehabilitation District?

The legislative body of a "qualified local governmental unit" may establish a commercial rehabilitation district on its own initiative or upon a written request filed by the owner or owners of property comprising at least 50% of all taxable value of the property located within a proposed commercial rehabilitation district. See question 26 for an explanation of what constitutes a "qualified local governmental unit."

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

3. What are the requirements for the formation of a Commercial Rehabilitation District?

A Commercial Rehabilitation District may consist of one or more parcels or tracts of land or a portion of a parcel or tract of land, provided that the parcel or tract of land or portion of a parcel or tract of land within the district is a “qualified facility,” as defined by MCL 207.842(h) (see question 27).

A “Commercial Rehabilitation District” or “district” is further defined by MCL 207.842(b) as: “an area not less than 3 acres in size of a qualified local governmental unit However, if the commercial rehabilitation district is located in a downtown or business area or contains a qualified retail food establishment, as determined by the legislative body of the qualified local governmental unit, the district may be less than 3 acres in size.”

Before adopting a resolution establishing a commercial rehabilitation district, the qualified local governmental unit must give written notice by certified mail to the county in which the proposed district is to be located and the owners of all real property within the proposed commercial rehabilitation district and shall afford an opportunity for a hearing on the establishment of the commercial rehabilitation district. The qualified local governmental unit must give public notice of the hearing not less than 10 days or more than 30 days before the date of the hearing.”

Following the public hearing, the legislative body of the qualified local governmental unit may establish a Commercial Rehabilitation District by resolution. The resolution must set forth a finding determination that the district meets the requirements of the Act. A sample resolution can be found at: www.michigan.gov/propertytaxexemptions.

4. Can a request to establish a Commercial Rehabilitation District be denied?

Yes. The qualified local governmental unit must “give written notice by certified mail to the county in which the proposed district is to be located and the owners of all real property within the proposed commercial rehabilitation district and shall afford an opportunity for a hearing on the establishment of the commercial rehabilitation district at which any of those owners and any other resident or taxpayer of the qualified local governmental unit may appear and be heard.” MCL 207.843(3). The local governmental unit may deny the establishment of the district by resolution.

Once the county receives a copy of the resolution establishing a Commercial Rehabilitation District, they have 28 days to reject the establishment of the district by written notification to the qualified local governmental unit by the elected county executive. If the county does not have an elected county executive, the county can reject the establishment of the district by resolution of the county board of commissioners. MCL 207.843(5).

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

5. How do I apply for a Commercial Rehabilitation Exemption Certificate?

Applications for Commercial Rehabilitation Exemption Certificates are filed with the local governmental unit by the owner of the property.

File two (2) copies of the completed application and all attachments with the clerk of the local governmental unit where the property is located. The property must meet the following requirements:

- a. The property must be located in a “qualified local governmental unit” as defined by MCL 207.842(i).
- b. The property must be located in a “commercial rehabilitation district” as defined by MCL 207.842(b).
- c. The property must meet the definition of “commercial property” as defined by MCL 207.842(a).
- d. The proposed project must meet the definition of “rehabilitation” in MCL 207.842(k).

6. What documents must accompany an application for a Commercial Rehabilitation Exemption Certificate?

- a. A general description of the facility (including year built, original use, most recent use, number of stories, square footage);
- b. A general description of the rehabilitated facility’s proposed use;
- c. A detailed description of the general nature and extent of the rehabilitation to be undertaken;
- d. A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility;
- e. A time schedule for undertaking and completing the facility’s rehabilitation;
- f. A statement of economic advantages expected from the exemption;
- g. A legal description of the property outlined in the application;
- h. A building permit, if construction has started on the project.

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

- i. A contractor's bid or itemized list of costs matching the investment amount reported on the box titled *Estimated Cost of Rehabilitation* on the first page of the application.
- j. A copy of the resolution approved by the local unit establishing the eligible district;
- k. The local unit resolution, containing all the required statements, approving the application for the exemption; and
- l. If applicable, a completed Form 4753, Commercial Rehabilitation Exemption Certification for Qualified Retail Food Establishments.

7. What does the local governmental unit need to do upon receipt of a Commercial Rehabilitation Exemption Certificate Application?

Upon receipt of an application for a Commercial Rehabilitation Exemption Certificate, the clerk of the qualified local governmental unit shall notify, in writing, the assessor and the legislative body of each taxing unit that levies ad valorem property taxes in the qualified local governmental unit in which the qualified facility is located.

Before acting on the application, the qualified local governmental unit must hold a hearing on the application and give notice to the applicant, assessor, a representative of the affected taxing units, and the general public. The hearing must be held separately from the hearing on the establishment of the Commercial Rehabilitation District.

Not more than 60 days after receiving an application, the qualified local governmental unit must approve or disapprove the application by resolution. Certain resolution statements are required. A sample resolution with all required statements, can be found at: www.michigan.gov/propertytaxexemptions.

8. What requirements for a Commercial Rehabilitation Exemption Certificate must be met to gain approval at the local governmental unit level?

An applicant seeking a Commercial Rehabilitation Exemption Certificate must meet the following qualifications:

- a. The commencement of the rehabilitation of the qualified facility does not occur earlier than six months before the applicant files the application for the Commercial Rehabilitation Exemption Certificate.
- b. The application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of the act and that shall be situated within a Commercial Rehabilitation District established in a qualified local governmental unit eligible under the act.

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

- c. Completion of the qualified facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the qualified facility is situated.
- d. The applicant states, in writing, that the rehabilitation of the qualified facility would not be undertaken without the applicant's receipt of the exemption certificate.
- e. The applicant is not delinquent in the payment of any taxes related to the qualified facility.

9. What happens if the qualified local governmental unit approves the application?

If the qualified local governmental unit approves the application, the clerk must forward a copy of the application and resolution to the STC.

10. What happens if the qualified local governmental unit disapproves the application?

If the local governmental unit disapproves the application, the reason for disapproval must be set forth in writing in the resolution, and the clerk must send a copy of the resolution to the applicant and assessor by certified mail.

11. Are there provisions in the application process that are time sensitive?

Yes. MCL 207.848 requires that the commencement of the rehabilitation of the qualified facility does not occur earlier than six months before the applicant files the application for the Commercial Rehabilitation Exemption Certificate.

In addition, State Tax Commission Rule 209.111(2) states that “[a]ll complete applications for commercial rehabilitation exemption certificates received through October 31 shall receive consideration and action by the commission before December 31. An application received on or after November 1 shall be considered by the commission contingent upon staff availability.”

12. What does the STC do when it receives an application and resolution from the clerk of the qualified local governmental unit?

The STC reviews the application for completeness and compliance with the statute. If the application is incomplete, staff sends a letter requesting the missing information. Once the application is complete, the STC is required to either approve or disapprove the application within 60 days. If the application is approved, the STC issues a Commercial Rehabilitation Exemption Certificate, and it is effective December 31st immediately following the date of issuance by the STC.

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

13. Who determines if a facility qualifies for a Commercial Rehabilitation Exemption Certificate?

Initially, that determination is made when the application is filed and reviewed by the local governmental unit. However, the local governmental unit's determination is then reviewed by the STC. The STC can approve, modify, or deny the application.

14. Can a decision of the STC regarding a Commercial Rehabilitation Exemption Certificate be appealed?

Yes. A party aggrieved by the issuance, refusal to issue, revocation, transfer or modification of a Commercial Rehabilitation exemption certificate may appeal a final decision of the STC by filing a petition with the Michigan Tax Tribunal, www.michigan.gov/taxtrib, within 35 days. MCL 205.735a(6).

15. What is the term of a Commercial Rehabilitation Exemption Certificate?

A certificate may be issued for a period to be determined by the legislative body of the local governmental unit of at least 1 (one) year but not to exceed 10 (ten) years. If the number of years determined is less than 10 (ten), the certificate may be subject to review by the legislative body of the qualified local governmental unit and the certificate may be extended. The total amount of time determined for the certificate, including any extensions, shall not exceed 10 (ten) years after the completion of the qualified facility.

16. What determines the starting date of a Commercial Rehabilitation Exemption Certificate?

The effective date of the certificate is December 31st immediately following the date of issuance of the certificate by the STC.

17. How is the Commercial Rehabilitation Tax computed for a rehabilitated facility?

A specific tax, known as the commercial rehabilitation tax, is levied upon every owner of a rehabilitated facility to which a Commercial Rehabilitation Exemption Certificate is issued. MCL 207.850.

Calculating the commercial rehabilitation tax is a two-step process.

First, multiply the total mills levied as ad valorem taxes for that year by all taxing units by the taxable value of the real property (excluding land) for the tax year immediately preceding the effective date of the commercial rehabilitation exemption.

Second, multiply the local school district operating and state education tax mills by the difference between the taxable value of the real property (excluding land) for the current

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

tax year and the taxable value of the real property (excluding land) for the year immediately preceding the effective date of the exemption.

For a qualified retail food establishment that was issued a certificate on or before December 31, 2009, the tax is the sum of the product computed by multiplying the total mills levied as ad valorem taxes for that year by all taxing units (including local school district operating and the state education tax) by the taxable value of the real property (excluding land) for the tax year immediately preceding the rehabilitation and the product computed by multiplying the local school district operating and state education tax mills by the difference between the taxable value of the real property (excluding land) for the current tax year and the taxable value of the real property (excluding land) for the tax year immediately preceding the rehabilitation.

18. Are special assessment millage rates impacted by the granting of a Commercial Rehabilitation Exemption Certificate?

Special assessment millage rates may be impacted. Millage-based special assessments levied under Public Act 33 of 1951 do not apply to property with a Commercial Rehabilitation Act exemption. However, the special assessments would still be applicable to the land on which the Commercial Rehabilitation Act exemption property is located. Conversely, for millage-based special assessments levied under public acts other than Public Act 33 of 1951, property with a Commercial Rehabilitation Act exemption pays on the full special assessment millage rate, the same as any “ad valorem” property.

19. For Qualified Retail Food Establishments, how do you determine if you are located in an “underserved area?”

Under the “Commercial Rehabilitation Act” link on the Property Tax Exemption Section website (www.michigan.gov/propertytaxexemptions) click on “Qualified Retail Food Establishments.” Then click on “Eligibility Requirements,” which describes how to find the census tract that you are located in. Last, click on “Census Tracts Regarding Underserved Areas” for a listing of qualifying census tracts.

20. Can a Commercial Rehabilitation Exemption Certificate be transferred or amended?

Yes. MCL 207.853 allows a certificate to be transferred and assigned by the holder to a new owner of the qualified facility. The new owner must first apply and be approved by the qualified local governmental unit before the transfer may occur. A certificate may also be amended if the number of years initially exempted was fewer than ten. The certificate may then be subject to review by the legislative body of the qualified local governmental unit and be extended.

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

21. Can a Commercial Rehabilitation Exemption Certificate be revoked?

Yes. The legislative body of the qualified local governmental unit may, by resolution, revoke the Commercial Rehabilitation Exemption Certificate of a facility if it finds that the completion of rehabilitation of the qualified facility has not occurred within the time authorized by the legislative body in the exemption certificate or a duly authorized extension of that time or that the holder of the Commercial Rehabilitation Exemption Certificate has not proceeded in good faith with the operation of the qualified facility in a manner consistent with the purposes of the act and in the absence of circumstances that are beyond control of the holder of the exemption certificate. MCL 207.852(1).

In addition, the holder of a Commercial Rehabilitation Certificate may send, by certified mail, a request to revoke the certificate to the qualified local governmental unit. Upon receipt of the request, the legislative body of the local governmental unit may, by resolution, revoke the certificate. MCL 207.852(2).

22. When does the revocation of a Commercial Rehabilitation Exemption Certificate take effect?

The revocation of a Commercial Rehabilitation Exemption Certificate is effective the December 31st of the year in which the local governmental unit resolves to revoke the certificate.

23. Can a revoked Commercial Rehabilitation Exemption Certificate be reinstated?

Yes. Pursuant to MCL 207.853(3), a Commercial Rehabilitation Certificate can be revoked under two circumstances. If the holder of the revoked certificate is requesting reinstatement, they must submit a written request to the qualified local governmental unit and the STC. If a subsequent owner is requesting reinstatement of a revoked certificate, they must file an application with the qualified local governmental unit.

If the legislative body of the qualified local governmental unit submits a resolution of concurrence to the STC, and the facility continues to qualify under the Act, a revoked Commercial Rehabilitation Exemption Certificate may be reinstated by the STC.

24. What is the definition of “Commercial Property?”

MCL 207.842(a) defines “Commercial Property” as:

“. . . land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206; MCL 211.8 and 211.14, the primary purpose and use of which is the operation of a commercial business enterprise or multifamily residential use. Commercial property shall also include facilities related to

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

a commercial business enterprise under the same ownership at that location, including, but not limited to, office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Commercial property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to the operation of a commercial business enterprise. Commercial property **does not** include any of the following: land or property of a public utility” (emphasis added).

25. What is the definition of “multifamily residential use?”

“‘Multifamily residential use’ means multifamily housing consisting of 5 or more units.” MCL 207.842(g).

26. What is the definition of a “qualified local governmental unit?”

“‘Qualified local governmental unit’ means a city, village, or township.” MCL 207.842(i).

27. What is the definition of a “Qualified Facility?”

A “Qualified Facility” is defined by MCL 207.842(h) as:

“A qualified retail food establishment or a building or group of contiguous buildings of commercial property that is 15 years old or older or has been allocated for a new market tax credit under section 45d of the internal revenue code, 26 USE 45d. Qualified facility also includes a building or a group of contiguous buildings, a portion of a building or group of contiguous buildings previously used for commercial or industrial purposes, obsolete industrial property, and vacant property which within the immediately preceding 15 years, was commercial property as defined in subdivision (a). Qualified facility shall also include vacant property located within a city with a population of more than 500,000 according to the most recent federal decennial census and from which a previous structure has been demolished and on which commercial property is or will be newly constructed provided an application for a certificate has been filed with that city before July 1, 2010. A qualified facility also includes a hotel or motel that has additional meeting or convention space that is attached to a convention and trade center that is over 250,000 square feet in size and that is located within a county with a population of more than 1,100,000 and less than 1,600,000 as of the most recent decennial census. A qualified facility **does not** include property that is to be used as a casino or a professional sports stadium. As used in this subdivision, “casino” means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226” (emphasis added).

28. How is “rehabilitation” defined as it pertains to the Commercial Rehabilitation Act?

“Rehabilitation” is defined by MCL 207.842(k) as:

“. . . [C]hanges to qualified facilities that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. Rehabilitation includes major renovation and modification including, but not necessarily limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the property to an economically efficient condition. Rehabilitation for a qualified retail food establishment also includes new construction. Rehabilitation also includes new construction of a qualified facility that is a hotel or motel that has additional meeting or convention space that is attached to a convention or trade center that is over 250,000 square feet in size, located within a county with a population of more than 1,100,000 and less than 1,600,000 as of the most recent decennial census, if that new construction is an economic benefit to the local community as determined by the qualified local governmental unit. Rehabilitation also includes new construction on vacant property from which a previous structure has been demolished and if that new construction is an economic benefit to the local community as determined by the qualified local governmental unit. Rehabilitation shall not include improvements aggregating less than 10% of the true cash value of the property at commencement of the rehabilitation of the qualified facility.”

29. What is required of the Local Governmental Unit regarding the yearly status reporting of Commercial Rehabilitation Exemptions to the STC?

No later than October 15th of each year, the assessor of each qualified local governmental unit containing properties subject to a Commercial Rehabilitation Exemption Certificate shall file Form 4769 *Assessing Officer Report for Commercial Rehabilitation Exemption* with the STC. The report must include the current value of the property to which the exemption pertains, the value on which the commercial rehabilitation tax is based, and a current estimate of the number of jobs retained or created by the exemption, and the number of new residents.

Frequently Asked Questions
Commercial Rehabilitation Act
(PA 210 of 2005, as amended)

30. Where can I obtain copies of previously issued Commercial Rehabilitation Exemption Certificates?

Copies of certificates acted upon by the STC after January 1, 2013 are available on the Department of Treasury website at:

www.michigan.gov/propertytaxexemptions.

Choose the exemption program under which the certificate was issued. Within the “Certificate Activity” link, the certificates are listed according to the date they were acted upon.

COMMERCIAL REHABILITATION ACT

Public Act 210 of 2005, as amended, encourages the rehabilitation of commercial property by abating the property taxes generated from new investment for a period up to 10 years. As defined, commercial property is a qualified facility that includes a building or group of contiguous buildings of commercial property that is 15 years or older, of which the primary purpose is the operation of a commercial business enterprise or multifamily residential use. A qualified facility may also include vacant property or other commercial property which, within the immediately preceding 15 years, was commercial property. Types of commercial business enterprises include office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Multi-family residential is housing that consists of five or more units. Commercial properties allocated new market tax credits are also considered a qualified facility.

Qualified retail food establishments are considered a qualified facility for purposes of granting the tax abatement. These establishments include a retail supermarket, grocery store, produce market, or delicatessen that offer unprocessed USDA-inspected meat and poultry products or meat products that carry the USDA organic seal, fresh fruits and vegetables, and dairy products for sale to the public. The qualified retail food establishment must be located in a “core community” as defined in the Obsolete Property Rehabilitation Act (PA 146 of 2000) or in an area designated as rural as defined by the United States Census Bureau and is located in an underserved area.

Commercial property does not include property that is to be used as a professional sports stadium or a casino. Land and personal property are not eligible for abatement under this act.

Note: This document is offered as a general guide only and the legislation should be reviewed by local officials.

WHO IS ELIGIBLE?

“Qualified local government units” mean any city, village or township.

WHAT IS REHABILITATION?

Rehabilitation is defined as changes to qualified facilities that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. The new investment in the rehabbed property must result in improvements aggregating to more than 10 percent of

the true cash value of the property at commencement of the rehabilitation of the qualified facility. Rehabilitation includes the following: improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment including heating, ventilation, and lighting, reducing multistory facilities to one or two stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the property to an economically efficient condition.

Rehabilitation also includes new construction on vacant property from which a previous structure has been demolished and if the new construction is an economic benefit to the local community as determined by the qualified local governmental unit.

Rehabilitation for a qualified retail food establishment also includes new construction.

WHAT IS THE PROCESS?

Before the Commercial Rehabilitation Exemption Certificate (i.e., property tax abatement) can be granted to the commercial property owner, the city, village or township by resolution of its legislative body, must establish a Commercial Rehabilitation District. The establishment of the district may be initiated by the local government unit or by owners of property comprising 50 percent of all taxable value of the property in the proposed district. The district must be at least three acres in size unless it is located in a downtown or business area or contains a qualified retail food establishment.

The city, village or township must hold a hearing to establish a Commercial Rehabilitation District. Notification of the hearing must be given to the county board of commissioners and all real property owners in the proposed district.

After the hearing is held and the local unit of government determines the district meets the requirements of the act, a copy of the resolution adopting the district shall be provided to the county where the district is established. Within 28 days, the county may accept or reject the establishment of the district. In a county with a county executive, the executive can write a letter rejecting the establishment of the district. In all other counties, the county board of commissioners can pass a resolution rejecting the establishment of the district.

Once the district is established, the property owners may file an application with the local clerk for a commercial rehabilitation exemption certificate. Applications are available from the Michigan Department of Treasury. The local clerk shall provide written notification to the assessor of the local unit of government and each taxing jurisdiction that levies ad valorem property taxes of the application hearing. The city, village or township has 60 days after receipt of the application to either approve or disapprove the application. If denied, a reason must be given in the resolution. The assessor and applicant shall be sent a copy of the unapproved resolution by certified mail. If approved, the application and resolution must be sent to the State Tax Commission, which will certify or deny the application within 60 days. A resolution is not effective unless approved by the State Tax Commission.

COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE

Upon approval by the State Tax Commission, a commercial rehabilitation certificate is issued. The property owner must pay a Commercial Rehabilitation Tax rather than the normal property tax. The certificate must be issued for a period of at least one year, but cannot exceed 10 years. Certificates initially issued for less than 10 years may be extended, but shall not exceed 10 years. The criteria for extensions must be included in the resolution approving the abatement.

The Commercial Rehabilitation Tax freezes the taxable value of the building and exempts the new investment from local taxes. The school operating tax and the State Education Tax (SET) are still levied on the new investment. Land and personal property cannot be abated under this act.

DISCUSSION

In addition to the Commercial Rehabilitation Act (PA 210 of 2005), several other property tax abatements are available for the rehabilitation of commercial property in Michigan, including the Commercial Redevelopment Act (PA 255 of 1978) and the Obsolete Property Rehabilitation Act (PA 146 of 2000). Each act has unique eligibility requirements, processes, and lengths and terms of the abatement. Please refer to the Michigan Economic Development Corporation (MEDC) fact sheet for more information on each program and consult the authorizing statute to determine the best fit for your project needs.

SUPPORTING STATUTE

[Public Act 210 of 2005: Commercial Rehabilitation Act](#)

CONTACT INFORMATION

For more information on the Commercial Rehabilitation Act, contact the [Community Assistance Team \(CAT\) specialist](#) assigned to your territory or visit www.miplace.org.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

The following frequently asked questions are being provided as a service to assessors and taxpayers to better inform them about the administration of Public Act 198 of 1974, MCL 207.551 et seq., as amended.

Note: The information contained in these frequently asked questions constitutes an analysis of one or more statutes and not legal advice. Since the analysis is limited to general statutory requirements, individual facts may result in different conclusions being reached. Therefore, individuals may wish to consult legal counsel.

1. What is an Industrial Facilities Exemption?

The Plant Rehabilitation and Industrial Development Districts Act, (known as the Industrial Facilities Exemption) PA 198 of 1974, as amended, provides a tax incentive to manufacturers to enable renovation and expansion of aging facilities, assist in the building of new facilities and to promote the establishment of high tech facilities. An Industrial Development District (IDD) or a Plant Rehabilitation District (PRD) must be created prior to initiating a project so it is essential that you consult with your local assessor before commencing a project. An Industrial Facilities Exemption (IFE) certificate entitles the facility to exemption from ad valorem real and/or personal property taxes for a term of 1-12 years as determined by the local unit of government. Applications are filed, reviewed and approved by the local unit of government, but are also subject to review at the State level by the Property Services Division and the Michigan Economic Development Corporation. The State Tax Commission (STC) is ultimately responsible for final approval and issuance of certificates. Exemptions are not effective until approved by the STC.

2. What is the difference between an Industrial Development District and a Plant Rehabilitation District?

The main difference is that an Industrial Development District (IDD) covers only new facility projects and a Plant Rehabilitation District (PRD) is designed primarily for rehabilitation projects and requires a finding that 50% or more of the industrial property within the district is obsolete. (See MCL 207.554(5).) The 50% obsolescence requirement is measured by dividing the State Equalized Value (SEV) of the obsolete property by the SEV of all the properties in the district and multiplying the result by 100.

3. Should a Plant Rehabilitation District (PRD) include only the project that is currently being rehabilitated?

Yes. A PRD should only include the project that is currently being rehabilitated and requires at least 50% of the properties within the district to be obsolete. This allows future applicants the ability to apply for additional replacement facilities.

In the case of a district which was created many years ago and encompassed many separate buildings, several separate Industrial Facilities Exemption Certificates could have been issued over the years. The result is that when the assessor calculates whether

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

50% of the property in the district is obsolete, there may be so many new and rehabilitated properties that have returned to the ad valorem roll that the 50% obsolescence requirement cannot be met.

4. How do I identify the exact parameter of a project that will be placed within a Plant Rehabilitation District?

The following procedure has been utilized to assist in identifying the exact parameter of the project that is being replaced and the taxable value to be frozen:

- a. Designate a PRD with a legal description that specifically matches the description of the replacement portion or project to be rehabilitated in the application. The legal description of the district will encompass only the building or portion of the building or machinery and equipment that is being rehabilitated.

If the PRD includes more than the property currently being rehabilitated, an exemption certificate may be granted in the future to additional properties within the district even though the local unit objects to it.

- b. Request that the assessor provide the Taxable Value (TV) of all the real and/or personal property contained within the boundaries of the specifically described PRD. This figure becomes the frozen TV of the facility.

It has been the practice of the State Tax Commission (STC) to request that the SEV/TV of the entire PRD for a rehabilitation project be frozen. Many of the early applications involved projects in large established PRD districts where the SEVs of the entire PRD were later found to include additional buildings/personal property that were contained within the district and frozen but were not being rehabilitated at the time of the application. This was at times found to be detrimental to both the company and the local units. The detriment for companies was that there was no allowance on frozen assessments for the depreciation of buildings and equipment. In order to correct the frozen assessment, the company would have to request revocation of the certificate.

5. Can a request to establish an Industrial Development District or a Plant Rehabilitation District be denied?

Yes. A local governmental unit may approve or deny a request to establish a district.. Once a district is established, a local unit cannot stop an application within the established district from being submitted, acted upon and given the full right to the appeal process.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

6. Is there a procedure for dissolving an Industrial Development District or a Plant Rehabilitation District?

Yes. Guidelines for the dissolving of a district can be found in MCL 207.554(8), which states the following:

“A local governmental unit, by resolution of its legislative body, may terminate a plant rehabilitation district or an industrial development district, if there are no industrial facility exemption certificates in effect in the plant rehabilitation district or the industrial development district on the date of the resolution to terminate.”

7. How do I apply for an Industrial Facilities Exemption Certificate?

An application for *Industrial Facilities Exemption Certificate* (Form 1012) can be found at the Michigan Department of Treasury website:

www.michigan.gov/propertytaxexemptions.

File two copies of the completed application and all attachments with the clerk of the local governmental unit where the facility is located. You must meet the following qualifications of the Act:

- a. The facility must be located within an established Industrial Development or Plant Rehabilitation District;
- b. The applicant is a qualifying business as outlined in MCL 207.552; and
- c. The application for the exemption can be prefiled but must be filed within six months of the commencement of the improvements.

8. Are there provisions in the application process that are time sensitive?

Yes. There are several provisions which cause the application process to be time-sensitive.

MCL 207.553(8)(b) provides that a speculative building must be one that is constructed *before* a specific user is identified.

MCL 207.554(3) requires that the request for the establishment of a proposed Plant Rehabilitation District (PRD) or Industrial Development District (IDD) must be made *prior* to the start of construction of the property for which exemption is being sought.

MCL 207.554(4) requires that *before* adopting a resolution establishing a PRD or IDD the legislative body shall give written notice by certified mail to the owners

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

of all real property within the proposed PRD or IDD, hold a public hearing on the proposed establishment, and grant a right to appear and be heard regarding same.

MCL 207.554(9) provides that *before* acting on a proposed resolution terminating a PRD or IDD, the local unit shall give at least 14 days written notice by certified mail to owners of all real property within the PRD or IDD and hold a hearing at which those owners have a right to appear and be heard.

MCL 207.555(2) requires that *before* acting upon an application, the legislative body of the local governmental unit shall afford the applicant, the assessor and a representative of the affected taxing units an opportunity for a hearing.

MCL 207.556 requires that no more than 60 days after the clerk's receipt of the application, the legislative body of the local governmental unit shall, by resolution, either approve or disapprove the application. Further, the clerk shall forward the approved application to the commission within 60 days of that approval or before October 31 of that year, whichever is first. In the case of a disapproval of the application, the applicant has 10 days after the date of the disapproval to appeal to the commission.

MCL 207.559(2) requires that the start of construction of the facility cannot occur more than 6 months before the filing of the application for the Industrial Facilities Exemption Certificate with the clerk of the local unit of government.

State Tax Commission Rule No. 57 states that a complete application (with all required attachments) received by the State Tax Commission on or before October 31 will be acted on by the Commission before December 31 of that year. Applications received after October 31 will be processed contingent upon staff availability.

9. Can an application for an Industrial Facilities exemption Certificate be denied?

Yes. An application can be denied by the local governmental unit or by the State Tax Commission if all the requirements are not met by the applicant.

10. Can a decision of the State Tax Commission regarding an industrial facilities Exemption Certificate be appealed?

Yes. MCL 207.570 states as follows:

“A party aggrieved by the issuance or refusal to issue, revocation, transfer, or modification of an industrial facilities exemption certificate may appeal from the finding and order of the commission in the manner and form and within the time provided by Act No. 306 of the Public Acts of 1969, as amended.”

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

PA 306 of 1969, also known as the Administrative Procedures Act (APA) provides for an appeal to the circuit court within 60 days of the date the STC denies the application for an IFEC. (See MCL 24.301 through MCL 24.306.)

11. Is it possible for an Industrial Facilities Exemption Certificate to remain in effect for more than 12 years?

Yes. The local unit determines the number of years granted for an exemption request. The number of years can be anywhere from 1 to 12 years with the exception discussed below for the period of construction. If the local unit decides to grant exactly 12 years, it should state this in the resolution, as discussed below in Example #1. If the local unit chooses to grant the application for a period of time greater than 12 years, (*i.e.*, 1-2 years as partially complete and 12 years as fully completed), the local unit should use the language discussed in Example #2 below to accomplish this.

Example #1: If the resolution states “12 years,” the ending date of the certificate will be 12 years added to the tax day on which the exemption becomes effective.

Example #2: If the resolution states “12 years after completion,” the ending date of the certificate will be 12 years added to up to 2 years of construction time. This would allow up to a 14-year exemption period. This could be further extended if an extension of time is granted as provided by STC Rule No. 53.

12. What determines the starting date of an Industrial Facilities Exemption Certificate (IFEC)?

The starting date of the term of an IFEC is December 31st of the year the certificate is issued by the State Tax Commission (STC). [Example: a certificate issued on November 12, 2018 would have a start date of December 31, 2018.]

13. Why is a certificate sometimes issued by the State Tax Commission (STC) for a longer period of time than what was approved by the local unit?

There may be a variance due to the local unit’s resolution stating the number of years as “after completion.” The resolution may be corrected any time prior to being submitted to the STC for issuance of the certificate. After issuance, no corrections are allowed except in the case of an extension of time to complete, as provided by STC Rule No. 53.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

14. Can the ending date of an Industrial Facilities Exemption Certificate be changed after it is issued by the State Tax Commission (STC)?

Yes. The statute calls for the certificate to be issued by the local unit for the number of years it designates. The ending date is determined by the language in the resolution. Once the certificate is issued, the ending date can only be changed when one of the following applies:

- a. STC Rule No. 53, which provides for an extension of time to complete the project.
- b. MCL 207.557a which applies to facilities that exceed \$150,000,000 of State Equalized Value (SEV).
- c. MCL 207.566a which applies to certificates issued after December 31, 1995, for which the exemption period is shorter than the maximum allowed under MCL 207.566.

15. Can the duration of an Industrial Facilities Exemption Certificate (IFEC) be extended?

An IFEC can be approved for a maximum of 12 years. Local units may grant less than the 12-year maximum term when granting exemptions based on criteria they have adopted. (See MCL 207.566a.) Some local units allow extensions beyond the original term granted and some do not. A local unit may state in its original resolution the number of years being granted and include an extension provision which contains the criteria to be used to determine whether someone qualifies for an extension. This could be done at the start of the exemption process.

16. How is the tax computed for a new facility?

Real Property

MCL 207.564(3) states that the tax computation for new facility real property is determined by multiplying the Taxable Value (TV) of the facility by $\frac{1}{2}$ of the total mills other than the State Education Tax (SET) mills levied as ad valorem taxes for that year by all of the taxing units where the property is located plus the total SET mills, unless receiving a 100% or 50% abatement from the State Treasurer under MCL 207.564a.

Personal Property Sited on Real Property Classified as Industrial Real Property

MCL 207.564(4) states that the tax computation for new facility personal property sited on real property classified as industrial real property is determined by multiplying the TV of the facility by $\frac{1}{2}$ of the total mills other than the local school district (LSD) Operating mills and SET mills levied as ad valorem tax for that year by all of the taxing units where the property is located, plus $\frac{1}{2}$ of the Hold-Harmless mills.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

Personal Property Sited on Real Property Classified as Commercial Real Property

MCL 207.564(4) states that the tax computation for new facility personal property sited on real property classified as commercial real property is determined by multiplying the TV of the facility by $\frac{1}{2}$ of the total mills (including SET mills) other than the LSD Operating mills levied as ad valorem tax for that year by all of the taxing units where the property is located, plus $\frac{1}{2}$ of the sum of LSD Operating mills minus 12 mills, plus $\frac{1}{2}$ of the Hold-Harmless mills.

Personal Property Sited on Real Property Not Classified as Industrial or Commercial Real Property

MCL 207.564(3) states that the tax computation for new facility personal property sited on real property not classified as industrial or commercial real property is determined by multiplying the TV of the facility by $\frac{1}{2}$ of the total mills other than the SET mills levied as ad valorem tax for that year by all of the taxing units where the property is located plus the total SET mills unless receiving a 100% or 50% abatement from the State Treasurer under MCL 207.564a.

A parcel of property holding a new Industrial Facilities Exemption Certificate (IFEC) will have two assessments: the land will be addressed on the regular (ad valorem) assessment roll that the assessor has turned over to the March Board of Review and the building, land improvements and personal property (pertaining to the same certificate) will have an assessment on the Industrial Facility Tax tax roll.

MCL 207.553(11) requires the assessor to calculate a Capped Value and a Taxable Value for the building and land improvements of a parcel of real property holding a new IFEC.

Taxes on a property holding a new certificate shall be levied against the TV of the property, not the SEV. The TV of real property which has a new certificate is calculated the same way that TV is calculated for the non-IFT, ad valorem assessment roll.

The property's land assessment on the ad valorem roll may be adjusted by the March Board of Review. The IFT tax roll assessment of a new IFEC may also be adjusted by the March Board of Review.

17. How is the tax computed for a “replacement facility”?

MCL 207.564(1) states that the tax computation for a replacement facility is determined by multiplying the total mills levied as ad valorem taxes by the Taxable Value (TV) of the real and/or personal component of the obsolete industrial property for the tax year immediately preceding the effective date of the certificate.

A parcel of property holding a “rehabilitation” Industrial Facilities Exemption Certificate will have two assessments. The land will be assessed on the regular (ad valorem) assessment roll that the assessor has turned over to the March Board of Review. The building, land improvements and personal property (pertaining to the same certificate)

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

will have an assessment on the Industrial Facility Tax (IFT) tax roll. The taxes on properties holding a “rehabilitation” or “replacement” certificate shall be levied against TV.

The TV of a property on the IFT tax roll with a “rehabilitation” or “replacement” certificate is the amount of the TV of the real and/or personal property for the tax year immediately preceding the effective date of the certificate. That amount is frozen until the exemption certificate expires.

The TV of a property on the IFT tax roll with a “rehabilitation” or “replacement” certificate which began PRIOR to 1995 will still be the same as the frozen SEV for the property until the exemption certificate expires. The TV of a property covered by a rehabilitation or replacement certificate which began in 1995 or AFTER will be the same as the frozen TV for the property until the exemption certificate expires.

The property’s land assessment on the ad valorem roll may be adjusted by the March Board of Review. The IFT tax roll assessment of a property with a rehabilitation or replacement certificate cannot have its assessment altered by the Board of Review during the term of the certificate.

18. Can a 1% Administration Fee be added to an Industrial Facility Tax (IFT) tax roll?

Yes. Per MCL 207.561(11)(1), the 1% Administration Fee can be added to an IFT tax roll.

19. Why are the dollar amounts on some Industrial Facilities Exemption Certificates (IFEC) different from what was applied for?

If the dollar amounts on a certificate are different from what was applied for, it may have been changed by Property Services Division (PSD) staff due to one of the following reasons:

- a. The application was filed more than 6 months after the start of construction of real property or the start of installation of personal property. See also Question #7.
- b. Some of the equipment was existing equipment which is ineligible for exemption as new property. See also Question #20.
- c. Used equipment was purchased from another manufacturing company, not from a broker of used equipment. See also Question #20.
- d. The application involves leased property, but the property tax liability is not held by the applicant. In other words, the applicant is not responsible for direct payment of taxes to the local unit. See MCL 207.552(6).

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

- e. The real property investment cost listed within box 6a of the application includes the purchase price of the land. See also Question #33.

20. What happens when an incomplete application for an Industrial Facilities Exemption Certificate (IFEC) is received?

The applicant will be contacted by letter regarding the incomplete application and the applicant must submit a completed application with the required documents within 30 days. If the required documents are not submitted within 30 days, the application may be dismissed as inactive.

21. What types of equipment qualify as new industrial property as defined in MCL 207.552(4)?

The State Tax Commission (STC) has interpreted the term “new industrial property” to mean new to the tax base in Michigan. Following this interpretation, the following would be considered new industrial property:

- a. New equipment purchased from an equipment manufacturer.
- b. Used equipment never before located in Michigan.
- c. Used equipment purchased from a broker of used equipment with the rationale that because the prior owner is a broker, the equipment has lost its status as existing equipment in Michigan as it has become inventory.

The following would not qualify as new industrial property:

- a. Existing equipment already in the possession of the applicant.
- b. Existing equipment in the possession of another Michigan company.

22. Can an application for an Industrial Facilities Exemption Certificate (IFEC) include equipment/devices which are also going to be submitted for an Air or Water Pollution Control Exemption?

Yes. It is recommended that all new equipment and machinery be included in the IFEC application so that the equipment and machinery meet the timeline requirements of PA 198 of 1974, as amended. The same equipment can then also be submitted for an Air or Water Pollution Control Exemption. If all of the property does not qualify as exempt Air or Water Pollution Control equipment, the remainder may then qualify for the IFEC exemption. Refer to the Air or Water Pollution Control Exemption FAQs for more information.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

23. Can a real property replacement facility include more floor space than the original obsolete facility?

Yes. MCL 207.552(3) states that a replacement facility can consist of either replacement or restoration. MCL 207.553(5) defines “replacement” as:

“...the complete or partial demolition of obsolete industrial property and the complete or partial reconstruction or installation of new property of similar utility.”

“Replacement” usually involves the construction of a new building or a part of a building. “Restoration” is defined in MCL 207.553(6) as:

“... changes to obsolete industrial property other than replacement as may be required to restore the property ... to an economically efficient functional condition.”

When replacement includes additional floor space, it can still be a replacement facility, provided that the building does not exceed the size of the original building by more than 10%. If the replacement building exceeds the size of the original by more than 10%, the additional space must be treated as a new facility. The tax on a new facility is calculated differently from the tax on a replacement facility.¹ When restoration includes more floor space than the original building, ALL of the additional floor space is treated as a new facility.

24. Why are some projects approved by the State Tax Commission (STC) as new facilities even though they were submitted as rehabilitation facilities?

If an application was submitted as a rehabilitation facility project but was approved as a new facility, it may be due to one of the following reasons:

- a. The description of the investment undertaken did not speak to restoration and/or replacement of a functionally obsolete facility involving major improvements such as roof, windows, plumbing, heating, code compliances, etc.
- b. The Plant Rehabilitation District (PRD) in which the project is located no longer qualifies as a PRD because at least 50% of the properties in the district are no longer obsolete. Therefore, only new facilities can be located within the district.
- c. The district established was an Industrial Development District (IDD) in which only new projects are allowed, not a PRD.

¹ See MCL 207.564 regarding the calculation of the industrial facility tax for new and replacement facilities.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

- d. The local unit's resolution approving the request approved a new facility project, not a rehabilitation project.

25. Can leased equipment qualify for an Industrial Facilities Exemption Certificate?

Yes, under the following conditions:

- 1. The length of the lease must be as long as or longer than the length of the certificate to be granted.
- 2. The lessee must have the tax liability for the length of the certificate to be granted. (Any indication that the taxes are being paid "as additional rent" is not acceptable.)

26. Can an Industrial Facilities Exemption Certificate (IFEC) be transferred to a new owner?

Yes. MCL 207.571 states as follows:

"An industrial facilities exemption certificate may be transferred and assigned by the holder of the industrial facilities exemption certificate to a new owner or lessee of the facility but only with the approval of the local governmental unit and the commission after application by the new owner or lessee, and notice and hearing in the same manner as provided under section 5 for the application for a certificate."

Once the application for transfer has been presented to the local unit, they must review the application and issue a decision after a review of the prerequisites and qualifications contained in MCL 207.559. If the local unit denies the application, the applicant may appeal to the State Tax Commission (STC), pursuant to MCL 207.556. If the local unit approves the application, the STC must make a decision pursuant to MCL 207.557. If the local unit disapproves the application and the taxpayer files an appeal with the STC within 10 days, the STC shall review the facility to determine if it meets the qualifications in MCL 207.559. If the STC denies the approval, the applicant may appeal pursuant to the Administrative Procedures Act (APA).

The STC has allowed a shortened procedure for transfers when they involve a name change only. This is the case when the ownership remains exactly the same and the activity at the facility remains the same. The only change is in the name of the company. Certain mergers and restructuring may also qualify for this shortened procedure. Please contact the Tax Exemption Section at (517) 373-2408 with questions regarding transfers involving a name change, mergers, and restructurings.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

- 27. Company “A” has an Industrial Facilities Exemption Certificate that was issued a year ago. They have purchased new equipment that qualified for exemption. Is it more advantageous to add this new equipment to the existing Exemption Certificate or apply for a new exemption certificate for this equipment?**

As long as the new equipment is purchased within the two-year post construction period from the effective date of the original issuance of the certificate, the equipment may be added by amending the existing certificate. If the new equipment purchase is closer to the end of the two-year post construction period from the effective date of the original issuance of the certificate, it may be more advantageous to apply for a new certificate for this equipment thereby attaining a greater number of years of exemption than could be gained by an amendment.

- 28. Is there a limit on the amount of time that an applicant can take to complete a project?**

Yes. MCL 207.565 states that a certificate can be revoked if the project has not been completed in a two-year time period from the issuance of the certificate. STC Rule No. 53 allows for a one-year extension of time to complete a project. If a resolution is received by the State Tax Commission (STC) and it does not specifically state that the local unit is granting a three-year construction completion period, the assumption is made that the local unit is only granting a two-year construction completion period. Companies may obtain a third year to complete construction through a resolution by the local governmental unit granting a one-year extension of time as outlined in STC Rule No. 53. Upon receipt of a request for an extension, the local unit may: (a) deny the request; (b) approve the request with no change in the ending date of the certificate issued; or (c) approve the extension of time for the completion of the project and a revised ending date on the certificate. Depending upon the outcome at the local level, the request for an extension of time for the completion of a project shall be filed with the commission by the certificate holder and shall be accompanied by a resolution of approval adopted by the local governmental unit. Please see MCL 207.557a for the construction period of a facility whose cost will exceed \$150,000,000 of state equalized value.

- 29. What happens when the cost or the size of the project turns out to be greater than what was stated on the original application?**

The Property Services Division (PSD) staff distinguishes between an increase in costs versus an amendment to the project. For example, if the original application listed 10 computers at a total cost of \$20,000, but it turns out that the 10 computers cost a total of \$25,000 that is an increase in costs. However, if the original application listed 10 computers at a total cost of \$20,000 but it turn out that 20 computers were purchased at a total cost of \$40,000, that is determined to be an amendment.

If there is an increase in costs of the project that exceeds the original approved amount by 10% or less, it is not necessary for the local unit to approve the new amount. If the

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

increase is greater than 10%, the procedures in STC Rule No. 54 must be followed. STC Rule No. 54 states that the certificate holder shall request that the local governmental unit approve the revised cost if greater than 10% over the original approved amount. If the local unit approves the revised cost, the holder of the certificate shall request that the commission issue a revised certificate. The request shall be accompanied by a copy of the resolution of approval adopted by the local governmental unit.

When additional real and/or personal property components are added, an amendment to the project has occurred, and regardless of the dollar amount of the additional property, it must be approved at the local level and ultimately by the STC.

30. Can an Industrial Facilities Exemption Certificate (IFEC) be revoked? If yes, who holds the authority to do so?

Yes. MCL 207.565 provides for the revocation of an IFEC. MCL 207.565(1) addresses requests for revocations initiated by the holder of the certificate. MCL 207.565(2) addresses requests for revocation initiated by the local governmental unit and includes specific reasons why a certificate may be revoked. In either case, only the State Tax Commission (STC) has the authority to revoke a certificate.

A party aggrieved by a revocation by the STC may appeal the revocation under the provisions of the Administrative Procedures Act (APA). The APA provides that a request for a rehearing of an STC decision should be filed, in writing, within 60 days from the date the STC mailed the notice of revocation.

In a related matter, MCL 207.563(2) provides for automatic termination of an IFEC when the Industrial Facility Tax on real property has not been paid. Please see MCL 207.563 for the procedure to be followed.

31. When does the revocation of an Industrial Facilities Exemption Certificate (IFEC) take effect?

The revocation of an IFEC is effective the December 31st of the year in which the State Tax Commission (STC) revoked the certificate.

32. If a company announces that it will cease operations in the coming year, will the State Tax Commission approve the revocation of that company's Industrial Facilities Exemption Certificate (IFEC) for the tax day prior to the actual cessation of operations?

No. It has been the State Tax Commission's past practice, that an IFEC could not be revoked as of December 31, 2018 even though it was announced during 2018 that operations would cease as of February of 2019.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

33. Is there a limit to the application fee that may be charged by a local unit of government for the cost of processing the application for an Industrial Facilities Exemption Certificate (IFEC)?

Yes. MCL 207.555(3) specifically limits the amount of an exemption certificate application fee that may be charged by a unit of local government to the lesser of the actual cost of processing the application or 2% of total property taxes abated during the term that the exemption certificate is in effect and specifically prohibits local units of government from charging applicants any other fee.

Local units may not require, as a condition precedent to approving an IFEC application, that applicants make or promise to make payments to the local unit. Whether referred to as fees, payments in lieu of taxes, donations, or another name, such payments are contrary to the legislative intent of PA 198 of 1974. [See STC Bulletin 3 of 1998, at www.michigan.gov/propertytaxexemptions].

34. What is the definition of “Industrial Property”?

MCL 207.552(6) defines “Industrial Property” as:

land improvements, buildings, structures, and other real property and machinery, equipment, furniture, and fixtures or any part or accessory whether completed or in the process of construction comprising an integrated whole, the primary purpose and use of which is:

- a. the engaging in a high-technology activity;
- b. operation of a strategic response center;
- c. operation of a motorsports entertainment complex;
- d. operation of a logistical optimization center;
- e. operation of a qualified commercial activity;
- f. operation of a major distribution or logistics facility;
- g. the manufacture of goods or materials;
- h. creation of synthesis of biodiesel fuel;

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

- i. the processing of goods and materials by physical or chemical change²;
- j. property acquired, constructed, altered, or installed due to the passage of Proposal A in 1976;
- k. the operation of a hydroelectric dam by a private company other than a public utility;
- l. agricultural processing facilities;
- m. facilities related to a manufacturing operation under the same ownership, including but not limited to, office, engineering, research and development, warehousing, or parts distribution facilities;
- n. research and development laboratories of companies other than those companies that manufacture the products developed from their research activities;
- o. research development laboratories of a manufacturing company that are related to the products of the company;
- p. an electric generating plant that is not owned by a local unit of government, including, but not limited to, an electric generating plant fueled by biomass, if the application is approved by the legislative body of a local governmental unit between June 30, 1999 and December 31, 2007;
- q. convention and trade centers in which construction begins not later than December 31, 2010 and is over 250,000 square feet in size or, if located in a county with a population of more than 750,000 and less than 1,100,000 is over 100,000 square feet in size or, if located in a county with a population of more than 26,000 and less than 28,000, is over 30,000 square feet in size;
- r. a federal reserve bank operating under 12 USC 341, located in a city with a population of 750,000 or more.

² “Manufacture of goods or materials” or “processing of goods or materials” means any type of operation that would be conducted by any entity included in the classifications provided by Section 31-33 – Manufacturing, of the North American Industry Classification System – United States (1997), published by the Office of Management and Budget, regardless of whether the entity conducting that operation is included in that manual.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

Note: Industrial property may be owned or leased. However, in the case of leased property, the lessee must be liable for payment of ad valorem property taxes and shall furnish proof of the liability.

Industrial property does not include any of the following:

- a. land;
- b. property of a public utility other than an electric generating plant that is not owned by a local unit of government for which an application was approved by the legislative body of a local governmental unit between June 30, 1999 and December 31, 2007;
or
- c. inventory.

35. What is the definition of “high-technology activity”?

Section 3 of the Michigan economic growth authority act, 1995 PA 24, MCL 207.803 defines “high-technology” as:

- i. Advanced computing, which is any technology used in the design and development of any of the following:
 1. Computer hardware and software.
 2. Data communications.
 3. Information technologies.
- ii. Advanced materials, which are materials with engineered properties created through the development of specialized process and synthesis technology.
- iii. Biotechnology, which is any technology that uses living organisms, cells, macromolecules, microorganisms, or substances from living organisms to make or modify a product, improve plants or animals, or develop microorganisms for useful purposes. Biotechnology does not include human cloning as defined in section 16274 of the public health code, 1978 PA 368, MCL 333.16274, or stem cell research with embryonic tissue.
- iv. Electronic device technology, which is any technology that involves microelectronics, semiconductors, electronic equipment, and instrumentation, radio frequency, microwave, and millimeter electronics, and optical and optic-electrical devices, or data and digital communications and imaging devices.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

- v. Engineering or laboratory testing related to the development of a product.
- vi. Technology that assists in the assessment or prevention of threats or damage to human health or the environment, including, but not limited to, environmental cleanup technology, pollution prevention technology, or development of alternative energy sources.
- vii. Medical device technology, which is any technology that involves medical equipment or products other than a pharmaceutical product that has therapeutic or diagnostic value and is regulated.
- viii. Product research and development.
- ix. Advanced vehicles technology that is any technology that involves electric vehicles, hybrid vehicles, or alternative fuel vehicles, or components used in the construction of electric vehicles, hybrid vehicles, or alternative fuel vehicles. For purposes of this act:
 - 1. "Electric vehicle" means a road vehicle that draws propulsion energy only from an on-board source of electrical energy.
 - 2. "Hybrid vehicle" means a road vehicle that can draw propulsion energy from both a consumable fuel and a rechargeable energy storage system.

36. What is the definition of “obsolescence”?

The assessor must make a recommendation to the local governing unit that 50% or more of the property to be contained in a Plant Rehabilitation District (PRD) is obsolete. “Obsolete industrial property” is defined in MCL 207.552(7) as:

“... industrial property the condition of which is substantially less than an economically efficient functional condition.”

“Economically efficient functional condition” is further defined in MCL 207.552(8) as:

“... a state or condition of property the desirability and usefulness of which is not impaired due to changes in design, construction, technology, or improved production processes, or from external influencing factors which make the property less desirable and valuable for continued use.”

The following are examples of the restoration of obsolete industrial property from MCL 207.553(6):

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

Restoration includes major renovation including but not necessarily limited to the improvement of floor loads, correction of deficient or excessive height, new or improved building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, improvements or modifications of machinery and equipment to improve efficiency, decrease operating costs, or to increase productive capacity, and other physical changes as may be required to restore the industrial property to an economically efficient functional condition, and shall include land and building improvements and other tangible personal property incident to the improvements.

When the planned improvements are less than 10% of the true cash value of the industrial property, the improvements are considered delayed maintenance and not considered restoration. (MCL 207.553(6).)

37. What are some of the special provisions that apply to speculative buildings?

MCL 207.553(8) defines a “speculative building” as:

“Speculative Building means a new building that meets all of the following criteria and the machinery, equipment, furniture, and fixtures located in the new building:

- a. the building is owned by or approved as a speculative building by resolution of a local governmental unit in which the building is located or the building is owned by a development organization and located in the district of the development organization.
- b. the building is constructed for the purpose of providing a manufacturing facility before the identification of a specific user of that building.
- c. the building does not qualify as a replacement facility.”

Subsection 8(b) requires that a speculative building be constructed before a specific user is identified. This law does not require that a building be approved by the local governmental unit before identification of the specific user.

The following are additional requirements specific to speculative buildings:

- a. that the speculative building was constructed less than 9 years before the filing of the exemption certificate.

Frequently Asked Questions (FAQ)
Plant Rehabilitation and Industrial Development Act (Industrial Facilities Exemption)
(PA 198 of 1974, as amended)

- b. that the speculative building has not been occupied since the completion of construction.

Important note: It is sometimes advantageous to divide a speculative building into several smaller units rather than having the entire building as one unit. (*e.g.*, if a 50,000 square foot building is designed to be occupied by 5 separate users, but it is only approved as a single speculative building, after the first user takes occupancy, the building may no longer qualify as speculative for future occupants because it may no longer qualify under paragraph b, above.)

38. Where can I find information regarding the Industrial Facilities Exemption Certificate (IFEC) application process?

Application instructions, sample documents, and a checklist regarding the IFEC application process can be found on the Department of Treasury website at: www.michigan.gov/propertytaxexemptions.

39. Where can I obtain copies of previously issued Industrial Facilities Exemption Certificates?

Copies of certificates acted upon by the State Tax Commission after January 1, 2013, are available on the Department of Treasury website at: www.michigan.gov/propertytaxexemptions Choose the exemption program under which the certificate was issued. Within the “Certificate Activity” link, the certificates are listed according to the date they were acted upon.

40. Where can I check on the status of an Industrial Facilities Exemption application?

The status of an application is available through a search tool on the Department of Treasury website at: www.michigan.gov/propertytaxexemptions . Choose the Industrial Facilities Exemption (IFE) program. Then select the Industrial Facilities Application/Certificate Search link.

INDUSTRIAL PROPERTY TAX ABATEMENT (PA 198 of 1974, as amended)

Industrial property tax abatements provide incentives for eligible businesses to make new investments in Michigan. These abatements encourage Michigan manufacturers to build new plants, expand existing plants, renovate aging plants, or add new machinery and equipment. High technology operations are also eligible for the abatement.

High-technology activity is defined in the Michigan Economic Growth Authority (MEGA) Act as: advanced computing, advanced materials, biotechnology, electronic device technology, engineering or laboratory testing related to product research and development and advanced vehicles technology or technology that assists in the assessment or prevention of threats or damage to human health or the environment. Abatements under PA 198 can significantly reduce property taxes on new investment for eligible firms.

ESTABLISHING THE DISTRICT

Tax benefits are granted by the legislative body of the city, township or village in which the investment will be located. A public hearing is held and a resolution is adopted to approve the establishment of an Industrial Development District (for a new project) or a Plant Rehabilitation District (for a rehabilitation project). A written request to establish the district must be filed with the clerk of the local unit of government prior to commencement of construction, alteration or installation of equipment.

Once the district is established, the company may apply for an abatement on real and personal property taxes for up to 12 years.

APPLICATION PROCESS

Industrial property tax abatements must be approved at both the local and state levels. The eligible business files an application (Michigan Department of Treasury Form 1012) with the local clerk after the district has been established and no later than six months after commencement of the project. The local unit adopts a

resolution approving the application and determines the length of years for the abatement. After a local public hearing, the application is filed and reviewed by the State Tax Commission (STC) and the Michigan Economic Development CorporationSM (MEDC). The STC then grants final approval applications with required attachments must be received by the STC no later than October 31, in order to receive consideration and action by December 31.

Applications to the STC must include an agreement signed by the local unit and the operator of the facility outlining the conditions of the abatement. This shall include an affidavit that no payment of any kind in excess of the fee allowed under the act has been made or promised in exchange for favorable consideration of exemption application.

Once approved, the firm pays an Industrial Facilities Tax (IFT), instead of property tax, which reflects the abatement savings.

ELIGIBLE FACILITIES

Industrial plants eligible for tax abatement are those that primarily manufacture or process goods or materials by physical or chemical change. Related facilities of Michigan manufacturers such as offices, engineering, research and development, warehousing or parts distribution are also eligible for exemption.

Research and development laboratories, high-tech facilities and large communication centers can qualify throughout Michigan.

Facilities used for warehousing, distribution or logistics purposes can be eligible if they locate in specific border counties. At least 90 percent of the property, excluding the surrounding green space, must be used for a warehouse, distribution, logistics or communication center and occupy a building or structure that is more than 100,000 square feet. Eligible border counties include

Berrien, Branch, Cass, Chippewa, Dickinson, Gogebic, Hillsdale, Iron, Lenawee, Menominee, Monroe, St. Clair, St. Joseph, and Wayne.

The exemption applies to buildings, building improvements, machinery, equipment, furniture and fixtures. Real and personal property are eligible whether owned or leased (provided the lessee is liable for payment of taxes on the property).

The exemption covers only the specific project that is the subject of the application. Any buildings and equipment that existed prior to construction of a new facility are not exempt. If the project is rehabilitation, the value of any pre-existing obsolete property is exempt from ad valorem property taxes, but will be used as the base for IFT. Similarly, any structures or equipment added after completion of the project are fully taxable.

TAX IMPACT

Real and Non-industrial

Personal Property IFT Treatment

The IFT on a new plant and non-industrial personal property, such as some high-tech personal property, is computed at half the local property tax mileage rate. This amounts to a reduction in property taxes of approximately 50 percent. In addition, the 6-mill SET may be abated 100 percent, 50 percent or not at all. Any SET abatement must be negotiated with the MEDC.

Rehabilitation of Real or

Personal Property IFT Treatment

For an obsolete plant or machinery that is being replaced or restored, the IFT is frozen at the assessed value of the plant prior to improvement. This results in a 100 percent exemption from property tax on the value of the improvements.

Speculative Building IFT Treatment

In order for a speculative building to qualify for abatement, the local unit must approve a resolution declaring it is a speculative building prior to identifying occupants. Initial construction and finishing costs would be eligible for a reduction in property taxes of approximately 50 percent.

Commercial Personal Property Tax Relief

Commercial personal property will receive an automatic reduction of 12 mills for local school on their property tax bill.

Extension Under Personal Property Tax Reform

Personal property abated under PA 198 and eligible in the future for the Personal Property Tax (PPT) exemption will automatically continue to be abated under PA 198 until that property may be claimed as exempt from the PPT in the current tax year. Businesses with IFT until the property becomes eligible for the PPT exemption.

For more information, contact the MEDC customer contact center at 517.373.9808 or visit our website at www.michiganbusiness.org.