

**AGENDA
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
VIRTUAL (ZOOM) MEETING AVAILABLE FOR GENERAL PUBLIC
TUESDAY, OCTOBER 7, 2025, 7:00 P.M.
CALL TO ORDER:**

1. PLEDGE OF ALLEGIANCE:

2. ROLL CALL: Binder, Branoff, Campbell, Grimes, Henry, Krueger, Melen, Genovesi, Wyatt

3. APPROVAL OF AGENDA:

4. APPROVAL OF MINUTES:

5. CORRESPONDENCE:

- A. Resolutions
- B. Minutes: September 2, 2025
- C. Meeting Letter
- D. Site Plan Review Ordinance

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

7. BUSINESS:

- A. Review/Training of Site Plan Review & Special Land Use Ordinance

8. MEETING OPENED TO THE PUBLIC:

9. REMARKS BY PLANNING COMMISSION MEMBERS:

10. ADJOURNMENT:

**RESOLUTIONS
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
TUESDAY, OCTOBER 7, 2025, 7:00 P.M.**

Resolution No. 251007-01

AGENDA OF OCTOBER 7, 2025

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the agenda for the October 7, 2025 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 251007-02

MINUTES OF SEPTEMBER 2, 2024

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the Minutes for the September 2, 2024 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 251007-04

ADJOURN

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission adjourns the October 7, 2025 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
VIRTUAL PLANNING COMMISSION BOARD MEETING
ACCESS INSTRUCTIONS
TUESDAY, OCTOBER 7, 7:00 P.M.**

The Planning Commission meeting of October 7, 2025 at 7:00 p.m. will be conducted as a hybrid meeting, with commissioners, staff, consultants, petitioners, and public attending in-person. The meeting will also be held virtually (online and/or by phone) to non-commissioners.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Renee Kraft at 810.635.4464 48 hours prior to meeting,

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Planning Commission Meeting

Time: October 7, 2025, 7:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83096401128>

Meeting ID: 830 9640 1128

One tap mobile

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 830 9640 1128

If you have any further questions or concern, please contact 810-429-2766 or email rkraft@cityofswartzcreek.org. A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.

CITY OF SWARTZ CREEK VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city's public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
 - (a) why the public body is meeting electronically;
 - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
 - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
 - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City's website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes the meeting's purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

MAINTAINING ORDER

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing *9 on their phone.

MOTIONS & RESOLUTIONS

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

PUBLIC ADDRESS OF BOARD OR Commission

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

VOTING RECORD OF PUBLIC BODIES

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
September 2, 2025**

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

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Genovesi, Grimes, Krueger, Henry, Wyatt.

Commissioners absent: Branoff, Campbell, Melen

Staff present: Adam Zettel, City Manager, Renee Kraft, City Clerk.

Others present: None

Others Virtually Present: None

APPROVAL OF AGENDA:

Resolution No. 250902-01

(Carried)

Motion by Planning Commission Member Henry
Second by Planning Commission Member Krueger

I Move the Swartz Creek Planning Commission approves the agenda for the September 2, 2025, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MINUTES OF February 4, 2025

Resolution No. 250902-02

(Carried)

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Grimes

I Move the Swartz Creek Planning Commission approves the Minutes for the February 4, 2025, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC: None.

BUSINESS:

REVIEW/TRAINING OF LANDSCAPING ORDINANCE:

City Manager Adam Zettel discussed the City of Swartz Creek's ARTICLE 20, Landscaping Ordinance and changes that could be made. He showed examples of good and bad landscaping, using GIS. Also discussed was the Intent and scope of requirements, general and specific landscaping requirements, as well as types of trees in certain areas. Mr. Zettel also suggested everyone look at Franklin, Tennessee. He described how Springhill, TN got the plant, yet Franklin got all the housing (money), and the landscaping is top notch. There was discussion on putting something in writing that encourages obtaining approval before planting trees and shrubs in the right-of-way. Mr. Zettel mentioned October or November for the next Planning Commission meeting.

Some suggestions for minor changes would be:

1. Page 17-add "A" to Multiple-Family/Industrial.
2. Pages 3 & 7-Fire hydrant setback, 5' or 15'

MEETING OPENED TO THE PUBLIC: None.

REMARKS BY PLANNING COMMISSION:

Commissioner Binder stated that it would be hard seeing golf carts on Bristol Road with motorcycles doing 60. It would be dangerous to have golf carts go down that far.

Commissioner Krueger: New strip mall in Clayton Township seems high.

Commissioner Wyatt: His daughter would like to see more places for kids to hang out.

Commissioner Genovesi: Hopes there are no complaints about her house.

Adjourn

Resolution No. 250902-04

(Carried)

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

I Move the Swartz Creek Planning Commission adjourns the February 4, 2025, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 8:08 p.m.

Betty Binder, Secretary



Where Friendships Last Forever

Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

Date: October 1, 2025

To: Planning Commissioners
From: Adam Zettel, AICP
RE: October 7, 2025 Planning Commission

Hello everyone,

We will be meeting at 7:00 p.m. on Tuesday, October 7, 2025. Commissioners MUST attend in-person. However, we shall be conducting the meeting using the Zoom application for the benefit of the public. If you cannot attend, please let me know.

The purpose of this meeting will be to conduct a brief training/review of the site plan review and special land use sections of the zoning ordinance. This is the second of three proposed review sessions we will look to have before the holidays. In September, we went over landscaping.

We are looking to cover some sections of the zoning code for a few reasons. First, we have a mandate to meet four times a year, and business has been so slow. This will give us purpose. Second, we have some new members that could certainly benefit from a detailed look at the code. Lastly, we are all probably a little rusty on site plan review, especially under the relatively newer code.

Note that I AM planning to have a presentation this time, which is not likely to be very high quality. Sorry. In addition I think we can benefit from some discussion on legislative intent perspectives, case studies, and a review of the specific codes involved.

If you have any comments or questions, please contact me directly.

Sincerely,

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

8083 Civic Drive

Swartz Creek Michigan 48473

Phone: (810)-635-4464

Fax: (810)-635-2887

www.cityofswartzcreek.org

ftp://cityofswartzcreek.org

Article 21. - SITE PLAN REVIEW

Footnotes:

--- (18) ---

Editor's note— Ord. No. 440, § 10, adopted June 10, 2019, renumbered Art. 21 §§ 21.00—21.14 as Art. 14 §§ 14.00—14.14. Sections 1 and 8 of said ordinance repealed Art. 29, §§ 29.00—29.11, and enacted a new Art. 21 pertaining to similar subject matter, as set out herein. The former Art. 29 derived from Ord. No. 395, adopted August 15, 2006; Ord. No. 401, § 9, adopted May 11, 2009; and Ord. No. 410, § 2, adopted Mar. 25, 2013.
See editor's note at Art. 14 pertaining to renumbering the former Art. 21.

Section 21.00. - 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 ensure 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.01. - 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.02. - Uses requiring site plan review.

Except as specifically provided in section 21.02(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 <u>Article 22</u> , Special Land Uses	✓		
C.	Site condominium developments	✓		
D.	Planned Unit Developments (PUDs) in accordance with <u>Article 7</u> , Planned Unit Development Overlay Standards	✓		
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 <u>section 13.08</u> Adult and child care facilities		
H.	Home occupations		✓	
I.	Temporary uses, buildings, structures, and seasonal events.		✓	
J.	An increase in floor area of uses subject to site plan review up to 2,500 square feet or 10% 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		✓	

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 Article 12 Non-conforming uses, structures, and lots		✓	
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			✓
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 City of Swartz Creek Subdivision Control Ordinance			✓
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	✓		

(Ord. No. 440, § 8, 6-10-19)

Section 21.03. - 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 21.06 of this ordinance within 14 days of receipt of the application.
- D. Requirements for a sketch plan: A sketch 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 are 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.04. - 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.05. - 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 reinstituted 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.06. - 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 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 north point.
 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:
 - a) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - b) Satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
9. Typical cross-section of proposed roads and driveways.
10. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
11. 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.
12. Location of sidewalks within the site and within the right-of-way.
13. Exterior lighting locations and method of shielding lights to prevent off-site glare.
14. Trash receptacle locations and method of screening, if applicable.
15. Transformer pad location and method of screening, if applicable.
16. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing involving state and federal barrier-free requirements.
17. Information needed to calculate required parking in accordance with zoning ordinance standards.
18. The location of lawns and landscaped areas, including required landscaped greenbelts.
19. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.
20. 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.
21. Cross-section of proposed berms.
- 22.

Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.

23. Designation of fire lanes.

24. Loading/unloading area.

25. 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.07. - 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.08. - 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.

(Ord. No. 440, § 8, 6-10-19)

Section 21.09. - 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. 440, § 8, 6-10-19)

Section 21.10. - 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, artwork 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 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 22.09 A.16., Special land use specific requirements, of the ordinance.

(Ord. No. 440, § 8, 6-10-19)

Section 21.11. - 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 21.11.D.9, 21.11.D.10, and 21.11.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 facade 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 24 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.

(Ord. No. ~~440~~, § 8, 6-10-19)

ARTICLE 22. - SPECIAL LAND USES

*Footnotes:**--- (19) ---*

Editor's note— Ord. No. 440, § 10, adopted June 10, 2019, renumbered Art. Art. 30 §§ 30.00—30.09 as Art. 22 §§ 22.00—22.09, as set out herein. The historical notation has been retained with the amended provisions.

See editor's note at Art. 15 pertaining to renumbering the former Art. 22.

Section 22.00. - Intent.

This article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. The purpose of the special land use standards of this article are to accomplish the following:

- A. Provide a mechanism for public input on decisions involving more intense land uses.
- B. Establish criteria for both new development and infill/redevelopment consistent with the city's land use goals and objectives as stated in the City of Swartz Creek Master Plan.
- C. Regulate the use of land on the basis of impact to the city overall and adjacent properties in particular.
- D. Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner.
- E. Ensure uses can be accommodated by the environmental capability of specific sites.
- F. Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- G. Provide greater flexibility to integrate land uses within the city.

This article provides both general standards for all special land uses (section 22.02) and specific location, site or operational standards for particular special land uses (section 22.09). The process for a special land use involves a public hearing with the planning commission with final review on the use and site plan by the city council.

(Ord. No. 440, § 10, 6-10-19)

Section 22.01. - Application, review and approval procedures.

The procedure for special land use review shall be as follows:

- A. *Application.* An applicant for a special land use shall submit an application for review and pay the required fee. The application presented for consideration shall contain the

following:

1. Name of proposed development.
2. Common description of the property and complete legal description (also address, if available).
3. Dimensions of land: width, length, acreage, and frontage.
4. Existing zoning classification and zoning of all adjacent properties.
5. Proposed use of the land.
6. Name, address, city and phone number of:
 - a) Firm or individual who prepared the application.
 - b) Legal owner of the property.
 - c) Applicant (including basis of representation).
7. Signature of the legal owner and the applicant.
8. A full site plan, prepared in accordance with Article 21 of this ordinance.

B. Planning commission public hearing.

1. If the building official finds all of the information required above is in order, the planning commission shall schedule a public hearing to review the request.
2. The planning commission shall direct the city clerk to give notice of the public hearing. Written notice of the public hearing shall be made as follows:

(a) The notice shall do all of the following:

- (1) Describe the nature of the request.
- (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. Individual addresses of properties are not required to be listed for an amendment to the zoning ordinance, or the zoning map that affects 11 or more properties or an interpretation by the zoning board of appeals.
- (3) State when and where the request will be considered.
- (4) Indicate when and where written comments will be received concerning the request.

(b) The notice shall be published and delivered not less than 15 days before the date of the public hearing as follows:

- (1) Notice of the request shall be published in a newspaper of general circulation

in the city. This shall be the only notice required for an amendment to the zoning ordinance, or the zoning map that affects 11 or more properties or an interpretation by the zoning board of appeals.

- (2) Where approval is being sought under this ordinance for an individual property or a rezoning affecting ten or fewer properties, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - (3) In addition to paragraph (2) above, notice shall be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- C. The planning commission shall conduct the required public hearing.
- D. The planning commission shall review the application in terms of the requirements of the special land use general standards listed in section 22.02 below and any specific standards of section 22.09.
- E. The planning commission shall recommend that the city council either approve, approve with conditions (as described below in section 22.03) or deny the special land use and the accompanying site plan.
- F. The special land use request and other pertinent information, together with the recommendation of the planning commission, shall be placed on the agenda of a city council meeting. The city council shall either approve or reject the request within 60 days, unless an extension has been agreed upon in writing by both the city council and the applicant.

(Ord. No. 440, § 10, 6-10-19)

Section 22.02. - General review standards for all special land uses.

Prior to approving a special land use application, the planning commission and city council shall require the following general standards be satisfied for the use at the proposed location. In addition to specific standards for individual special land uses listed in section 22.09, the planning commission and city council shall require stipulation to ensure that the following are met:

- A. The special land use will be consistent with the goals, objectives and future land use plan described in the City of Swartz Creek Master Plan.

B.

The special land use will be consistent with the stated intent of the zoning district.

- C. The special land use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values, and similar impacts.
- D. The special land use will not significantly impact the natural environment.
- E. The special land use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.
- F. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following:
 - 1. Vehicular turning movements;
 - 2. Proximity and relationship to intersections;
 - 3. Adequacy of sight distances;
 - 4. Location and access of off-street parking;
 - 5. Provisions for pedestrian traffic.
- G. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- H. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

(Ord. No. 440, § 10, 6-10-19)

Section 22.03. - Conditions of approval.

- A. The city council may impose conditions of approval, which will help ensure the special land use meets the standards of this ordinance provided that the conditions:
 - 1. Protect the health, safety, and welfare of those affected;
 - 2. Are related to the valid exercise of the police power of the city;
 - 3. Are necessary to meet the intent and purpose of this ordinance;
 - 4. Are related to the standards established in this ordinance for the land use or activity under consideration and are necessary to ensure compliance with those standards;
 - 5. Provide adequate protection to existing land uses so the proposed land use will not be

detrimental or injurious to the surrounding neighborhood.

- B. Approval of a special land use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the city council minutes and maintained by the building official. The conditions shall remain unchanged unless an amendment to the special land use is approved by the city council.
- C. *Appeals.* There is no appeal to the zoning board of appeals of any decision by the zoning administrator, the planning commission or the city council in connection with a special land use. Such an appeal shall be to the Genesee County Circuit Court.

(Ord. No. 401, § 10, 5-11-09, eff. 6-15-09; Ord. No. 440, § 10, 6-10-19)

Section 22.04. - Validity of approval.

- A. *Building permit.* The building official may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit must be made and received by the city no later than 120 days thereafter, or such approval shall automatically be revoked unless an extension is granted. The city council may grant an extension of the first approval for good causes shown under such terms and conditions for such a period of time not to exceed six months.
- B. *Performance guarantee.* The city council shall require a performance guarantee to ensure completion of the improvements (excluding the building). The performance guarantee may take the form of a cash deposit, surety bond, certified check, or an irrevocable bank letter of credit in an amount sufficient to ensure full completion of physical improvements. Site improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, roads, lighting, and sidewalks.
- C. *Extensions.* Where actual physical construction of a substantial nature of structures authorized by a special land use approval has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate. (Note: It is the responsibility of the applicant to request such an extension.)
 - 1. Upon written application filed prior to the termination of the one-year period as provided above, the city council may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one-year extension period.

2. Any approved special land use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- D. If a use regulated as a special land use which has not previously received a special land use approval ceases operations for more than one year, the special land use approval shall become null and void, and a new special land use approval shall be required to reopen the use.
- E. The building official shall make periodic investigations of development authorized by special land use approval to determine continued compliance with all requirements imposed by the planning commission and this ordinance. Non-compliance with the requirements and conditions approved for the special land use shall constitute grounds to terminate said approval following a public hearing.

(Ord. No. 440, § 10, 6-10-19)

Section 22.05. - Inspections.

The building official shall make periodic investigations of developments authorized by a special land use approval to determine continued compliance with all requirements imposed by the planning commission and this ordinance. Non-compliance with the requirements and conditions approved for the special land use shall constitute grounds to terminate said approval following a public hearing.

(Ord. No. 440, § 10, 6-10-19)

Section 22.06. - Revocation.

The revocation of a special land use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- A. The city council, through its designated administrators, shall notify the recipient, in writing, of any violations of city codes or provisions of the special land use.
- B. The recipient shall have 30 days to correct all deficiencies to the satisfaction of the city council.
- C. If after 30 days any deficiencies remain, the city council may then revoke the special land use approval, or if the conditions warrant, allow additional time.
- D. A repeat violation may cause immediate revocation of the special land use approval.

(Ord. No. 440, § 10, 6-10-19)

Section 22.07. - Amendments to special land use approvals.

Any person or agency who has been granted a special land use approval shall notify the building official of any proposed amendment to the approved site plan of the special land use approval. The building official shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with [Article 21](#). A major amendment to a special land use approval shall comply with the application and review procedures contained in this article.

- A. *Expansions.* The expansion, change in activity, reuse or redevelopment of any use requiring a special land use approval shall require resubmittal in manner described in this article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use which has not previously received a special land use approval.
- B. *Change in use.* Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article.
- C. *Increase in building.* Changes increase the buildings usable floor area by more than 25 percent since the originally approved building.
- D. *Increase in parking.* Parking lots are expanded by more than 25 percent since the originally approved lot.
- E. *Existing special land uses:* Any expansion of a special land use that predates the special land use requirements of this ordinance and has not previously received a special land use permit shall be required to obtain a new special land use.
- F. *Minor amendment.* Minor amendment to an approved special land use does not require submittal of a new application for a special land use.
- G. *Required site plan.* Any changes, whether it is deemed minor and major, shall require submittal of a site plan in accordance with [Article 21](#).
- H. *Multiple uses.* For a use or building which involves more than one activity classified as a special land use, a separate special land use permit shall be required for each use requiring special land use review on a lot.

(Ord. No. [440](#), § 10, 6-10-19)

Section 22.08. - Restrictions on resubmittal of a special land use request.

No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to the reasons noted for the denial found to be valid by the planning commission or city council. A resubmitted application shall be considered a new application.

(Ord. No. 440, § 10, 6-10-19)

Section 22.09. - Special land use specific requirements.

The following sections identify specific requirements which shall be complied with by individual special land uses, as determined by the planning commission and city council, in addition to the general standards of section 22.02. Some or all of the specific requirements may be waived by city council upon a determination that the requirement(s) is not necessary or relevant.

- A. *Listing:* Special land uses with specific site and/or use standards are described on the following pages:
1. Accessory apartment in a one-family dwelling.
 2. Accessory above ground fuel services and storage.
 3. Principal and/or accessory use, generation or storage of hazardous materials.
 4. Adult regulated uses and sexually oriented businesses.
 5. Airports and related uses.
 6. Arcades and similar uses at public commercial mechanical amusement device centers.
 7. Auto race track (including midget auto and karting tracks), fairgrounds, horse tracks and dog tracks.
 8. Automobile service centers and automobile repair (minor maintenance and repair).
Automobile repair (major maintenance and repair).
 9. Automobile service (gasoline) stations including those accessory to another use.
 10. Automobile washes, automatic or self-service.
 11. Banks, credit unions, savings and loan institutions with drive-through lanes.
 12. Bed-and-breakfast inns.
 13. Cellular towers, wireless communication facilities, attached wireless communication facilities and wireless communication support structures.
 14. Cemeteries.
 15. Churches, temples and similar places of worship.
 16. Commercial outdoor sales or storage and open air businesses (as permitted or accessory use).
 17. Commercial composting centers.
 18. Conference centers/convention facilities.
 19. Essential public service/utility buildings and storage yards.
 - 20.

Funeral homes or mortuary establishment.

21. Hospitals (general and specialty).
22. Gun clubs.
23. Kennels, commercial.
24. Mixed use buildings for residential and office/business purposes.
25. Motels and hotels including accessory convention/meeting facilities and restaurants.
26. Mushroom farms.
27. Nurseries, greenhouses, and lawn and garden centers.
28. Nursing and convalescent homes.
29. Oil, gas or brine wells.
30. Outdoor cafés, outdoor eating areas and open front restaurants.
31. Outdoor theaters.
32. Recreation: outdoor recreation establishments (except for golf-related uses).
33. Recreation: golf courses, country clubs, and par three golf courses as principal use.
34. Recreation: golf driving ranges, miniature golf courses.
35. Recreation: indoor recreation (bowling alleys, billiard halls, indoor golf, ice arenas, skating rinks, etc.).
36. Recreation: private recreation facilities and swimming pool clubs.
37. Recycling stations.
38. Restaurants and other establishments with drive-in or drive-through facilities.
39. Riding academies and stables.
40. Roadside stands.
41. Schools: public and non-public, elementary or secondary schools.
42. Shopping centers.
43. Slaughterhouses.
44. Theaters (indoor), cinemas, concert halls, play houses, assembly halls, or similar places of assembly when conducted completely within enclosed buildings.
45. Urgent medical care centers.
46. Veterinary offices and clinics.

B. *List of specific requirement by use:*

1. *Accessory apartment in a one-family dwelling.* These standards are intended to assist in accommodating the needs of the growing number of senior citizens in the city while

providing reasonable control in recognition of the high percentage of owner occupied single-family homes in the city. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of one-family neighborhoods.

- a) Accessory apartments shall be entirely within the existing structure and shall include no more than 25 percent of the total floor area of the home.
 - b) The exterior of the home shall remain unchanged, so it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall demonstrate the home may be easily converted back to a one-family home when the accessory apartment dweller(s) leave the premises or the house is sold.
2. *Accessory above ground fuel services and storage.* Location of above ground accessory fuel services related to the marine, aviation, agriculture, mobile home parks, recreational uses, medical facilities, and industrial uses shall be permitted subject to the following:
- a) Such uses are only allowed in the General Business District (GBD), Light Industrial (I-1) and Heavy Industrial (I-2) Zoning Districts.
 - b) Minimum lot size for above ground fuel service or storage shall be three acres.
 - c) Above ground storage tanks other than those holding water shall be located not less than 75 feet from any occupied building or any lot line and shall be mounted on a solid concrete slab to prevent overturn and spilling, according to EPA specifications.
 - d) A pollution incidence prevention plan (PIPP) shall be submitted by the applicant and approved as part of the special land use.
3. *Principal and/or accessory use, generation or storage of hazardous materials.* These standards, intended to protect groundwater and city wellheads, shall be designed to ensure the following:
- a) Projects and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, and steep slopes.
 - b) Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 - c) General purpose floor drains shall be connected to a public sewer system or an on-

site holding tank in accordance with state, county, and city requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality (MDEQ).

- d) Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- e) State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals. The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Environmental Quality (MDEQ), Michigan State Police Fire Marshal, the EPA, local fire department, and other applicable local codes and ordinances:
 - (1) Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
 - (2) Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
 - (3) Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 25 gallons or 220 pounds per month.
 - (4) Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures.
 - (5) Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.
 - (6) Location of existing and proposed service facilities and structures, above and below ground, including:
 - (a) Public and private groundwater supply wells on-site.
 - (b) City wells located within a 1,000-foot radius of the site.
 - (c) Septic systems and other wastewater treatment systems (the location of the drainfield and the septic tank should be clearly distinguished).
 - (d) Areas to be used for the storage, use, loading/unloading, recycling, or

disposal of hazardous substances and polluting materials, including interior and exterior areas.

- (e) Underground storage tank(s) locations.
- (f) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport storm water or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
- (7) Location of existing wetlands and watercourses, including lakes, ponds, rivers, and streams.
- (8) Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service.
- (9) Existing topography, with a maximum contour interval of two feet indicated.
- (10) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
- (11) Completion of the form title "Groundwater Protection Information for Site Plan Review".
- (12) In addition, the city may require businesses, facilities, and uses which generate, use or store hazardous materials to submit an environmental impact assessment.

4. *Adult regulated uses and sexually-oriented businesses.*

a) *Purpose and intent:*

- (1) Adult regulated uses and sexually-oriented businesses are established as a special land use in order to establish areas of the city where the constitutionally protected right of free expression is permitted subject to reasonable conditions to protect the community from adverse effects of such uses.
- (2) Because adult regulated uses and sexually-oriented businesses have been documented to produce adverse effects to surrounding properties and the community as a whole, including residential and commercial disinvestment in the vicinity, decreases in property values, and increases in crime, these uses are permitted only at locations where these adverse effects are minimal and will not contribute to deterioration of the surrounding neighborhood.
- (3) Because concentrations of two or more adult regulated uses and sexually-oriented businesses in close proximity have been documented to create inordinate increases in crime and decreases in property values in the vicinity, a

requirement of separation between adult regulated uses and sexually-oriented businesses has been established.

- (4) Because certain uses are particularly susceptible to the adverse effects created by adult regulated uses and sexually-oriented businesses, provisions are established that require sufficient spacing of adult regulated uses and sexually-oriented businesses from those uses considered most susceptible to adverse effects.

b) *Uses regulated:* The following uses are regulated by this subsection.

- (1) Adult book store.
- (2) Sexual paraphernalia store.
- (3) Adult model studio.
- (4) Adult motion picture arcade.
- (5) Adult motion picture theater or adult live stage performing theater.
- (6) Adult outdoor motion picture theater.
- (7) Adult personal service establishment.
- (8) Adult cabaret.
- (9) Adult video store.

c) *Required spacing:* The establishment of the types of adult regulated uses and sexually-oriented businesses listed in "b" above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:

- (1) At least 500 feet from any other adult regulated use or sexually-oriented business.
- (2) At least 500 feet from all churches, convents, temples and similar religious institutions.
- (3) At least 500 feet from all child care centers, public or nonpublic nursery school, elementary, intermediate, or secondary schools, public parks and hospitals.
- (4) At least 500 feet from any use defined as a "care organization".
- (5) At least 500 feet from any One-Family or Multiple-Family Residential District or use.
- (6) At least 500 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks and similar uses frequented by children and teenagers.

d) *Special site design standards:*

- (1) Maximum size of the building shall be 5,000 square feet.
- (2) Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
- (3) A six-foot high brick or masonry wall shall be constructed to screen the parking lot. The planning commission may permit use of landscaping in place of the wall.
- (4) All activities shall be conducted within an enclosed building and not visible through windows or doors to adjacent properties or the public right-of-way, including public sidewalks.
- (5) No sound shall be produced by the activities conducted within the building that are discernable at or beyond the boundaries of the adult regulated use or sexually-oriented business.
- (6) Signage shall conform to the city's sign ordinance and in addition shall include no graphic displays and shall not include wording that depicts, describes, or relates to "specified sexual activities" or "specified anatomical areas" (as defined in this ordinance) and cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent land use.
- (7) No direct vehicular access shall be taken from a street other than an arterial roadway, unless it is determined that the access will not create problems of through traffic and on-street parking for a residential neighborhood.

e) *Waivers:* Upon denial of any application for a regulated use under the above, the applicant may appeal for a waiver of the location provisions above to the zoning board of appeals consistent with the standards set forth below. The zoning board of appeals may waive the location provisions set forth above, after all of the following findings are made:

- (1) *Compliance with regulations:* The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties.
- (2) *Not enlarge district:* The proposed use will not enlarge or encourage the development of a "skid row" or "strip."
- (3) *Consistent with law:* All applicable city, state or federal laws and regulations will be observed.
- (4) *Procedure for waiver:* Prior to granting a waiver of the location restrictions set forth above, and not less than five, nor more than 15 days before the request

for waivers is considered or a public hearing held pursuant to this section, the city council shall publish, in a newspaper of general circulation in the city, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within 300 feet of the boundary of the premises in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.

The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than 18 years of age, of a structure located within 300 feet of the boundary of the property being considered for the regulated use. The applicant, city council, or zoning board of appeals may request a public hearing.

(5) *Conditions of approval:* Prior to the granting of approval for the establishment of any regulated use, the planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(6) *Minors not permitted:* No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business.

5. *Airports and related uses (including landing fields and platforms, hangers, mast and other facilities for the operation of aircraft).*

- a) The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the planning commission and city council for their review and action.
- b) The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1950 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the class of airport as determined by FAA.
- c) The area of the "clear zone" (see FAA definition) shall be provided for within the

land area under airport ownership and in no instance shall the "clear zone" be above property zoned R-1, R-2, R-3, R-4, PUD, RM-1 or PMSHDD.

6. *Arcades and similar devices at public commercial mechanical amusement device centers.*

- a) Any part of the lot occupied by such use shall not be located within 300 feet of any residential district or within 500 feet of the property line of any public, parochial or other private school offering courses in general education.
- b) Access to the site shall be directly from a regional arterial or arterial street.
- c) All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and city ordinances.

7. *Auto race tracks (including midget auto and karting tracks, fairgrounds, horse track, and dog tracks).*

- a) Any facility shall be located on a major thoroughfare and shall be located on a parcel of land which is completely surrounded by land zoned for industrial use.
- b) All parking shall be provided as off-street parking within the boundaries of the development and shall meet the requirements of [Article 18](#).
- c) All access to the parking areas shall be provided from a major thoroughfare.
- d) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in [Article 20](#).
- e) The applicant must provide an operations plan that sets out details regarding the use, including hours of operation and any details that will potentially affect the compatibility of the use with surrounding properties and uses.

8. *Automobile service centers and automobile repair (minor maintenance and repair). Automobile repair (major maintenance and repair).*

All principal and accessory structures shall be set back a minimum of 500 feet from a One-Family Residential District.

- a) If the automobile service center has auto repair, there shall be a minimum lot frontage on a paved road of 200 feet.
- b) Overhead doors shall not face a public street or residential district. The city council can modify this requirement upon determining there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond

that required in [Article 20](#).

- c) Only one driveway shall be permitted from any street unless the city council determines additional driveways are necessary and will not increase potential for accidents or congestion.
 - d) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and/or a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in [Article 20](#). Where adjoining a residential district, a wall or evergreen hedge six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
 - e) All repair work shall be conducted completely within an enclosed building.
 - f) There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the city council and which extends no more than ten feet beyond the building.
 - g) The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the fire department.
 - h) The access management standards of [Article 17](#) are to be met, where feasible.
9. *Automobile service (gasoline) stations (including those accessory to another use).*
- a) The minimum lot area for automobile service stations shall be 15,000 square feet for stations having no more than two service bays and/or no more than two pump islands. There shall be added 3,000 square feet for additional service bay and 1,500 square feet for each additional pump island. At least one street lot line shall be at least 150 feet in length along one major thoroughfare. The lot shall be so shaped and the station so arranged as to provide ample space for vehicles which are required to wait.
 - b) Pump islands shall be a minimum of 40 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line. Pump islands shall be a minimum of 25 feet from any designated parking space so that on-site traffic circulation is preserved.
 - c) Overhead canopies shall be setback at least 20 feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.

- d) Access driveways shall be along an arterial street. Only one driveway shall be permitted from any street unless the city council determines additional driveways are necessary and will not increase accident or congestion potential.
 - e) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and/or a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in [Article 20](#). Where adjoining a residential district, a wall or evergreen hedge six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
 - f) All repair work shall be conducted completely within an enclosed building.
 - g) There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the city council and which extends no more than ten feet beyond the building.
 - h) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.
 - i) The applicant shall submit a pollution incidence protection plan (PIPP).
 - j) The access management standards of [Article 17](#) are to be met, where feasible.
 - k) In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.
 - l) When a fast food or carry-out restaurant is proposed as an accessory use, the parking requirements for a carry-out restaurant shall be met for the area designated for this use. Under no circumstances is a drive-through window permitted.
10. *Automobile washes, automatic or self-service.*
- a) Only one ingress/egress driveway shall be permitted on any single street.
 - b) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and/or a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in [Article 20](#). Where adjoining a residential district, a wall or evergreen hedge six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
 - c) All washing facilities shall be within a completely enclosed building.
 - d) 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 50 feet from any residential district.

- e) All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and off-street parking as required in Article 18.
- f) The access management standards of Article 17 are to be met, where feasible.
- g) A truck wash must be at least 100 feet from all property lines and entirely screened using landscaping from residential.

11. *Banks, credit unions, savings and loan institutions with drive-through lanes.*

- a) Only one ingress/egress driveway or one pair of one-way driveways or one stand-alone ready teller structure, shall be permitted along any street.
- b) Exit and required stacking lanes shall not face directly at a one-family residence zoned for residential use unless the alignment is designed or landscaped to prevent headlight glare.
- c) The access management standards of Article 17 are to be met, where feasible.

12. *Bed-and-breakfast inns.*

- a) No bed-and-breakfast inn shall be located closer than 300 feet to another bed-and-breakfast inn.
- b) Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
- c) The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.
- d) There shall be a maximum of six rooms for lodging.
- e) Sufficient landscaping shall be used to screen adjacent dwellings from parking areas or any outdoor eating area.
- f) A sketch plan showing the floor plan shall be submitted for approval.
- g) Maximum sign size shall be 20 square feet with a maximum height of five feet. Sign materials are to be compatible with the architecture of the building.

13. *Cellular towers, wireless communication facilities, attached wireless communication facilities, and wireless communication support structures.*

- a) A wireless communication support structure must be established within a right-of-way having an existing width of more than 204 feet.

- b) A wireless communication support structure must be established on municipally-owned property.
- c) *Purpose and intent:* It is the general purpose and intent of the City of Swartz Creek to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the city to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempts have been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further the purpose and intent of this section to:

- (1) Facilitate adequate and efficient provision of sites for wireless communication facilities.
- (2) Establish in predetermined districts the number, shape, and location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- (3) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- (4) Ensure that wireless communication facilities are situated in appropriate municipally-owned locations and relationships to other land uses, structures and buildings.
- (5) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- (6) Promote the public health, safety and welfare.
- (7) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- (8) Minimize the adverse impacts of technological obsolescence of such facilities,

including a requirement to remove unused and/or unnecessary facilities in a timely manner.

- (9) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- (10) City council finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

d) *Authorization:*

- (1) Subject to the standards and conditions set forth in subparagraph (e) below, wireless communication facilities shall be permitted uses in the following circumstances:
 - (a) An existing structure which will serve as an attached wireless communication facility within a non-residential zoning district, where the existing structure is not, in the discretion of the zoning administrator, proposed to be either materially altered or materially changed appearance.
 - (b) A proposed co-location upon an attached wireless communication facility which had been pre-approved for such co-location as part of an earlier approval by the city.
 - (c)

An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the planning official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

- e) *Standards and conditions applicable to all facilities:* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the planning commission and city council in its discretion:
- (1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - (2) Facilities shall be located on municipality-owned property only and designed to be harmonious with the surrounding areas.
 - (3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
 - (4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - (5) The following additional standards shall be met:
 - (a) The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
 - (b) The setback of the support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
 - (c) Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the

schedule of regulations for the zoning district in which the support structure is located.

- (d) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- (e) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- (f) Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
- (g) The planning commission shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- (h) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- (i) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.

Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.

- (6) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - (a) Proximity to an interstate or major thoroughfare.
 - (b) Areas of population concentration.
 - (c) Concentration of commercial, industrial, and/or other business centers.
 - (d) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (e) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (f) Other specifically identified reason(s) creating the need for the facility.
- (7) The proposal shall be reviewed in conformity with the co-location requirements of this section.
- (8) If it is demonstrated to the satisfaction of the city council by an applicant that a wireless communications facility may not reasonably be established as a special land use is required to be established in an area other than municipally-owned property in order to operate a wireless communications service, then wireless communications facilities may be permitted elsewhere in the City of Swartz Creek by Special Land Use approval only subject to approval by the city council, the requirements of this section, and the following criteria and standards:
 - (a) At the time of submittal, the applicant shall demonstrate that a location within an allowable district or area cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - (b) Wireless communications facilities shall be of a design such as a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the planning commission.
 - (c) In the R-1, R-2, R-3, R-4, RM-1, and PMSHDD Districts, site locations shall be permitted on a priority basis on the following sites, subject to application of all other standards contained in this section:
 - (1) Municipally-owned sites.

- (2) Other governmentally-owned sites.
- (3) Religious or institutional sites.
- (4) Public parks and other large permanent open space areas when compatible.
- (5) Public or private school sites.

f) *Application requirements:*

- (1) A site plan prepared in accordance with Article 21 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- (2) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- (3) The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- (4) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph (h) below. In this regard, the security shall be in the form of an agreement approved by the attorney for the community and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal.
- (5) The application shall include a map showing existing and known proposed wireless communication facilities within the city and further showing existing

and known proposed wireless communication facilities within areas surrounding the borders of the city in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy, MCL 15.243(l)(g). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

- (6) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

g) *Co-location:*

- (1) *Statement of policy:* It is the policy of the city to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in paragraph (c) of this section above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the city that all users should co-locate on attached wireless communication facility and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in paragraph (c) of this section. If a provider fails or refuses to permit co-location on a facility-owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the city. The provisions of this subsection are designed to carry out and encourage

conformity with this policy.

- (2) *Feasibility of co-location:* Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:
 - (a) The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
 - (b) The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - (c) The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - (d) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the city, taking into consideration the several standards contained in parts (e) of this section, above.
- (3) *Requirements for co-location:*
 - (a) A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
 - (b) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
 - (c) The policy of the community is for co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.
 - (d) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the city, and,

consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the city for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the zoning board of appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

- (4) *Incentive:* Review of an application for co-location, and review of an application for a permit for use of a facility permitted under paragraph (d)(l)(a), above, shall be expedited by the city.

h) *Removal:*

- (1) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - (a) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - (b) Six months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
- (2) The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
- (3) Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the zoning administrator.
- (4) If the required removal of a facility or a portion thereof has not been lawfully

completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

14. *Cemeteries.*

- a) Minimum property size shall be 20 acres.
- b) All grave sites, buildings and structures shall be setback at least 100 feet from all property lines.
- c) The city council shall determine that the cemetery will have a "park-like" setting.
- d) Uses such as crematoriums, mausoleums, casket sales and monument sales shall be permitted as an accessory use to a cemetery. Setbacks and landscaping shall be compatible with adjacent uses.

15. *Churches, temples and similar places of worship.*

- a) Minimum lot area shall be three acres for any church with a sanctuary seating capacity of over 250 persons plus an additional 15,000 square feet for each additional 100 persons of sanctuary seating capacity.
- b) Buildings of greater than the maximum height permitted in the zoning district may be allowed provided the front, side and rear yard setbacks are increased above the minimum required by one foot for each foot of building height that exceeds the maximum permitted. The building cannot exceed 35 feet.
- c) All vehicular access to the site shall be onto a regional arterial, arterial or collector street, as classified in the City of Swartz Creek Master Plan. The planning commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single-family homes.
- d) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and/or a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in Article 20. Where adjoining a residential district, a wall or evergreen hedge six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- e) The city council may require a traffic impact study, particularly if the church is to have services or activities during peak times on the roadway, or if there are other

religious institutions in the vicinity which could create traffic conflicts.

16. *Commercial outdoor sales and/or storage and open air businesses* (as a permitted or accessory use, including sales and/or storage of: Building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, stone, farm implement, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment).
 - a) Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
 - b) No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor sales or storage use is located.
 - c) The site shall include a building of at least 500 feet of gross floor area for office use in conjunction with the approved use.
 - d) The display and storage area shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose storm water without negatively impacting adjacent property.
 - f) All loading and truck maneuvering shall be accommodated on-site.
 - g) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and/or a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in [Article 20](#). Where adjoining a residential district, a wall or evergreen hedge six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
17. *Commercial composting centers*.
 - a) The applicant shall submit an impact assessment describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
 - b) The site plan which shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated), curbing area, landscaped buffers, sales area and fencing.
 - c) Commercial composting operations shall be at least 1,000 feet from any residential district.
 - d) All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe

procedures for managing storm water runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.

- e) Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
- f) The applicant shall describe acceptable methods for control of odors.
- g) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and/or a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in [Article 20](#). Where adjoining a residential district, a wall or evergreen hedge six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- h) Access shall be provided solely on a regional arterial or arterial street.
- i) All storage areas shall be enclosed in a building.
- j) Temporary signs shall be prohibited.

18. *Conference centers/convention facilities.*

- a) The site shall have direct access, via lot frontage or an improved road, to at least one paved arterial roadway.
- b) The location, geometric design and throat depth of site access points, and overall internal site circulation, shall prevent unreasonable traffic congestion on public roadways. A traffic management plan shall be submitted as part of the application.
- c) Building height shall not exceed 35 feet but may be three stories (i.e., a permitted exception from the maximum number of stories allowed for other buildings in the district).
- d) Minimum floor area shall be 10,000 square feet of usable conference rooms, meeting rooms, banquet rooms and pre-function space.
- e) Minimum building and outdoor use areas shall be setback at least 100 feet from any property line of residentially zoned and/or 75 feet from any other property line. Buffer zones shall be provided as required for in [Article 20](#). The city council may reduce the required setbacks by up to 50 percent where more extensive landscaping or existing features provide an extensive screen.
- f) Parking setbacks shall be 40 feet in the front yard; 25 feet for side and rear yards adjacent to residential districts or uses, and ten feet elsewhere.

- g) The proposed building(s) may provide atriums, lobbies, or other public gathering places.
- h) The accessory uses, specialty shops, and activity centers shall be customarily incidental to the primary components of the conference center. A hotel is not considered to be an accessory use and is a principal use that may be developed in conjunction with the conference center or convention facility.
- i) All uses, except for off-street parking or loading spaces and approved outdoor gathering places (such as courtyards, plazas, etc.) shall be conducted within a completely enclosed building. Sales, display, and outdoor storage of any commodities or storage containers, vehicles or other uses shall be expressly prohibited.
- j) In addition to other requirements, the impact assessment shall describe intended and anticipated number, type and frequency of events that may be expected at the proposed site including hours of operation, outdoor receptions and the location where they may be held.

19. *Essential public service/utility buildings and storage yards.*

- a) Such uses may be permitted when operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.
- b) Electric or gas regulator equipment and apparatus shall be setback a minimum of 30 feet from all lot lines or equal to district setbacks, whichever is greater. They cannot be located in the front yard setback.
- c) The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of brick construction, where practical.
- d) Storage yards must be located on a minimum lot size of three acres.
- e) A vinyl coated (black or brown/green or blue) chain link fence six feet in height shall be constructed on the boundary property lines.
- f) All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting, and/or a minimum six-foot high fence or wall, so as to obscure from view all activities within the development. The greenbelt shall meet or exceed the standards set forth in Article 20. Where adjoining a residential district, a wall or evergreen hedge six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

20. *Funeral home or mortuary establishment.*

- a) Adequate assembly (car stacking) area is provided off-street for vehicles to be used

in a funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

- b) A funeral home or mortuary establishment does not include a crematorium.

21. *Hospitals, general and specialty.*

- a) All such hospitals shall be developed only on sites consisting of at least ten acres in area.
- b) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.

22. *Gun clubs.* Gun clubs, whether operated for profit or not, shall be permitted only after review by the planning commission and approval of a temporary permit by the city council provided the following conditions are met:

- a) All federal, state, county and city codes and ordinances in regard to firearms shall be strictly adhered to.
- b) In no instance shall a firearm be discharged closer than 1,000 feet to an existing residence.
- c) In no instance shall a firearm be discharged on any range in any gun club without the presence of an employee of the gun club for supervision.
- d) A site plan for the range, whether indoor or outdoor, shall be submitted to the planning commission for review and must clearly indicate all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.
- e) A minimum six-foot high fence shall be provided around the entire gun club site to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
- f) Any other provision, which the city council deems necessary to assure the health, safety, and general welfare of the habitants of the City of Swartz Creek and adjacent communities.

23. *Kennels, commercial.*

- a) The minimum lot size for kennels housing dogs shall be two acres.
- b) Dog runs, and/or exercise areas shall not be located nearer than 100 feet to property lines and shall not be located in any required front, rear or side yard

setback area.

- c) Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound-proofing, sanitary requirements).
- d) An operations/management plan shall be submitted to the city for review and approval and a temporary permit must be obtained from the building official in accordance with the requirements of Article 13.

24. *Mixed use buildings for residential and office/business purposes.*

- a) The combined use of a building for residential and business use shall not provide more than one dwelling and not more than one business or two offices in any one building.
- b) The combined use of a building for residential and office use shall not provide more than three units maximum within a building, and not more than one of which may be a dwelling.
- c) The floor area for a dwelling unit in a building shall not be less than 400 square feet.
- d) The architectural character of buildings shall be maintained. New construction for such mixed use structures shall be undertaken in character with existing structures.

25. *Motels and hotels including accessory convention/meeting facilities and restaurants.*

- a) Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- b) Each unit shall contain not less than 250 square feet of floor area.
- c) No guest shall establish permanent residence for more than 30 days within any calendar year.

26. *Mushroom farms.* Because of the nature of the process for growing mushrooms, mushroom growing farms shall be allowed provided the following conditions are met:

- a) The plant structure shall be located no closer than 150 feet to any existing or proposed public right-of-way, or to any adjacent property line.
- b) The area utilized for the dispensing of waste material shall be no closer than 300 feet to any existing or proposed public right-of-way, or to any adjacent property line.
- c) No residential structure, either permanent or temporary, shall be placed closer than 500 feet to any mushroom growing farm (no closer than 500 feet to residential).

27. *Nurseries, greenhouses, and lawn and garden centers.*

- a) Storage and display areas shall meet all setback requirements.
- b) The storage of any soil, fertilizer, lumber or other loose, unprotected material shall be in the side or rear of the site, covered, and contained to prevent runoff onto adjacent properties.

28. *Nursing and convalescent homes.*

- a) There shall be provided on the site, not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
- b) All sites shall be located within adequate walking distance of food stores, shopping centers, restaurants and drug stores, as determined by the city council.
- c) All dwelling units shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities).
- d) Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25 percent of total site, exclusive of any dedicated public right-of-way.
- e) The minimum lot size shall be not less than three acres.
- f) The gross density of the dwelling units shall not exceed 20 units per acre, exclusive of any dedicated public right-of-way of either interior or bounding roads.
- g) Except as provided herein, all buildings and sites shall be in compliance with RM-1 requirements in this ordinance.
- h) No housing for the elderly shall be converted to any other use without complying with the provisions of the zoning ordinance in effect.
- i) The city council may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.
- j) All buildings permitted hereunder shall not exceed 40 feet in height.
- k) Principal buildings shall not be closer than 40 feet to any property line.

29. *Oil, gas or brine wells.* Oil, gas or brine wells, including the drilling operations for any underground natural resource, with the exception of water, may be permitted only in I Districts when authorized by the city council if it can be clearly shown that the use will not be injurious to the surrounding area, and after public hearing, subject to the following conditions:

- a) No buildings, or structures of a permanent nature shall be erected, except that when such building is a permitted use within the Industrial District.
 - b) No truck parking or storage shall be located within 300 feet of any residential district, or within 100 feet of any other district.
 - c) All the operation shall be screened with a wire screen or uniformly painted wood fence as provided by section [20.03], with evergreen screen planting on any side adjacent to residentially zoned property.
 - d) After the natural resources have been removed the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30-degree slope, and the contour shall be caused to blend as nearly as possible with the natural surroundings.
 - e) All truck operations shall be directed away from residential streets whenever possible.
 - f) The city council may require any bond as deemed necessary to ensure that requirements are fulfilled and may revoke permission to operate at any time specified conditions are not maintained.
30. *Outdoor cafés, outdoor eating areas and open front restaurant (i.e., window service).*
- a) Any outdoor eating area shall not exceed 15 percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area; except in the GBD District when specifically approved by the city council.
 - b) Any outdoor eating area shall be located no closer than 15 feet from any street right-of-way or any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
 - c) The outdoor eating area shall not be located within 50 feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring wall or greenbelt, in compliance with this ordinance.
 - d) The outdoor eating area shall be kept clean and void of litter at all times and waste receptacles must be provided. Fences or landscaping shall be provided to control blowing debris.
 - e) All vending machines and arcades shall be located within a completely enclosed building.
 - f) Outdoor sidewalk cafés in the GBD District shall be subject to the following

standards:

- (1) To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. If the sidewalk is not wide enough to allow for a five-foot wide clearance for circulation, the café should not be permitted. Planters, posts with ropes, or other removable enclosures should be encouraged and should be used to define the area occupied by the outdoor seating.
- (2) Pedestrian circulation and access to store entrances should not be impaired. Thus, a boundary (maximum encroachment width and length) into the public sidewalk should be established, with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of the national Americans with Disabilities Act (ADA) and Michigan barrier-free requirements.
- (3) The operators of the outdoor café should be responsible for a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of the tables and chairs. Outdoor trash receptacles are required. Written procedures for cleaning and trash containment and removal responsibilities of the café must be noted on the revised plan to the satisfaction of the city.
- (4) Tables, chairs, planters, trash receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors.
- (5) Additional signs should not be permitted, beyond what is permitted for the existing restaurant.
- (6) The hours of operation for the outdoor seating area should be established and noted on the plan.
- (7) Preparation of food and beverages should be prohibited in this outdoor area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance.
- (8) Liability issues for use of the public sidewalk should be addressed and reviewed by the city attorney.

31. *Outdoor theaters.* Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they are subject to the

following conditions:

- a) Outdoor theaters shall abut, and have all access from, a regional arterial or arterial.
- b) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- c) The area shall be designed as to prevent the movie screen from being viewed from residential areas or adjacent major roadways. All lighting used to illuminate the area shall be installed and confined within, and directed onto the premises of the outdoor theater site. Landscaping shall be provided to screen automobile headlights off-site.
- d) A traffic impact study shall be provided.

32. *Recreation: Outdoor recreation establishments (excluding golf-related uses).*

- a) Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- b) The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the city council. The applicant shall provide documentation that the site area is adequate using national facility standards.
- c) The site shall be located on a paved street which is classified as a regional arterial or arterial road.
- d) No building or spectator seating facility shall be located within 100 feet of a property line.
- e) The site shall be kept clear of debris.

33. *Recreation: Golf courses, country clubs, par three golf courses as principal use.*

- a) The site shall have access directly onto a regional arterial or arterial road.
- b) The site plan shall be designed to achieve a relationship between the arterial and any proposed service roads, entrances, driveways and parking areas which will

contribute pedestrian and vehicular traffic safety.

- c) Development features including the principal buildings, accessory structures and fairways, shall be designed and arranged to minimize any adverse effects upon adjacent property. All principal or accessory buildings shall be not less than 200 feet from any public street right-of-way or property line abutting residentially zoned lands; provided the city council may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than 75 feet.
- d) Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the city council to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single-family residential areas.
- e) Any swimming pool shall meet the standards below (see "swimming pools") and comply with all applicable building codes and city ordinances.

34. *Recreation: Golf driving ranges, miniature golf courses.*

- a) All traffic ingress and egress shall be from a regional arterial or arterial road.
- b) Parking lots shall be set back at least 30 feet from the street right-of-way and 100 feet from any property line abutting a residential district.
- c) Any lot line abutting a residential district shall provide a 50-foot wide, landscaped buffer strip with landscaping meeting the standards of Article 21.00.
- d) No building shall be constructed or located closer than 200 feet from the property line of any abutting residential lot.
- e) The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.
- f) Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms or a six-foot high fence. Netting shall be prohibited unless the city council determines the netting would be compatible with surrounding uses.
- g) The city council may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning.
- h) Tee areas for a driving range shall be clearly distinguished by elevating the stations six inches to one and one-half feet above the ground, or through use of short walls or alternate distinction to separate tee stations.

35.

Recreation: Indoor recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, etc.

- a) The principal and accessory buildings and structures shall not be located within 100 feet of any residential district or use.
- b) All uses shall be conducted completely within a fully enclosed building.
- c) The buildings shall be sound-proofed.
- d) A minimum three-foot high, 20-foot wide berm landscaped with evergreen trees to create a totally obscuring screen shall be provided.

36. *Recreation: Private recreation facilities and swimming pool clubs.*

- a) The proposed site shall have at least one property line abutting a regional arterial or arterial roadway as classified in the city master plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.
- b) Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- c) Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The city council may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirements shall be determined by the city council on the basis of usage.
- d) Swimming pools shall meet all applicable building and health codes.

37. *Recycling stations.*

- a) Recycling stations shall be only for the collection of recyclable materials for hauling to another site for processing. A one- or two-yard dumpster may be provided for non-recyclable waste, such as twine, lids, etc.
- b) Paved loading and stacking spaces shall be provided for at least three automobiles.
- c) All storage of recycled materials shall be within appropriate containers, with access through doors on the sides of the container.

- d) The city council may require a totally obscuring fence or wall around the perimeter of the recycling center.
- e) The hours of operation and materials accepted may be regulated by the planning commission and shall be clearly posted.
- f) Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

38. Restaurants with drive-in or drive-through facilities.

- a) Principal and accessory buildings shall be setback at least 75 feet from any adjacent public right-of-way line or property line. Location shall be along a regional arterial or arterial, as classified in the city master plan.
- b) Only one access shall be provided onto any regional arterial or arterial. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or 75 feet from the centerline of any other driveway.
- c) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- d) A six-foot high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential, business or office districts.
- e) A minimum ten-foot wide bypass lane shall be provided around the stocking spaces.
- f) Applicant shall provide a traffic impact assessment including projected traffic generation.
- g) In addition to parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
- h) Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
- i) Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

39. *Riding academies and stables.* Facilities for horseback riding, accessory trails and

stables shall be allowed by the city council after planning commission review on parcels of five acres or more provided that animal housing facilities or enclosures are located at least 250 feet from any residential structure.

40. *Roadside stands.* Because roadside stands are seasonal in character and utilized on a temporary basis, roadside stands shall be allowed in Business Districts by the city council for periods not to exceed six months provided a temporary permit is obtained from the city council and provided the following provisions are met:
- a) The sale of farm products in a roadside stand shall not take place within the dedicated right-of-way of any thoroughfare within the city, and assurances shall be made to the city that ample off-street parking has been provided, and adequate ingress and egress provided to the stand.
 - b) No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.
41. *Schools: Public and non-public, elementary, intermediate and/or secondary schools offering courses in general education.*
- a) All vehicular access to the site shall be onto a regional arterial, arterial or collector road, as classified in the city master plan. The city council may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single-family homes.
 - b) Adequate outdoor recreation areas shall be provided.
42. *Shopping centers.*
- a) Shopping centers of 15,001 to 30,000 square feet of gross floor area in the NBD, Neighborhood Business District and over 30,001 square feet in the GBD General Business District shall meet the standards below. For purposes of calculation, the principal building and all outbuildings including those on outlots, shall be including in calculating the gross floor area threshold for this section.
 - b) A traffic impact study shall be submitted.
 - c) The principal building with front parking shall be setback 250 feet from any public right-of-way or property line.
 - d) Such shopping centers shall have access to at least one arterial when in a Local Business District; access to at least one regional arterial when located within a General Commercial District.
 - e) The design of regional shopping centers shall ensure that vehicular circulation patterns are designed and regulated to reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the center on adjacent

streets.

- f) Internal circulation shall be designed such that no intersection includes more than four aisles or drives.
 - g) Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.
 - h) Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
 - i) Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
 - j) Any building side facing a public street or residential district shall be constructed with brick, fluted block or similar decorative material.
 - k) Any outlots shall have circulation and parking designed to complement the entire site.
 - l) Parking lot landscaping shall be provided in accordance with section 21.03.
43. *Slaughterhouse*. Slaughterhouses shall be permitted in the I-1 District only, after review by the planning commission and city council approval provided the following requirements are met:
- a) All requirements of section 20.06, Performance standards, shall be strictly adhered to.
 - b) The physical plant structure, and pens, stockyard, or cages, shall in no instance be closer than 2,000 feet to any adjacent residential district.
 - c) A fence shall be provided around the entire site to assure that individuals will not unknowingly trespass on the property, particularly the stockyard area.
 - d) The site, shall have at least one continuous boundary 500 feet in length along a major thoroughfare of at least 120-foot right-of-way as indicated on the current Master Right-of-Way Plan of the Genesee County Road Commission.
44. *Theaters (indoor), cinemas, concert halls, play houses, assembly halls, or similar places of assembly when conducted completely within enclosed buildings*.
- a) Access shall be from a regional arterial or arterial road.
 - b) A traffic impact study shall be submitted.
 - c) Wrought iron fencing may be placed along the frontage to direct pedestrians to safe crossing points, if the city council determines the need.
 - d) The subject site shall be located with access to an existing traffic signal, or placed

such than installing a traffic signal will not significantly impact through traffic flow.

- e) The principal building and parking lot shall be setback at least 50 feet from any adjacent residential district. This setback shall be landscaped with at least the amount of plant materials specified in Article 20.

45. *Urgent medical care centers.*

- a) Access shall be from a regional arterial or arterial.
- b) Building entrances shall not be visible to residences or schools.

46. *Veterinary clinics.*

- a) The use shall be operated by a licensed or registered veterinarian.
- b) The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least 200 feet from abutting residential districts, churches or restaurants on the same side of the street; 50 feet from the front property line and 50 feet from all other property lines.
- c) All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- d) Any indoor boarding shall be limited to that incidental to treatment or surgery.
- e) Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
 - (1) Walls are soundproofed to allow a maximum transmission of 65 dB measured at any point on the outside of the exterior wall,
 - (2) Doors must be solid core,
 - (3) Ventilation must be forced air.
- f) Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
- g) A caretakers quarters may be permitted.
- h) Additional landscaping and fencing requirements may be required by the planning commission.

(Ord. No. 407, §§ 4, 5, 5-24-11; Ord. No. 431, § 4, 12-12-16; Ord. No. 440, § 10, 6-10-19)