

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 06/10/2019**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Cramer, Farmer, Gilbert, Hicks, Krueger, Pinkston, Root.

Councilmembers Absent: None.

Staff Present: City Manager Adam Zettel, Clerk Connie Eskew, Treasurer Deanna Korth.

Others Present: Lania Rocha, Bob Plumb, Steve Shumaker, Andy Harris, Bud Grimes, Erik Jamison, Steve Long, John Wilson, Nate Henry, Al Jory, Brett Jory, Metro PD Chief Bade.

APPROVAL OF MINUTES

Resolution No. 190610-01

(Carried)

Motion by Councilmember Root
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Tuesday May 28, 2019 to be circulated and placed on file.

YES Farmer, Gilbert, Hicks, Krueger, Pinkston, Root, Cramer.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 190610-02

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, printed for the Regular Council Meeting of June 10, 2019, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Pinkston, Root, Cramer, Farmer.
NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 190610-03

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Cramer

I Move the Swartz Creek City Council accept the City Manager's Report of June 10, 2019, including reports and communications to be circulated and placed on file.

Discussion Ensued.

YES: Hicks, Krueger, Pinkston, Root, Cramer, Farmer, Gilbert.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Steve Shumaker, 7446 Country Meadow Drive, commented in regards to the group soliciting at Miller/Elms intersection.

COUNCIL BUSINESS:

**RESOLUTION TO APPOINT VARIOUS OFFICIALS TO THE BOARD OF REVIEW,
PLANNING COMMISSION, DOWNTOWN DEVELOPMENT AUTHORITY, AND
ZONING BOARD OF APPEALS**

Resolution No. 190610-04

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Cramer

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the city council require and set terms of offices for various appointments to city boards and commissions, as well as appointments to non-city boards and commissions seeking representation by city officials; and

WHEREAS, there exists a vacancy on the Zoning Board of Appeals, as well as positions soon to expire on the Board of Review, Planning Commission, and Downtown Development Authority; and

WHEREAS, said appointments are Mayoral appointments, subject to affirmation of the city council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointment as follows:

#190610-4A **MAYOR APPOINTMENT:**
Board of Review, Resident
Three Year Term, expiring June 30, 2022

Richard Ballreich

#190610-4B **MAYOR APPOINTMENT:**
Board of Review, Resident
Three Year Term, expiring June 30, 2022

Wanda Tyler

- | | | |
|-------------------|---|-------------------------|
| #190610-4C | <u>MAYOR APPOINTMENT:</u>
DDA, Resident
Four Year Term, expiring June 30, 2023 | Sandra Raffaelli |
| #190610-4D | <u>MAYOR APPOINTMENT:</u>
DDA, Non-property interest/resident
Four Year Term, expiring June 30, 2023 | VACANT |
| #190128-4E | <u>MAYOR APPOINTMENT:</u>
Planning Commission, Resident
Three year term, expiring June 30, 2022 | VACANT |
| #190128-4F | <u>MAYOR APPOINTMENT:</u>
Planning Commission, Resident
Three year term, expiring June 30, 2022 | Bud Grimes |
| #190128-4G | <u>MAYOR APPOINTMENT:</u>
Planning Commission, Resident
Remainder of Three year term, expiring November 23, 2020 | Thomas Farrell |
| #190128-4H | <u>MAYOR APPOINTMENT:</u>
Zoning Board of Appeals, Alternate
Three year term, expiring June 30, 2022 | Tom Wyatt |

Discussion Ensued.

YES: Krueger, Pinkston, Root, Cramer, Farmer, Gilbert, Hicks.
NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE THE FISCAL YEAR 2019-2020 CITY BUDGET

Resolution No. 190610-05

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Farmer

WHEREAS, the Swartz Creek City Council is required to approve a budget in accordance with the General Appropriations Act and Uniform Budgeting and Accounting Act; and

WHEREAS, a public hearing was posted and held in accordance with the city charter on May 28, 2019; and

WHEREAS, the Swartz Creek City Council finds the following Fund-based budget to be an accurate and desirable instrument to appropriate funds to serve the needs of the City of Swartz Creek.

THEREFORE BE IT RESOLVED, the Swartz Creek City Council hereby adopt the following 2019-2020 fiscal budget based upon the following tax mils:

General Operating Levy	4.8289 mills
Public Safety SAD	4.9000 mills
Street Levy	4.2200 mills
Sanitation Levy	2.6270 mills

101 GENERAL FUND Estimated Beginning Fund Balance	\$	1,527,090
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<u>Estimated Revenues</u>	<u>Adopted</u>
General Fund Estimated Operating Revenues	2,450,558
	2,450,558

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	416,902
Public Safety Activities 301-399	1,269,482
Public Works Activities 400-799	714,595
Other Government Activities 800-999	190,307
	2,591,287
	2,591,287

Effect on General Fund's Fund Balance		(140,729)
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Estimated Ending Fund Balance June 30, 2020	\$	1,386,361
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202 MAJOR STREETS Estimated Beginning Fund Balance	\$	586,889
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<u>Estimated Revenues</u>	<u>Adopted</u>
Major Streets Fund Estimated Operating Revenues	638,959
	638,959

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	800
Public Safety Activities 301-399	0
Public Works Activities 400-799	502,237
Other Government Activities 800-999	100,000
	603,037
	603,037

Effect on Major Street's Fund Balance		35,922
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Estimated Ending Fund Balance June 30, 2020	\$	622,811
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203 LOCAL STREETS FUND Estimated Beginning Fund Balance		201,827.00
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<u>Estimated Revenues</u>	<u>Adopted</u>
Local Streets Fund Estimated Operating Revenue	707,529
	707,529

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	800
Public Safety Activities 301-399	410783.73
Public Works Activities 400-799	0
Other Government Activities 800-999	0
	411,584
	411,584

Effect on Local Streets Fund's Fund Balance		295,945
Estimated Ending Fund Balance June 30, 2020	\$	497,772

204 MUNICIPAL STREET FUND Estimated Beginning Fund Balance		25,688.00
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<u>Estimated Revenues</u>	<u>Adopted</u>
Municipal Street Fund Estimated Revenue	631,220
	631,220

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	0
Public Safety Activities 301-399	0
Public Works Activities 400-799	0
Other Government Activities 800-999	605,475
	605,475

Effect on Municipal Street Fund's Fund Balance		25,745
Estimated Ending Fund Balance June 30, 2020	\$	51,433

226 GARBAGE FUND Estimated Beginning Fund Balance	\$	331,587
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<u>Estimated Revenues</u>	<u>Adopted</u>
Garbage Fund Estimated Operating Revenue	395,423
	395,423

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	44,795
Public Safety Activities 301-399	0
Public Works Activities 400-799	346,399
Other Government Activities 800-999	0
	391,193

Effect on Garbage Fund's Fund Balance		4,230
Estimated Ending Fund Balance June 30, 2020	\$	335,817

248 DDA FUND Estimated Beginning Fund Balance	\$	18,857
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<u>Estimated Revenues</u>	<u>Adopted</u>
DDA Fund Estimated Operating Revenue	47,810
	47,810

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	2,510
Public Safety Activities 301-399	0
Public Works Activities 400-799	4,425

Other Government Activities 800-999	0
	<u>6,935</u>
	6,935

Effect on Local Streets Fund's Fund Balance **40,875**

Estimated Ending Fund Balance June 30, 2020	\$	59,732
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350 CITY HALL DEBT FUND Estimated Beginning Fund Balance	\$	3,076
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<u>Estimated Revenues</u>	<u>Adopted</u>
City Hall Debt Fund Estimated Revenue	88,743
	<u>88,743</u>

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	0
Public Safety Activities 301-399	0
Public Works Activities 400-799	0
Other Government Activities 800-999	89,480
	<u>89,480</u>

Effect on City Hall Debt Fund's Fund Balance **(737)**

Estimated Ending Fund Balance June 30, 2020	\$	2,339
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402 FIRE EQUIPMENT FUND Estimated Beginning Fund Balance	\$	1,194
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<u>Estimated Revenues</u>	<u>Adopted</u>
Fire Equipment Replacement Fund Est Operating Rev.	75,010
	<u>75,010</u>

<u>Appropriations</u>	<u>Adopted</u>
General Government Activities 101-299	0
Public Safety Activities 301-399	0
Public Works Activities 400-799	0
Other Government Activities 800-999	0
	<u>0</u>
	0

Effect on Fire Equip Replacement Fund's Fund Balance **75,010**

Estimated Ending Fund Balance June 30, 2020	\$	76,204
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590 WATER FUND Estimated Beginning Fund Balance	\$	5,906,411
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<u>Estimated Revenues</u>	<u>Adopted</u>
Water Supply Fund Estimated Operating Revenue	2,227,795
	<u>2,227,795</u>

<u>Appropriations</u>	<u>Adopted</u>
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General Government Activities 101-299	140,465
Public Safety Activities 301-399	
Public Works Activities 400-799	2,292,462
Other Government Activities 800-999	61,916
	<u>2,494,843</u>
	<u>2,494,843</u>

Effect on Water Supply Fund's Fund Balance (267,048)

Estimated Ending Fund Balance June 30, 2020 \$ **5,639,363**

WATER FUND EXPENSES INCLUDE \$189,000 IN

DEPRECIATION

591 SEWER FUND Estimated Beginning Fund Balance \$ **7,651,097**

Estimated Revenues

Adopted

Sanitary Sewer Fund Estimated Operating Revenue	1,292,465
	<u>1,292,465</u>

Appropriations

Adopted

General Government Activities 101-299	140,746
Public Safety Activities 301-399	0
Public Works Activities 400-799	1,275,839
Other Government Activities 800-999	5,000
	<u>1,421,585</u>
	<u>1,421,585</u>

Effect on Sanitary Sewer Fund's Fund Balance (129,120)

Estimated Ending Fund Balance June 30, 2020 \$ **7,521,977**

SEWER FUND EXPENSES INCLUDE \$248,000 IN

DEPRECIATION

661 MOTOR POOL FUND Estimated Beginning Fund Balance \$ **407,271**

Estimated Revenues

Adopted

Motor Pool Fund Estimated Operating Revenue	154,115
	<u>154,115</u>

Appropriations

Adopted

General Government Activities 101-299	19,668
Public Safety Activities 301-399	0
Public Works Activities 400-799	188,598
Other Government Activities 800-999	9850

218,116

218,116

Effect on Motor Pool Fund's Fund Balance

(64,000)

Estimated Ending Fund Balance June 30, 2020

\$

343,271

MOTOR POOL EXPENSES INCLUDE \$33,000 IN

DEPRECIATION

865 SIDEWALKS FUND Estimated Beginning Fund Balance

\$

389

Estimated Revenues

Adopted

Sidewalk Fund Estimated Operating Revenue

1,000

Total Side Walk Fund Estimated Revenue

2,200

Appropriations

Adopted

General Government Activities 101-299

0

Public Safety Activities 301-399

0

Public Works Activities 400-799

2,200

Other Government Activities 800-999

Total Side Walk Fund Operating Appropriations

2,200

Effect on Side Walk Fund's Fund Balance

0

Estimated Ending Fund Balance June 30, 2020

\$

389

866 WEED FUND Estimated Beginning Fund Balance

\$

39,800

Estimated Revenues

Adopted

Weed Fund Estimated Operating Revenue

6,800

Total Weed Fund Estimated Revenue

6,800

Appropriations

Adopted

General Government Activities 101-299

40,100

Public Safety Activities 301-399

0

Public Works Activities 400-799

0

Other Government Activities 800-999

0

Total Weed Fund Operating Appropriations

40,100

Effect on Weed Fund Fund's Fund Balance

(33,300)

Estimated Ending Fund Balance June 30, 2020

\$

6,500

Total Estimated Revenues

\$
8,718,627

Total All Funds Appropriations

\$
8,875,835

Discussion Ensued.

YES: Pinkston, Root, Cramer, Farmer, Gilbert, Hicks, Krueger.
NO: None. Motion Declared Carried.

**A RESOLUTION TO AMEND APPENDIX A OF THE CODE OF ORDINANCES BY ADDING
CONDITIONAL USES, CONSOLIDATING DISTRICTS BY USE, AND REFORMATING THE CODE**

Resolution No. 190610-06

(Carried)

Motion by Mayor Pro Tem Pinkston
Second by Councilmember Farmer

WHEREAS, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

WHEREAS, the city, in pursuing certification as a Redevelopment Ready Community, performed a zoning audit that revealed the need for incremental changes to the zoning ordinance and;

WHEREAS, the planning commission, with the assistance of staff, a professional planner, and input by the public, reviewed specific changes to the zoning ordinance at their regular meeting on June 4, 2019, and;

WHEREAS, the planning commission, at a public hearing at their meeting on June 4, 2019 and in reviewing the criteria in Zoning Ordinance Section 31.04, found the proposed zoning ordinance amendments to be in the best interest of the public.

THEREFORE, I MOVE the City of Swartz Creek ordains:

**CITY OF SWARTZ CREEK
ORDINANCE NO. 440**

An ordinance to amend the Code of Ordinances: Zoning Appendix A to remove and replaced certain sections, add new section for Conditional Uses, and sequence the code to reflect a new numbering configuration

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Removal of Articles from Appendix A of the Code of Ordinances.

The City hereby removes Articles 4-8, 12-18, and 29 in their entirety.

Section 2. Addition of Article 4: Single-Family Residential to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 4 Single-Family Residential to read as follows:

ARTICLE 4, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 4.00. Intent.

The R-1 and R-2 districts are designed to be composed of low-density residential home development. The

regulations are intended to stabilize, protect and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood.

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

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

Section 4.01. Permitted Uses

In the Residential Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “CLU” are considered conditional land uses and uses denoted by a “SLU” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 22, Special Land Uses* and *Article 23, Conditional Land Uses*.

	R-1, Single Family	R-2, Single Family	R-3, Downtown Residential
Accessory Buildings, Structures, and Uses customarily incidental to the principle uses permitted by right	P	P	P
Accessory Dwelling Units	CLU		
Agriculture	CLU	CLU	CLU
Apartments in Single Family Home			P
Cemetery	CLU	CLU	CLU
Community centers	SLU	SLU	SLU
Detached single-family dwellings	P	P	P
	R-1, Single Family	R-2, Single Family	R-3, Downtown Residential
Essential public service buildings (no outdoor storage)	SLU	SLU	SLU
Expansion of Apartments within existing building	CLU	CLU	CLU
Family Day Care	SLU	SLU	SLU

Granny Flat/Accessory Dwelling Unit	CLU	CLU	CLU
Group Living (Adult and Child Residential Facilities)	SLU	SLU	SLU
Home Occupation	CLU	CLU	CLU
Manufactured Housing on Individual Lots (not part of a park, Section 20.20)		SLU	SLU
Nursing and Convalescent Care	SLU		
Nursing, Assisted Living	SLU	SLU	SLU
Parks (public and private)	SLU	SLU	SLU
Places of assembly, including places of worship (maximum of 499 seats)	SLU	SLU	SLU
Private Recreation	SLU	SLU	SLU
Private Swimming Club	SLU	SLU	SLU
Public Library	P	P	P
Public utilities	SLU		
School (public and private)	SLU	SLU	SLU
Small Inn/B&B			CLU

Section 4.02. Site development requirements.

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

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

Footnotes to Table:

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

Section 4.03. General development standards.

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

- a. Parking and off-street loading and unloading is required in accordance with *Article 18*.
- b. Exterior lighting is required in accordance with *Article 19*.
- c. Landscaping is required in accordance with *Article 20*.
- d. Site plan review is required in accordance with the requirements of *Article 21*.
- e. Signs are permitted in accordance with the city's sign ordinance, *Article 14*.

Section 3. Addition of Article 5: Multiple-Family Residential to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 5 Multiple-Family Residential to read as follows:

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

Section 5.00 Intent.

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

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

Section 5.01 Permitted Uses.

In the Residential Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "CLU" are considered conditional land uses and uses denoted by a "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 22, Special Land Uses* and *Article 23, Conditional Land Uses*.

	R-4, Two-Family	RM-1, Multi-Family
Accessory Building, Structures, and Uses, customarily incidental to the principle uses permitted by right	P	P
Cemetery	CLU	CLU

Cluster family dwelling units		P
Community centers	SLU	SLU
Detached single-family dwellings	P	P
Essential public service buildings (no outdoor storage)	SLU	SLU
Family Day Care	SLU	SLU
Golf Course (no range)		SLU
Group Living (Adult and Child Residential Facilities)	SLU	SLU
Home Occupation	CLU	CLU
Multi-family residential dwellings (apartment, senior community, row houses, similar multiple family residential)		P
Nursing, Assisted Living	SLU	SLU
	R-4, Two-Family	RM-1, Multi-Family
Parks (public and private)	SLU	SLU
Places of assembly, including places of worship (less than 250 seats)	SLU	SLU
Places of assembly, including places of worship (between 251-499 seats)	SLU	SLU
Private Recreation; pool; clubhouse	SLU	SLU
Public Library	P	P
School (public and private)	SLU	SLU
Two-family dwellings	P	P

Section 5.02. R-4 Site development requirements.

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

District Regulations	R-4 Requirements
Minimum lot area	8,000 square feet per unit
Minimum lot width	100 feet
Minimum front yard setback	30 feet ¹
Minimum side yard setback	10 feet ²

Minimum rear yard setback	35 feet
Maximum lot coverage for all buildings	35%
Maximum building height	1. 25 feet or 2. 2 stories
Minimum floor area per dwelling unit	³ 800 square feet

Footnotes to Table:

¹Front yards only. An unenclosed porch may project into a required front yard a distance not to exceed six feet. The porch may be covered with an awning or other type of roof provided the awning or roof does not extend beyond the footprint of the porch. In no case shall the porch be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and/or ramp may project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.

²Side yard. The side yard abutting upon a street shall not be less than 25 feet. When there is a common rear yard abutting a side yard on an adjacent lot, the side yard abutting a street shall not be less than 25 feet.

³Floor area of dwelling unit. Where a single-family dwelling is constructed without a basement, an additional 100 square feet shall be added to the minimum required first floor area requirement to provide space for utilities such as, but not limited to: furnace, hot water tank, laundry tubs, incinerators, and the like.

Section 5.03. RM-1 Site development requirements.

86-43 Multi-Family Residential (RM-1)

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

RM-1	
Lot Size	
Minimum Area	7,200 sq. ft.
Setbacks¹	
Front yard (min.)	25 ft.
Side yard (min.)	
Least One	10 ft.
Total Two	25 ft.

Rear yard (min.)	35 ft.
Building Height	
Stories (max.)	3
Feet (max.)	35 ft.
Building Area	
Floor area per unit (min.)	Footnote ²
Lot Coverage	
Area of all buildings (max.)	30%

¹For the purpose of yard regulations, all multiple-family dwellings shall be considered as one building occupying one lot.

²The minimum floor area per dwelling unit shall be:

- a) Efficiency—500 square feet
- b) One-bedroom apartment—600 square feet
- c) Two-bedroom apartment—750 square feet
- d) Three-bedroom apartment—750 square feet. Plus, an additional 150 square feet for each additional bedroom.
- e) Not more than ten percent of the total number of units shall be of the efficiency type and in no instance shall the maximum density exceed 12 units per acre.

b. Yards: Front, side and rear yards relating to the spacing between buildings shall have the following minimum overall dimensions:

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

Side to Side	25 feet
Corner to Corner	25 feet

- c. Parking and Circulation:
 - 1. Parking may be permitted in 50 percent of the required rear yard provided that there shall be at least 15 feet of yard space between said parking area and the multiple-family building. Service drives shall have a width of at least 33 feet and shall not be located in any front yard.
 - 2. No multiple-family structure shall exceed 180 feet in length along any one face of the building.
- d. Height Exception: The Zoning Board of Appeals may modify the height requirements where unusual architectural features exist.

Section 5.04. General Development Standards.

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

- a. Parking and off-street loading and unloading is required in accordance with *Article 18*.
- b. Exterior lighting is required in accordance with *Article 19*.
- c. Landscaping is required in accordance with *Article 20*.
- d. Site plan review is required in accordance with the requirements of *Article 21*.
- e. Signs are permitted in accordance with the city's sign ordinance, *Article 14*.

Section 4. Addition of Article 8: Commercial Districts to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 8: Commercial Districts to read as follows:

ARTICLE 8. COMMERCIAL DISTRICTS

Section 8.00. - Intent.

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

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

The Central Business District is further designed and intended to:

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

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

Section 8.01 Permitted Uses.

In the Commercial Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "CLU" are considered conditional land uses and uses denoted by a "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 22, Special Land Uses* and *Article 23, Conditional Land Uses*.

	NBD, Neighborhood Business	CBD, Central Business	GBD, General Business
Accessory Buildings, Structures, and Uses customarily incidental to the principle uses permitted by right	P	P	P

Arcade		P	SLU
Automobile and vehicle dealerships			CLU
Automobile service stations			SLU
Automobile washes, automatic or self-service		CLU	CLU
Bank, Savings and Loan, Credit Union	P	P	P
Bars, taverns, lounges, micro-breweries, brewpubs	CLU	P	P
Boutique Hotel		P	
Cell Tower			SLU
Colleges and Vocational Schools	SLU	SLU	P
Commercial dog kennels			CLU
Community centers	P	P	P
Conference Center/Convention Center			SLU
Convenience Store	P	P	P
Day Care Center	SLU	SLU	P
Drive-through retail, service establishments, and drive-through restaurants		SLU	SLU
Dry cleaning and self-service laundries	P	P	P
Essential public service buildings (no outdoor storage)	P	P	P
Essential public service buildings (with outdoor storage)			SLU

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

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

	NBD, Neighborhood Business	CBD, Central Business	GBD, General Business
Veterinary hospitals		CLU	CLU
Walk-Up Window Retail or Restaurant	CLU	CLU	P

8.02. - Site Development Requirements.

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

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

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

- f. A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.

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

Section 8.03. General Development Standards.

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

- a. Parking and off-street loading and unloading is required in accordance with *Article 18*.

- b. Exterior lighting is required in accordance with *Article 19*.

- c. Landscaping is required in accordance with *Article 20*.

- d. Site plan review is required in accordance with the requirements of *Article 21*.

- e. Signs are permitted in accordance with the city's sign ordinance, *Article 14*.

Section 5. Addition of Article 9: Office District to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 9 Office-District to read as follows:

ARTICLE 9. O-1 OFFICE DISTRICT

Section 9.00. Intent.

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

Section 9.01. - Principle uses permitted.

In the Office District, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “CLU” are considered conditional land uses and uses denoted by a “SLU” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 22, Special Land Uses* and *Article 23, Conditional Land Uses*.

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

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

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

Section 9.02. Site development requirements.

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

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

Footnotes:

¹The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.

²Off-street parking for visitors may be permitted within the required front yard provided that such off-street parking is not located within 30 feet of the front lot line. The zoning board of appeals may permit the front yard requirement to be reduced to not less than 20 feet for buildings constructed prior to the effective date of this ordinance, provided that minimum off street parking requirements can still be met.

a) A minimum five-foot wide concrete sidewalk shall be provided within the road right-of-way for the entire frontage along a street.

- b) No yard shall be required along the interior side lot lines when said property line is adjacent to like use districts or to railroad rights-of-way. A 20-foot greenbelt shall be provided, in addition to five- to eight-foot completely obscuring wall, within the required yard area and adjacent to the property line, when O-1 Office uses abut residential districts.

Section 9.03. General development standards.

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

- a. Parking and off-street loading and unloading is required in accordance with *Article 18*.
- b. Exterior lighting is required in accordance with *Article 19*.
- c. Landscaping is required in accordance with *Article 20*.
- d. Site plan review is required in accordance with the requirements of *Article 21*.
- e. Signs are permitted in accordance with the city's sign ordinance, *Article 14*.

Section 6. Addition of Article 10: Industrial Districts to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 10 Industrial Districts to read as follows:

ARTICLE 10. INDUSTRIAL DISTRICT

Section 10.00. Intent.

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

Section 10.01. Principal uses permitted.

In the Industrial Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a “P” are permitted by right, whereas uses denoted by “CLU” are considered conditional land uses and uses denoted by a “SLU” are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 22, Special Land Uses* and *Article 23, Conditional Land Uses*.

	I-1, Light Industrial
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Accessory Buildings, Structures, and Uses customarily incidental to the principle uses permitted by right	P
Adult Entertainment Regulated Uses	SLU
Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs and products not involving a normal retail or service activity on the lot	P
Automobile and vehicle dealerships	P
Automobile service stations	P
Automobile washes, automatic or self-service	P
Building supply and equipment stores and yards	SLU
	I-1, Light Industrial
Cell Tower	SLU
Colleges and Vocational Schools	P
Conference Center/Convention Center	SLU
Contractor's establishments not engaging in any retail activities on the site	P
Crematorium	P
Drive-through retail, service establishments, and drive-through restaurants	SLU
Golf Course (no range)	P
Golf Course with range	P
Hospital	P
Indoor Commercial Recreation (health club, handball, racquet ball, bowling, pool, billiards, tennis, batting, archery, soccer fields, indoor pool, ice arena)	P
Nursery/Garden Center	P

Outdoor Recreation	P
Outdoor retail sales	P
Outdoor storage	CLU
Outdoor use	SLU
Pet boarding facilities	P
Places of assembly, including places of worship (greater than 500 seats)	P
Private Club, Fraternal Organization, Lodge	P
Radio Station and Television Broadcasting	SLU
Research and testing laboratories	P
	I-1, Light Industrial
School (public and private)	SLU
Servicing and repairing of other types of motor vehicles, trailers and boats	P
Showrooms	CLU
Stone cutting and monuments	CLU
Storage facilities/units	P
Studio, such as art, dance, health, music or other similar place of instruction	P
Veterinary hospitals	P

Section 10.02. Site development requirements.

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

District Regulations	I-1 Requirements
Minimum lot area	----
Minimum lot width	----
Minimum front yard setback	50 feet

Minimum side yard setback	1. 50 feet (each side) and 2. 100 feet (total both sides)
Minimum rear yard setback	----
Maximum lot coverage for all buildings	----
Maximum building height	40 feet

- a. No side yards are required along the interior side lot lines that abut another property zoned for non-residential use, except as otherwise specified in the building code. On the exterior side yard which borders on a residential district or residential street there shall be provided a setback of not less than 50 feet. If walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 75 feet shall be provided.
- b. Loading space shall be provided in the rear yard in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of the buildings, the rear setback and loading requirements may be computed from the center of said alley.
- c. A wall or fence shall be provided on those sides of the property abutting land zoned for residential use.
- d. The maximum percentage of coverage shall be determined by the use and the provisions of required off-street parking, loading and unloading and required yards.
- e. A minimum of five-foot wide greenbelt shall be provided adjacent to a residential district and no structures or off-street parking spaces shall be located within the greenbelt. Grade changes to the greenbelt area shall not be permitted unless the Planning Commission finds that improved screening of the Highway Service District could be accomplished by changing the grade. The greenbelt area shall be maintained by one of, or a combination of, the following, depending, upon the characteristics of the area:
 1. The greenbelt shall be left in its natural state if, in the judgment of the Planning Commission, it would provide the best protection for the residential district and preservation of the natural setting. The Commission may require supplemental plantings, in accordance with the landscape design principles if it is necessary to provide adequate year-round screening.
 2. If natural vegetation does not exist in the greenbelt area or if, in the opinion of the Planning Commission, it would not survive or is not suitable for saving, a minimum four-foot high landscaped earth berm shall be constructed in the greenbelt area. Landscaping shall be carried out in accordance with the landscape design principles adopted by the Planning Commission.
 3. In determining the proper buffering technique, the Planning Commission shall consider the effectiveness of the buffer in protecting the surrounding area and shall also consider the overall natural and manmade characteristics of the site.

- a) Parking shall be permitted in the front yard after recommended approval of the parking plan layout and points of access by the Planning Commission. The required front yard setback required by Planning Commission shall be measured from the nearest side of existing and or proposed right-of-way lines, whichever is greater.

Section 10.03. General development standards.

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

- a. Parking and off-loading and unloading are required in accordance with *Article 18*.
- b. Exterior lighting is required in accordance with *Article 19*.
- c. Landscaping is required in accordance with *Article 20*.
- d. Site plan review is required in accordance with the requirements of *Article 21*.
- e. Signs are permitted in accordance with the city's sign ordinance, *Article 14*.

Section 7. Addition of Article 11: Condominiums to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 11 Condominiums to read as follows:

ARTICLE 11 - CONDOMINIUM DEVELOPMENT STANDARDS

Section 11.00 - Intent

The intent of this Article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership. New condominium projects and conversion condominium projects shall conform to the requirements of this ordinance and all other applicable regulations of the city and the Condominium Act, P.A. 59 of 1978, as amended. Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing the zoning, site and building requirements of the city. It is the intent to regulate site condominium projects and other condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures within the following sections shall apply and more closely align with the site plan review procedural requirements of *Section 21.05, Site Plan Review Process*, of the Code of Ordinances.

Section 11.01 - Application and Authority

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

- a. Concurrently with notice required to be given to the city pursuant to Section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the City Clerk the following information with respect to the

projects:

1. All names, address and telephone numbers of:
 - (a) The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is an owner or land contract purchaser.
 - (b) All engineers, attorneys, architects, and licensed land surveyors involved in the condominium project.
 - (c) The developer or proprietor of the project.
 2. The legal description of the land including tax identification numbers.
 3. The total acreage.
 4. The intended use.
 5. The number of units to be developed.
 6. A copy of the proposed master deed.
- b. Condominium projects shall contain all information required by the Condominium Act.
- c. The information shall be filed with the Zoning Administrator at the time the information is filed with the City Clerk and shall be kept current.
- d. In addition to the requirements of this Article, any applicable requirements of Article 7, Planned Unit Development Standards, and Article 21, Site Plan Review, must be met.

Section 11.02 - Approval of Plans

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

Section 11.03 - Streets and Necessary Easements

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

Section 11.04 - Setbacks and Boundaries

- a. The setback requirements for condominium buildings shall be in accordance with the Site Development Requirements of the applicable zoning district, unless otherwise modified by the Planning Commission as part of planned unit development (PUD). Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard

setback for the total of both sides.

- a. The relocation of boundaries as defined in *Section 148 of the Condominium Act* shall conform to all setback requirements of this chapter for the district in which the project is located, shall be submitted to the Planning Commission for review and approval and these requirements shall be made a part of the bylaws and recorded as part of the master deed.

Section 11.05 - Common Elements

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

Section 11.06 - Encroachment

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

Section 11.07 - Subdivision and Amendment of Unit Sites

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

Section 11.08 - Conformance with Zoning Ordinance and Subdivision Regulations

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

Section 11.09 - Residential Recreational Area

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

Section 11.10 - Water and Wastewater

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

Section 11.11 - Expansion and Conversion

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

Section 11.12 - Master Deed

The project developer shall furnish the Zoning Administrator with one (1) copy of the proposed consolidated master deed, one (1) copy of bylaws and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this chapter and the *City Code of Ordinances* and to ensure

that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the city for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the city for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the City Council.

Section 11.13 - As-Built Plan and Occupancy

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

Section 11.14 - Final Bylaws, Consolidated Master Deed, and Site Plan

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

Section 11.15 - Compliance with Other Statutes and Ordinances

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

Section 8. Addition of Article 21: Site Plan Review to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 21 Site Plan Review to read as follows:

ARTICLE 21. - SITE PLAN REVIEW

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 insure a thorough evaluation of a development in relation to the goals of the City of Swartz Creek Master Plan and the potential impacts on the environment, drainage, utilities, traffic, aesthetics, property values and other public health, safety and welfare issues.

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

Section 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.

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 <i>Article 22, Special Land Uses</i>	✓		
c.	Site condominium developments	✓		
d.	Planned Unit Developments (PUDs) in accordance with <i>Article 7, Planned Unit Development Overlay Standards</i>	✓		
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards	✓		
f.	Co-location of a communication antenna upon an existing tower		✓	
g.	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes	In accordance with <i>Section 20.08 Adult and Child Care Facilities</i>		
h.	Home occupations		✓	
i.	Temporary uses, buildings, structures, and seasonal events.		✓	
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		✓	

Uses Requiring Site Plan Review

	Use or Activity	Requires Site Plan Review	Sketch Plan Review (Administrative Approval)	Exempt
o.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent (5%) or to meet various Federal, State, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate City staff		✓	
p.	Construction or relocation of a commercial waste receptacle or enclosure		✓	
q.	Changes to facade, architectural features or wall signs (elevation plan showing changes and construction materials is required). Changes within the Downtown Development Authority (DDA) must adhere to the requirements set forth by the DDA		✓	
r.	Approved changes to utility systems		✓	
s.	Grading, excavation, filling, soil removal, creation of swimming pool, creation of ponds or tree clearing over 100 square feet		✓	
t.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool or clearing of trees within an area of less than 100 square feet			✓
u.	Modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with <i>Article 12 Non-Conforming Uses, Structures, and Lots</i>		✓	
v.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or other Federal, State or County regulations		✓	
w.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit			✓

Uses Requiring Site Plan Review

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

Section 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

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.

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

Section 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 (1) inch equals 50 feet for property less than three acres or one inch equals 100 feet for property of three or more acres.
- c. *Descriptive and identification data*. The following descriptive and identification information shall be included on all site plans:
1. Applicant's name, address and telephone/fax number(s)
 2. Title block indicating the name of the development
 3. Scale
 4. Northpoint
 5. Dates of submission and revisions (month, day, year)
 6. Location map drawn to scale with northpoint
 7. Legal and common description of property.
 8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding
 9. A schedule for completing the project, including the phasing or timing of all proposed developments
 10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan
 11. Written description of proposed land use
 12. Zoning classification of applicant's parcel and all abutting parcels
 13. Proximity to driveways serving adjacent parcels
 14. Proximity to section corner and major thoroughfares
 15. Notation of any variances which have or must be secured
 16. Net acreage (minus rights-of-way) and total acreage, to the nearest one-tenth acre
- d. *Site data*.
1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site
 2. Front, side, and rear setback dimensions

3. Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark
4. Proposed site plan features, including buildings, roadway widths and names, and parking areas
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way
6. Acceleration, deceleration, and passing lanes, where required
7. The proposed location and design of driveways providing vehicular ingress to and egress from the site, in relation to the street giving access to the site
8. The traffic circulation features and location of automobile parking areas within the site. The site plan should demonstrate features or improvements that will assure:
 - 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
- 26.

e. Building and structure details.

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

2. Indication of the number of stores and number of commercial or office units contained in the building
3. Building floor plans
4. Total floor area (gross floor area and usable floor area)
5. Location, size, height, and lighting of all proposed signs
6. Proposed fences and walls, including typical cross-section and height above the ground on both sides
7. Building façade elevations, drawn to a scale of one inch equals four feet, or another scale approved by the zoning administrator and adequate to determine compliance with the requirements of this ordinance. Elevations of proposed buildings shall indicate type of building materials, proposed colors, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers
8. Samples of building materials and colors are required for review and approval by the Planning Commission

Section 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.

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.

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 (1) inch equals 40 feet and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the State of Michigan. All record lengths and elevations must be labeled as record.
- c. After the record drawings have been approved by the city engineer, the applicant shall submit two mylar copies of the approved drawings. A CD shall also be provided which contains a .pdf or other acceptable version of each sheet of the plan set with the following attributes:
 1. Locations shall be shown on the plans in state plane coordinates using the NAD83 Michigan South zone.
 2. Individual pipe sizes and structure types should be on separate layers.
 3. The scale shall be one (1) inch equals 40 feet unless otherwise approved by the city engineer or the city building official and zoning administrator.
 4. Annotation should be snapped to the mid-point of lines. Lines should be snapped to the center of structures.

Section 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 (10) feet and shall not obstruct barrier-free access to the building. Under no circumstances shall said outdoor display block or interfere with vehicular driving lanes through the site. All sketch plans for outdoor display must be renewed annually with the City and does not include outdoor storage, which is a special land use under *Section 30.09(16), Special land use specific requirements*, of the ordinance.

Section 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 21.09.D.9, 21.09.D.10, and

21.09.D.11, in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the Single-Family Zoning Districts.

c. *Approval.* Compliance with these regulations shall be determined by the building and zoning administrator at the time the building permit is reviewed and shall be based on the standards of subsection d. below.

d. *Standards.*

1. Each such dwelling unit shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
2. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the City Building Code and other building regulations.
3. Each such dwelling unit shall comply with the minimum standards listed throughout Appendix A for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
4. Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the City Building Code.
5. The dwelling shall have an attached structure of equal workmanship as the dwelling unit, designed for the parking and storage of vehicles. Said structure shall be functionally and aesthetically compatible in design and appearance with other residences in the surrounding area as defined in subsection 12. below. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the Michigan Building Code relative to grade separation and fire restrictive requirements.
6. Each such dwelling unit shall contain a storage area equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less. This storage area shall consist of a basement, attic or in a separate detached accessory structure that complies with the standards of this section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
7. The roof shall have a minimum 4:12 pitch and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
8. A minimum of two exterior doors shall be provided with the second one being in either the rear or side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the façade that faces the street contains a door,

windows, and other architectural features customary to the front façade of a residence.

9. The width across any front, side or rear elevation shall be a minimum of 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.

Section 9. Addition of Article 23: Conditional Uses to Appendix A of the Code of Ordinances.

The City hereby amends the code of ordinances to include a new Article 23 Conditional Uses to read as follows:

ARTICLE 23: CONDITIONAL LAND USES

Section 23.00 Intent

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

Section 23.01 Standards for Approval

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

Section 23.02 Requirements and Standards of Approval

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

Section 23.03 Validity of Conditional Land Use Approval

- a. In cases where actual physical construction of a substantial nature of the structures authorized

by a Conditional Land Use and site plan approval has not commenced within eighteen (18) months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.

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

Section 23.04 Conditional Land Use Specific Requirements

Conditional Land Uses, because of their unique character and potential impacts on adjacent properties and the City, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met. The following are Conditional Land Uses with specific site and/or use standards which are described on the following pages:

- a. Land Uses with Conditional Requirements
 1. Accessory Dwelling Unit/Granny Flat (Section 23.04.b)
 2. Auto washes, automatic or self-service (Section 23.04.c)
 3. Automobile or vehicle dealerships (Section 23.04.d)
 4. Bars, taverns, lounges, microbreweries (accessory), and brewpubs (Section 23.04.e)
 5. Cemetery (Section 23.04.f)
 6. Equine and Stables (Section 23.04.g)
 7. Expansion of Apartment within an Existing Building (Section 23.04.h)
 8. Funeral homes and mortuary establishments (Section 23-04.i)
 9. Home Occupation (Section 23.04.j)
 10. Kennels (Section 23.04.k)
 11. Mini- or self-storage warehouses (Section 23.04.l)
 12. Indoor Commercial Recreation (Section 23.04.m)
 13. Outdoor Recreation (Section 23.04.n)
 14. Outdoor retail display and sales, (Section 23.04.o)
 15. Private Club, Fraternal Organization, Lodge (Section 23.04.p)
 16. Pet boarding facilities (Section 23.04.q)
 17. Places of Assembly (Section 23.04.r)
 18. Restaurants with a pick-up (Section 23.04.s)
 19. Small Inn/B&B (Section 23.04.t)
 20. Small Manufacturing Establishments (Section 23.04.u)
 21. Upper Floor Residential Dwellings (Section 23.04.v)
 22. Veterinary Hospitals (Section 23.04.w)

b. Accessory Dwelling Units

1. **Definition.** An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a

primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- a) Garden cottages are detached structures. Examples include converted garages or new construction.
 - b) Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.
2. **Eligibility.** An ADU may be added to a house on any residentially zoned lot.
 3. **Utilities.** Utilities for ADU must be connected to the house on the parcel and may not have a separate meter or be billed separately.
 4. **Number.** One ADU is permitted per residentially zoned lot.
 5. **Creation.** An ADU may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
 6. **Density.** ADUs are exempt from the residential density standards of this code.
 7. **Approval.** Applications for ADUs must meet the following criteria.
 - a) The applicant must demonstrate that the ADU complies with all development and design standards of this section.
 - b) The applicant must demonstrate that the proposed modifications comply with applicable building and fire safety codes.
 8. **Occupancy and Use.** Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
 9. **Design.** Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.
 - a) All ADUs (accessory suites and garden cottages) must meet the following requirements:
 - 1) **Size.** An ADU may be no more than 600 square feet or the size of the primary dwelling, whichever is less
 10. **Parking.** No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.
 11. **Exterior finish materials.** Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
 12. **Roof pitch.** The roof pitch must be the same as the predominant roof pitch of the primary dwelling.
 13. **Windows.** If the street-facing façade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.
 14. **Eaves.** If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required for the ADU.
 15. **Accessory suites** must meet the following additional requirements:
 - a) **Location of entrances.** Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory suite was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - b) **Exterior stairs.** Fire escapes or exterior stairs for access to an upper level accessory suite shall not be located on the front of the primary dwelling.
 - c) **Garden cottages** must meet the following additional requirements:
 - 1) **Height.** The maximum height allowed for a garden cottage is the lesser of [20-25] feet or the height of the primary dwelling.
 16. **Setbacks.** Garden cottages must be located at least six feet behind the primary dwelling, unless the garden cottage is in an existing detached structure that does not meet this standard.
 17. **Building coverage.** The building coverage of a garden cottage may not be larger than the building coverage of the primary dwelling.

18. **Yard setbacks.** No portion of an existing building that encroaches within a required yard setback may be converted to or used as a garden cottage unless the building complies with setback exemptions (i.e. for garages, properties abutting alleys...) available elsewhere in the code.
19. **Exemptions.** Garden cottages are eligible for either of the following exemptions:
 - a) Design compatibility. Exceptions may be granted for garden cottages that:
 - 1) Are under 500 square feet and under 18' average height, or
 - 2) Meet Community Design Standards, defined elsewhere in the code.
20. **Alteration.** If a garden cottage is proposed for an existing detached accessory structure that does not meet one or more of the above standards, the structure is exempt from the standard(s) it does not meet. Alterations that would move the structure out of conformance with standards it does meet are not allowed. If any floor area is added to a detached accessory structure, the entire structure must meet the standards of sections h. Through u. above.

c. Automobile Washes, Automatic or Self-service

1. Only one (1) ingress/egress driveway shall be permitted on any single street.
2. Where adjoining property zoned or used as residential, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The City may approve a fence, landscaped berm, or landscaping as an alternative.
3. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
4. Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least fifty (50) feet from any Residential District. Such areas shall be screened with obscuring landscaping as determined by the Planning Commission.
5. Adequate stacking space shall be provided in accordance with the requirements of Article 18, Off-Street Parking and Loading Standards. Stacking spaces shall not be permitted in the public right-of-way.

d. Automobile or Vehicle Dealerships

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

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

1. The principal building shall be setback at least one hundred (100) feet from a Residential District (does not apply in the CBD, Central Business District).
2. Noise shall not be a nuisance outside of the building, in accordance with Section 20.04, Performance Standards, and other City ordinances.

f. Cemetery (Section 23.04.e)

1. The principal access shall be on an arterial or collector street.

2. Ingress and egress shall be designed to minimize traffic.
 3. In a residential district or abutting a residential district, appropriate landscaping and screening shall be installed and consistent with abutting residential uses.
- g. **Equine and Stables** (Section 23.04.f)
1. All buildings/accessory structures used in housing equine shall not be situated closer than 100 feet to any lot line of public right-of-way.
 2. Accessory structure may not exceed 1,500 square feet in gross floor area.
- h. **Expansion of Apartment within an Existing Building** (Section 23.04.g)
1. A single-family residence in a multiple family or commercial district may be subdivided into no more than three (3) apartments.
 2. One (1) unit shall be occupied by the property owner.
 3. The single-family residence shall have a minimum gross floor area of 2,000 square feet.
 4. The total aggregate number of occupants in the residence may not exceed six (six).
 5. All parking shall be provided off-street.
 6. If additional entrances to house are created, the entrance shall not be located on a wall of the house that faces the street.
 7. All applicable Building, Fire, and Safety codes must be met.
- i. **Funeral homes and mortuary establishments** (Section 23-04.h)
1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
 2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- j. **Home Occupation** (Section 23.04.i)
1. All home occupations must comply, and remain in continuous compliance with, the following standards:
 - a) A home occupation permit must be obtained from the City and include a floor plan indicating the area(s) within the house where the home occupation will be conducted.
 - b) No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
 - c) The use of the dwelling for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than twenty percent (25%) of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
 - d) There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation.
 - e) There shall be no signs on any structure, in the windows or anywhere on the property.
 - f) Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or no more than an average of ten (10) vehicular trips per day.
 - g) The home occupation shall be conducted entirely within the confines of the dwelling and shall not take place in a garage or accessory structure.
 - h) There shall be no sale of products or service on the premises where the home occupation is located. A retail showroom, sales area, outlet, or similar facility is prohibited as is outdoor display of goods.
 - i) Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard.
 - j) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises on which

the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

k. Kennels

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

l. Mini- or Self Storage

1. Warehouses Minimum lot size shall be three (3) acres.
2. Minimum building and parking setbacks shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet from any residential district and twenty-five (25) feet from any nonresidential zoning district.
3. The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by the Planning Commission.
4. The storage units shall be screened from all abutting properties using landscaping and/or walls.
5. Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the Planning Commission. All roofs must be pitched.
6. No storage unit doors shall face a public right-of-way. Walls, fences, and landscaping as determined by the Planning Commission may be utilized to obscure views of doors from the public right-of-way.
7. All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with Article 22, Special Land Uses.

m. Indoor Commercial Recreation

1. Access shall be from an arterial or collector street.

2. All uses, activities, or operations shall be conducted entirely inside the building.
3. All doors and windows shall always remain closed. Ventilation shall be via an HVAC system.
4. When adjacent to a residential district:
5. Hours of operation shall be limited to 6:00 a.m. to 11:00 p.m.
6. Exterior lighting should be shut off during non-business hours, except for security lighting.

n. Outdoor Dining

1. Outdoor dining may be allowed only as conditionally approved accessory to otherwise allowed restaurants, subject to the following requirements:
 - a) Outside of public right of way or on easements for public use. Outdoor dining is allowed by permit, between April 1 and October 31 subject to approval by the Zoning Administrator, when located outside of public rights-of-way or easements for public use and comply with the following:
 - 1) Additional signage shall not be permitted.
 - 2) There shall be no outdoor preparation of food or beverages.
 - 3) Confirmation of appropriate liquor licenses shall be submitted to the City, if proposed. (Outdoor dining areas in the public right of way or on an easement for public use, must apply and receive an outdoor dining permit. Outdoor dining permits must be re- applied for every six (6) months.
 - 4) Pedestrian circulation and access to the building entrance shall not be impaired. A minimum sidewalk width of five (5) feet along the curb and leading to the entrance to the establishment must be maintained free of tables, chairs, and other encumbrances. The seating in an outdoor dining area must be accessible to people with disabilities. Americans with Disabilities Act (ADA) accessibility requirements must be met within the outdoor dining area. Five percent, or at least one, of the seating spaces in the outdoor café area must be accessible to people with disabilities. An accessible route connecting the outdoor dining area, the business entrance, and the restrooms must be provided.
 - 5) The seating area on the public sidewalk shall only be limited to the area directly in front of the permitted restaurant use to which the seating area is accessory and shall not extend into adjoining sites. Seating may also be permitted within the front, side and rear yard area of the lot.
 - 6) The seating area shall be kept free of debris and litter. Written procedures for cleaning and trash containment and removal must be submitted.
 - 7) Tables, chairs, umbrellas, canopies, planters, waste receptacles, and other street furniture shall be compatible with the architectural character of the principal building.
 - 8) Outdoor dining, including any canopies or covers associated with such dining, shall be permitted within the required setback. Said canopies or covers may be affixed to the ground.
 - 9) Except as provided above, all fixtures and furnishings in the outdoor dining area including, but not limited to, tables, chairs, bar, server stations, and sources of heat shall be portable and not affixed to the

ground, building, or other permanent structures. Permanent railings or fences may be permitted only where and to the extent that the building code requires an affixed fence for safety purposes. Permanent attachment of railings must be approved by the Building Department and permit emergency egress.

- 10) The hours of operation of outdoor dining shall not extend past the normal operating hours of the main use, the restaurant.
- 11) Outdoor dining located inside or rear yards, abutting or across from a residential district, shall not operate before 9 am or after 11 pm.
- 12) No sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor dining area before 9 am or after 11 pm on Fridays and Saturdays and before 9 am or after 10 pm on Sundays through Thursdays.
- 13) Outdoor amplification is not permitted.
- 14) Outdoor dining areas shall not have permanent fixtures, tables or seating.
- 15) Tables, seating, barriers, and other furniture may be required to be removed at the end of every business day, if identified as a condition of the outdoor dining permit.
- 16) Heating is permitted in outdoor dining areas. Heaters must be portable and be removed at the end of every business day.
- 17) Outdoor grills are not permitted in outdoor dining areas.
- 18) Outdoor dining areas shall follow any other applicable zoning regulations, such as signs, etc.
- 19) Outdoor cafés provide an alternative to sitting inside but are not intended to be permanent expansions of a restaurant's capacity.
- 20) Additional signage may not be permitted.
- 21) Lighting in the outdoor dining area must meet lighting standards as specified in Article 27.
- 22) Requests for outdoor dining shall include submission of a sketch plan to determine compliance with the above requirements. The request may be administratively approved by the Zoning Administrator and Building Department. At the time of approval, a performance guarantee is required that provides liability coverage in an amount determined by the City.
- 23) Outdoor Dining on Private Property
 - i. Outdoor dining is allowed by permit subject to approval by the Zoning Administrator.
 - ii. Permanent fences or barriers may be installed where safety is a concern or where such permanence is required by building code. They shall be shown on all applications and permits.
 - iii. The hours of operation of outdoor dining shall not extend past the normal operating hours of the main use, the restaurant.
 - iv. Outdoor dining located inside or rear yards, abutting or across from a residential district, shall not operate before 9 am or after

11 pm.

- v. No sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor dining area before 9 am or after 11 pm on Fridays and Saturdays and before 9 am or after 10 pm on Sundays through Thursdays.
- vi. The seating in an outdoor dining area must be accessible to people with disabilities. Americans with Disabilities Act (ADA) accessibility requirements must be met within the outdoor dining area. Five percent, or at least one, of the seating spaces in the outdoor dining area must be accessible to people with disabilities. An accessible route connecting the outdoor dining area, the business entrance, and the restrooms must be provided
- vii. Lighting in the outdoor dining area must meet lighting standards as specified in Article 19.

o. Outdoor Recreation

1. A photometric plan and sports illumination plan shall be submitted for review including the following:
 - a) Light pole height (not to exceed 20 feet)
 - b) Lighting type with max lighting levels
 - c) Light fixture details with either full cut off or directionally shielded lights
 - d) Location of light poles on fields, court, and parking
2. The applicant shall provide curfew hours for use of facilities and lighting.
3. Footcandles may not exceed 1 footcandle at the property line (measured three (3) feet above grade.)

p. Outdoor retail display and sales

1. Unless accessory to an approved retail business, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.
2. Displays shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building façade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
3. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's façade, whichever is less.
4. Displays shall not interfere with fire lanes.
5. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.
6. Palletized materials such as mulch, salt pellets, hunting bait, etc. shall not be displayed.
7. A sketch plan indicating the location and dimensions of the outdoor display must be submitted and approved by the City prior to any outdoor display. Any outdoor display shall always comply with the sketch plan or site plan approved by the City.

q. Private Club, Fraternal Organization, Lodge

1. Building shall be set back a minimum of 50 feet from any residential district.
2. All activities other than parking and loading/unloading shall be conducted within an enclosed building.

r. Pet Boarding Facilities

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

s. Restaurants with a pick-up window

1. All containers shall be made of recyclable materials; Styrofoam and similar petroleum-based material containers shall be prohibited.
2. Trash receptacles shall be provided and maintained on the property.
3. All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed twenty percent (25%) of that area. Temporary signs indicating whether the establishment is "open" or "closed" for the season shall be permitted in accordance with Article 14 Signs.
4. Outdoor seating may be provided when meeting the requirements of Section 102-34, Outdoor Seating for Restaurants and Cafes.
5. Months and hours of operation shall be provided as part of the conditional land use application.

t. Small Inn/B&B

1. Not more than two (2) bedrooms may be devoted to the small inn/B&B use.
2. Inn/B&B must be owner occupied.
3. Food service is limited to breakfast for those purchasing lodging.
4. One additional parking space per guest room is required (in addition to standard two (2) spaces per single family residence).
5. Accessory Dwelling Units (ADUs) may not be used as a small inn or B&B.
6. One building mounted wall sign, not exceeding five (5) square feet is permitted. Free standing signs are prohibited.
7. All state, local fire, sanitation, food service provisions requirements must be met.

u. Small Manufacturing Establishments

1. In the Central Business District Permitted by right, subject to the following:
 - a) Establishment occupies less than 1,500 square feet and has not more than 10 employees.
 - b) May not include bulk storage of flammable materials.
 - c) Storage of materials/production must be completely within a closed building.
 - d) The emission of odor or noise must be mitigated.
 - e) Must have an accessory retail use or another component that provides direct interaction with the public.
 - f) Must have windows along street frontage that allow pedestrians to view manufacturing process.
 - g) Must have a public entrance directly from the street.
2. In the General Business District Permitted by right, subject to the following:
 - a) Establishment occupies less than 3,000 square feet and has not more than 20 employees.
 - b) May not include bulk storage of flammable materials.
 - c) Storage of materials/production must be completely within a closed building.
 - d) The emission of odor or noise must be mitigated.
 - e) Must have an accessory retail use or another component that provides direct interaction with the public

v. Upper Floor Residential Dwellings

1. Parking for residential units shall be off street and within 500 feet.
2. Separate access shall be provided to each unit from the street.

w. Veterinary Hospitals

1. Such facilities shall be used only for domesticated animals. Treatment or boarding of non- domesticated, wild, exotic, or vicious animals shall not be permitted.
2. The principal buildings or structures shall be set back at least seventy-five (75) feet from the front property line; and at least two hundred (200) feet from any property line abutting a Residential District or use on the same side of the street, and at least seventy-five (75) feet from all other property lines.
3. Parking lots shall be set back at least fifty (50) feet from a Residential District or use and shall be screened by a wall at least four (4) feet high with landscaping on the exterior side of the wall. The Planning Commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
4. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel under Section 23.04(k), Kennels, or Pet Boarding Facility under Section 23.04(r).
5. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
6. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

All waste disposal shall meet the requirements of the Health Department of the State of Michigan.

Section 10. Amendment of Zoning Appendix A Table of Contents of the Code of Ordinances.

The City hereby amends the code of ordinances to include a revised Table of Contents and related sequence configuration for the Zoning Appendix A as follows:

Zoning Ordinance Table of Contents

- ARTICLE 1. - INTENT
- ARTICLE 2. - DEFINITIONS
- ARTICLE 3. - ZONING DISTRICTS AND MAP
- ARTICLE 4. - SINGLE-FAMILY RESIDENTIAL DISTRICTS
- ARTICLE 5. - MULTIPLE-FAMILY RESIDENTIAL DISTRICTS
- ARTICLE 6. - PMSHDD PLANNED MANUFACTURED SENIORS HOUSING DEVELOPMENT DISTRICT
- ARTICLE 7. - PUD, PLANNED UNIT DEVELOPMENT DISTRICT
- ARTICLE 8. - COMMERCIAL DISTRICTS
- ARTICLE 9. - O-1 OFFICE DISTRICT
- ARTICLE 10. - I-1, LIGHT INDUSTRIAL DISTRICT
- ARTICLE 11. - CONDOMINIUMS
- ARTICLE 12. - NON-CONFORMING LOTS, USES, BUILDINGS AND STRUCTURES
- ARTICLE 13. - GENERAL PROVISIONS
- ARTICLE 14. - SIGN REGULATIONS
- ARTICLE 15. - ZONING BOARD OF APPEALS
- ARTICLE 16. - FLOOD HAZARD AREAS
- ARTICLE 17. - ACCESS MANAGEMENT AND DRIVEWAY STANDARDS
- ARTICLE 18. - OFF-STREET PARKING AND LOADING/UNLOADING REQUIREMENTS
- ARTICLE 19. - LIGHTING STANDARDS
- ARTICLE 20. - LANDSCAPING
- ARTICLE 21. - SITE PLAN REVIEW
- ARTICLE 22. - SPECIAL LAND USES
- ARTICLE 23. - CONDITIONAL LAND USES
- ARTICLE 24. - ORDINANCE AMENDMENTS AND CONDITIONAL REZONING AGREEMENTS
- ARTICLE 25. - ADMINISTRATION AND ENFORCEMENT

Section 11. Amendment of Zoning Appendix A: Article 3 of the Code of Ordinances.

The City hereby amends the code of ordinances to include the Combined Use

Reference Table for the Zoning Appendix A as follows:

Section 3.05. - Districts.

For the purpose of this ordinance, the City of Swartz Creek is hereby regulating land uses into the districts as follows:

	Single Family	Single Family	Downtown Residential	Two-Family	Multi-Family	Planned Manufactured Senior Housing (Article 10)	Planned Unit Development	Neighborhood Business	Central Business	General Business	Office	Light Industrial
Residential	R-1	R-2	R-3	R-4	RM-1	PMSHDD	PUD	NBD	CBD	GBD	O-1	I-1
Accessory Buildings and Uses, customary to Residential uses permitted by right	P	P	P	P	P							
Accessory Dwelling Units	CLU											
Attached Single-Family houses							P					
Cluster family dwelling units					P		P					
Detached single-family dwellings	P	P	P	P	P	P	P					
Existing Single and Multiple Family Homes in non-residential districts								P	P	SLU		
Expansion of Apartments within existing building	CLU	CLU	CLU					SLU	CLU			
Family Day Care	SLU	SLU	SLU	SLU	SLU							
Granny Flat	CLU	CLU	CLU									
Group Living (Adult and Child Residential Facilities)	SLU	SLU	SLU	SLU	SLU			SLU	SLU			
Home Occupation	CLU	CLU	CLU	CLU	CLU							
Live/work units, single family									P	CLU		
Manufactured Housing						P						
Manufactured Housing on Individual Lots (not part of a park)		SLU	SLU									
Mixed Use Residential								SLU	CLU			
Multi-family residential dwellings (apartment, senior community, row houses, similar multiple family residential)					P		P					
Multiple Attached Single Family Residential (Townhouse, Rowhouse)					P			P	P (excludes Miller Road corridor)			
Nursing, Assisted Living	SLU	SLU	SLU	SLU	SLU			SLU	SLU	SLU	SLU	
Two-family dwellings				P	P		P					
Upper floor residential dwellings								SLU	P	CLU		
Commercial	R-1	R-2	R-3	R-4	RM-1	PMSHDD	PUD	NBD	CBD	GBD	O-1	I-1
Accessory Buildings and Uses, customary to Commercial uses permitted by right							CLU	P	P	P	P	
Bank, Savings and Loan, Credit Union							CLU	P	P	P	CLU	
Bars, taverns, lounges, micro-breweries, brew-pubs							SLU	P	P	P	P	
Book stores										SLU		
Boutique Hotel										SLU		
Convenience Store							SLU	CLU	CLU	P		
Crematorium							CLU	P	P	P		
Day Care Center									SLU	SLU	P	SLU
Drive-through retail, service establishments and drive-through restaurants, except drive-in theaters								P	P	P	P	
Drive-through retail, service establishments, and drive-through restaurants							CLU	P	P	P	SLU	P
Funeral homes and mortuaries							SLU	SLU	SLU	P	P	
Hotels and motels								SLU	CLU	CLU		
Household and family service businesses, such as household equipment servicing (except automobile), laundries, dry cleaners and similar establishments									SLU	SLU		
Limited commercial*			P					SLU	SLU	SLU		
Nursery/Garden Center									P	P		
Nursing and Convalescent Care	SLU											P
Outdoor advertising which exclusively advertises a retail								CLU	CLU	P	CLU	
Outdoor retail sales										SLU	SLU	
Pet Store										CLU		P

Places of Assembly, including places of worship								CLU	P	P	CLU	
Restaurant							SLU	P	P	P	P	
Roadside Market							SLU	CLU	CLU	CLU	CLU	
Sec. 34-113. "In addition to the C-1 neighborhood commercial zoning districts, the planning commission may authorize the establishment and construction in residential districts..."								P	P	P		
Second-hand or antique stores										P		P
Shopping Center (between 15,000 sq. ft. and 30,000 sq. ft.)										SLU		
Shopping Center (greater than 30,000 sq. ft.)								SLU	SLU	SLU		
Shopping Center (up to 15,000 sq. ft.)												SLU
Small Inn/B&B	CLU	CLU	CLU					CLU			P	

Section 12. Effective date.

This Ordinance shall take effect twenty (20) days following publication.

At a regular meeting of the City Council of Swartz Creek held on the 10th day of June, 2019, Councilmember Pinkston moved for adoption of the ordinance and Councilmember Farmer supported the motion.

The Mayor declared the ordinance adopted.

David Krueger
Mayor

Connie Eskew
Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance No. 440 which was enacted by the Swartz Creek City Council at a regular meeting held on the June 10th day of June, 2019.

Connie Eskew
City Clerk

Discussion Ensued.

YES: Root, Cramer, Farmer, Hicks, Krueger, Pinkston.
NO: Gilbert. Motion Declared Carried.

RESOLUTION TO APPROVE THE SITE PLAN FOR THE BREWER CONDOMINIUM

Resolution No. 190610-07

(Carried)

Motion by Councilmember Root
Second by Councilmember Cramer

WHEREAS, the city received a proposal to construct 15 condominium townhomes on two parcels of land zoned CBD, those parcels being 58-35-576-001, 002, and;

WHEREAS, the project is a permitted use within the CBD and requires a full site plan review, and;

WHEREAS, the planning commission, in reviewing the application materials and review criteria in Zoning Ordinance Sections 8, 18, 20, & 26-29, among other sections, finds the proposed site plan meets the intent of the zoning ordinance and recommended approval at their meeting on June 4, 2019, and;

WHEREAS, the city council finds that the site plan meets all other general and specific standards applicable if the following conditions are met:

1. Transfer of the property, less the fire pit, to the developer conditioned upon filing of a final master deed

NOW, BE IT RESOLVED that the Swartz Creek City Council hereby approves the site plan and preliminary condominium master deed, as included in the June 10, 2019 city council packet, subject to the conditions in this resolution.

Discussion Ensued.

YES: Cramer, Farmer, Hicks, Krueger, Pinkston, Root.
NO: Gilbert. Motion Declared Carried.

RESOLUTION TO APPROVE A DRAFT PURCHASE AND DEVELOPMENT AGREEMENT FOR PROPERTY OWNED BY THE CITY

Resolution No. 190610-08

(Carried)

Motion by Councilmember Cramer
Second by Councilmember Farmer

WHEREAS, the city owns two lots of the Supervisors Plat located on the northwest corner of Morrish Road and Paul Fortino Drive, PID's 58-35-576-001 & 58-35-576-002; and

WHEREAS, the community has been engaged in finding a preferred option for the permanent use of these parcels; and

WHEREAS, the Downtown Development Authority, in working with the public and other city commission and staff, finds that downtown housing is a feasible use that would further the vision of a small community, vibrant downtown; and

WHEREAS, the DDA conceived and planned for the use of the site with the help of a professional architect and subsequently invited developers to proceed with partnering in the development of the site; and

WHEREAS, RBF Construction presented themselves as the only local developer with capacity and a desire to meet the expectations of the DDA; and

WHEREAS, the DDA and RBF then jointly proceeded to detail site plan and architectural renderings, eventually recommending approval to the planning commission in early 2019; and

WHEREAS, RBF then submitted a site plan that was approved by the city on June 10, 2019; and

WHEREAS, the city desires to transfer the property to RBF Construction, with conditions, so development of the site may commence; and

WHEREAS, the city has been working with RBF on determining the total project scope, available incentives, and cost as competing terms in finalizing a sale value.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek City Council authorizes the City Manager, in consultation with the city attorney, to complete and execute the purchase agreement as included in the June 10, 2019 city council packet, including a provision for the requisite public inspection period contingency.

BE IT FURTHER RESOLVED, the sale instrument shall be made available to the general public, for a period of not less than 30 days, in accordance with the City's Land Sale Policy of April 28, 2014.

BE IT FURTHER RESOLVED, the purchase agreement shall be reviewed by the city council subsequent to the review period.

Discussion Ensued.

YES: Farmer, Hicks, Krueger, Pinkston, Root, Cramer.

NO: Gilbert. Motion Declared Carried.

Break

8:37 p.m. to 8:48 p.m.

RESOLUTION TO AMEND 5K FOOT RACE STREET PERMIT

Resolution No. 190610-09

(Carried)

Motion by Councilmember Farmer
Second by Councilmember Cramer

WHEREAS, the Swartz Creek Community Schools is a recognized not-for profit entity that operates in Swartz Creek; and

WHEREAS, the Swartz Creek High School Student Council proposes to amend the date and time of a 5k color run road race that will be centered in Winchester Village from Saturday, May 18, 2019, beginning at 5:00 p.m., to Tuesday, September 17th, 2019 at 6: 00 p.m.; and

WHEREAS, the City Council finds this organization and the event to be beneficial to the public and in good standing; and

WHEREAS, the Metro Police Department of Genesee County has reviewed and administratively approved street usage for this event.

NOW, THEREFORE BE IT RESOLVED that the City of Swartz Creek hereby approves the application for a street usage permit to conduct a 5 kilometer foot road race on Tuesday, September 17, 2019, 6:00 p.m. – 7:30 p.m., applicant: the Swartz Creek High School Student Council, as represented by the Swartz Creek Community School District, in the care of Principal Kitchen, race to be held in Winchester Village Subdivision, in accordance with the application submitted, under the direction and control of the Chief of Police and contingent upon the provision of valid insurance listing the City of Swartz Creek as an additionally insured party.

YES: Gilbert, Hicks, Krueger, Pinkston, Root, Cramer, Farmer.
NO: None. Motion Declared Carried.

RESOLUTION TO ACQUIRE TAX REVERTED PROPERTY FROM GENESEE COUNTY TREASURER

Resolution No. 190610-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Farmer

WHEREAS, on June 10, at public meetings, the Swartz Creek City Council reviewed the staff recommendation to acquire a specific parcel listed as Genesee County Treasurers' tax reverted property currently under foreclosure; and,

WHEREAS, the property for which there is a public purpose includes:

Young Drive, Parcel ID Number 58-03-531-132; and,

WHEREAS, the City Council finds that a public purpose exists for the acquisition of the vacant property, located on Young, that purpose being the control of development in an area known to have unresolved drainage issues, with the potential for this site to be used for storm water detention or related purposes; and,

WHEREAS, the County Treasurers' Office requires certain conditions and stipulations relative to the acquisition of tax reverted properties by local units of government,

NOW, THEREFORE, I Move the City of Swartz Creek enter into an agreement with the Genesee County Treasurers' Office, and further, direct the Mayor David Krueger and City Clerk Connie Eskew to execute the agreement on behalf of the City, agreement as follows:

**NOTICE TO GENESEE COUNTY TREASURER DEBORAH L. CHERRY, THE
FORECLOSING GOVERNMENTAL UNIT, OF ELECTION TO PURCHASE
FORECLOSED PROPERTY**

The City of Swartz Creek hereby notifies Deborah L. Cherry, Genesee County Treasurer and Genesee County Foreclosing Governmental Unit, that it intends to purchase property described as parcel number 58-03-531-132, also known as vacant land Young Drive, which property is located in Swartz Creek, Michigan, for a public purpose. The purchase price is \$978.22, which amount is the minimum bid as that term is defined in MCL 211.78m (11) as well as a \$30.00 deed recording fee.

The public purpose for which the property is being purchased is:

Blight prevention and neighborhood enhancement thus advancing neighborhood stabilization. Specifically a potential site for storm water retention to eliminate drainage issues in this development area.

The City of Swartz Creek agrees that this Notice will be filed with the Genesee County Register of Deeds and that the City of Swartz Creek will notify the Foreclosing Governmental Unit at least seven days before the event if it ever sells or transfers to a third party all or any part of the above described property. Further, the City of Swartz Creek understands and agrees that if it should ever sell the purchased property above described for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements, or infrastructure development, the excess amount shall be returned to the Genesee County Treasurer for deposit into the delinquent tax property sales proceeds account for the year in which the property was purchased by the City of Swartz Creek.

Upon the request of the Foreclosing Governmental Unit, the City of Swartz Creek shall provide, without cost to the Foreclosing Governmental Unit, information requested regarding any subsequent sale or transfer of the above described property. The information shall be provided within seven days of receipt of the request.

This election by the City of Swartz Creek is made subject to any prior right of election vested in the State of Michigan.

The City of Swartz Creek understands that neither Genesee County nor Deborah L. Cherry, either individually and/or as Genesee County Treasurer and/or as the Foreclosing Governmental Unit, makes any warranty of any kind as to the title transferred to the City of Swartz Creek and will not indemnify, defend, save nor hold harmless the City of Swartz Creek from any or all claims, liabilities, damages, losses, suits, fines, penalties, demands or expenses, including costs of suit and attorney fees, incurred by the City of Swartz Creek because of or related to its election to purchase the property above described.

The City of Swartz Creek agrees to indemnify, defend, save and hold harmless Genesee County and Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Genesee County and/or Deborah L. Cherry, individually and/or as Genesee County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the City of Swartz Creek to purchase the property above described.

Attached to this notice is a copy of the resolution authorizing the purchase which resolution incorporates the indemnification of Genesee County and Deborah L. Cherry.

Date: _____

Mayor or Supervisor

Date: _____

Clerk

BE IF FURTHER RESOLVED, the cost to purchase such property, being \$978.22 as well as the addition of the current year taxes, fees, and assessments, shall be appropriated to the unencumbered, unreserved General Fund (101) fund balance.

YES: Hicks, Krueger, Pinkston, Root, Cramer, Farmer.
NO: Gilbert. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Chief Bade indicated the Police Authority meeting has changed to Thursday, June 20, 2019 at 10:00 a.m.

REMARKS BY COUNCILMEMBERS:

Councilmember Cramer thanked the city for taking care of the carpet at the Library. There has been interest expressed in the community for a new statue honoring Swartz Creek areas first responders. If anyone is interested in getting a fundraiser going to help purchase a statue.

Councilmember Gilbert still has concerns of the lot on Morrish being sold for \$10,000.

Mayor Pro Tem likes the fact the council doesn't always agree it made tonight a good meeting and lots of discussion.

Mayor Krueger commented on the storm during the Hometown Days and all the help from the residents for helping with the clean up so the event could continue.

ADJOURNMENT

Resolution No. 190610-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Hicks

I Move the Swartz Creek City Council adjourn the regular meeting at 9:01 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Eskew, City Clerk