



City of Bay City Developer's Handbook

City of Bay City

Developer’s Handbook

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INTRODUCTION

Getting approval for a project can be confusing and frustrating even for experienced developers. Expectations, processes, and requirements should be clear and understandable from the start. While it is not possible to predict every possible challenge that a project may face, it is possible to walk through the typical procedure in getting approval for most development projects in the City of Bay City.

This Handbook is designed to look at what is involved from the time an application is first submitted to the time when final approval is given. Hopefully, it is clear enough that someone who, for example, has never applied for a building permit or subdivided land, can get a good idea of what steps to take. For those who are more experienced in construction and land development in the City, this Handbook is designed to be a handy reference of requirements, deadlines, and procedures.

The Handbook is broken into several Chapters, one introductory chapter and one for each major development process. Each chapter after the first is broken into sections to help the reader find information quickly. The Introduction section explains the process generally, and answers commonly asked questions. Steps and a flow chart outline the review from application to final approval. The Appendixes provide additional information and copies of applications to put necessary forms at the applicant's fingertips. The electronic format of the Handbook will include links to the appropriate information and forms. Hard copies are available in the City Clerk's office as well as in the Economic Development Department.

City staff always welcomes comments and suggestions on how to improve the development review process. Our goal is to review projects in as timely a manner as possible without compromising the health, safety, and welfare of community residents or circumventing the City Code of Ordinances.

Please keep in mind that this Handbook is staff's interpretation of the City Code of Ordinances and if any discrepancies between this Handbook and the City Code of Ordinances should occur, the City Code of Ordinances will take precedence.

Finally, this Handbook attempts to outline processes as they are written now within the current City Code of Ordinances. As changes to the City Code of Ordinances occur, changes in kind will be made to the Handbook. If you do not have access to a printer and need hard copies of documents, please stop into the Economic Development Department and we will be happy to get those documents to you.

If you have any questions regarding this Handbook, please contact the Economic Development Department at (989) 894-8159 or (989) 894-8227. Thank you for choosing to invest in Bay City!

GENERAL INFORMATION

CONTACT AND SCHEDULE INFORMATION

The first step to developing in our community is to speak with key staff. The staff person may vary from project to project or during the course of a project. For example, Economic Development for incentives and project overview, Planning and Zoning for site plan review; Building Administration for permitting; City Clerk for business licenses; and DPW for utilities and roads. The following chart lists key staff, contact information and description of responsibilities.

Department Name	Key Contact	Title	Telephone #	E-Mail Address	Primary Responsibilities
Economic Development	Sara Dimitroff	Project Manager	(989) 894-8159	sdimitroff@baycitymi.org	Project Management, Economic Incentives
	Shelli Thurston	Marketing Manager	(989) 894-8227	sthurston@baycitymi.org	Marketing, Economic Incentives, Business Retention
Planning/Zoning	Terry Moulthane	Planning Services Manager	(989) 894-8177	tmoulthane@baycitymi.org	Site Plan Review, Special Use
Code Enforcement	Sue Coggin	Code Enforcement Coordinator	(989) 894-8176	scoggin@baycitymi.org	Code Enforcement
Building Administration	Dave Wildfong	Building Official	(989) 894-8163	dwildfong@baycitymi.org	Review Building Plans
	Jim DeCorte	Deputy Building Official	(989) 894-8161	jdecorte@baycitymi.org	Commercial and Residential Building Inspection and Plan Reviews
City Clerk	Tema Lucero	City Clerk	(989) 894-8169	tlucero@baycitymi.org	Maintains City Commission Records
	Jamie McFarland	Deputy Clerk	(989) 894-8170	jmcfarland@baycitymi.org	Business Licensing, Liquor Licensing
City Assessor	Wade Slivik	Assessor	(989) 894-8136	wslivik@baycitymi.org	Appraisal of Real and Personal Property, Land Splits and Combinations
Department of Public Works (DPW)	Bob Dion	Public Works Director	(989) 894-8311	rdion@baycitymi.org	Utilities, Roads, Engineering, and Sanitation
Water Department	Marty Jurish	DPW Manager	(989) 894-8321	mjurish@baycitymi.org	Water Metering and Distribution
Sewer Department	Terry Kilburn	DPW Sewer Manager	(989) 891-1200	tkilburn@baycitymi.org	Sewer Maintenance and Cleaning
Wastewater Treatment Plant	Shoron Cooper	WWTP Director	(989) 891-1200	scooper@baycitymi.org	Wastewater Treatment
Bay City Electric Light and Power	Jay Anderson	Director of Light and Power	(989) 894-8350	janderson@baycitymi.org	Electric Metering and Service, Efficiency Projects

BOARDS AND COMMISSIONS

The Zoning Ordinance specifies the procedures for development applications. However, depending on the nature and location of the project, more than one (1) board or commission may review the project. Some groups are advisory and provide recommendations, while others have final decision-making authority. A commission may have dual roles depending on the process type. A table of local boards and commissions, and their primary role(s) are provided on the chart below:

The timeline for reaching a decision for each development application depends on the schedule of the reviewing board and/or commission, public notice requirements, as well as the types of development review(s) required.

Board	Responsibility	Meeting Date/ Time/Location
City Commission	Governing body with authority over development incentives; ordinance amendments; development policies, etc.	City Commission
Planning Commission (PC)	Creates and updates the Master Plan and reviews rezoning requests, site plans, subdivisions, special use permits and other land use applications.	Planning Commission
Zoning Board of Appeals (ZBA)	Interprets and grants variances from provisions of the Zoning Ordinance; conducts hearings and resolves disputes regarding decisions of the Zoning Official.	ZBA
Brownfield Redevelopment Authority (BRA)	Assists development projects that face economic challenges due to environmental constraints.	Brownfield Redevelopment Authority
Downtown Development Authority (DDA)	Develops programs and projects which are aimed at improving the downtown district including new business development, business recruitment and retention, downtown beautification and public improvements.	Downtown Development Authority
Economic Development Corporation (EDC)	Advises the governing body on tax incentive applications such as Industrial Development; Plant Rehabilitation; Commercial Redevelopment; Commercial Rehabilitation; Obsolete Property Rehabilitation; etc.	Economic Development Corporation
Historic District Commission (HDC)	Reviews proposed alterations and additions to the exterior of structures within historic districts.	Historic District Commission

CITY OF BAY CITY MASTER PLAN

The Master Plan is the primary tool for making decisions that affect the future land use of the community. It is a broad-based policy document for the physical, economic and social development as it relates to land use and has a long-range vision providing a coordinated approach to making important decisions.

Prospective developers should review the Master Plan to understand if their proposed project fulfills the goals of the Plan. The Master Plan documents are available for download using the following links:

[Master Plan](#)

[Future Land Use Plan](#)

ZONING ORDINANCE / MAP

The Zoning Ordinance is the most common and often used way of regulating use of land. In general, land use type, building size and location, parking area size and location, screening, landscaping, access, design standards and signage are described. The purpose of the Zoning Ordinance is to carry out the land use vision of the municipality's Master Plan. Consulting the Zoning Ordinance and Zoning Map should be the first step in development/redevelopment of any property and may be part of the initial contact with municipal staff. The Zoning Ordinance and Zoning District Map can be accessed using the following links:

[Zoning Ordinance](#)

[Zoning Map](#)

NOTIFICATION PROCEDURES

For those development review processes that require public hearings, the following notification requirements are outlined by the Michigan Zoning Enabling Act (P.A. 110 of 2008, as amended).

A notice shall be published in a newspaper of general circulation and mailed, or hand delivered to all persons owning property and occupants of property within 300 feet of the boundary of the property proposed for which approval is requested at least fifteen (15) days before the hearing.

The notice shall:

- Describe the nature of the request.
- Identify any property that is the subject of the request, including all street addresses contained upon the property, or other means of parcel identification.
- State when and where the request will be considered.
- Indicate when and where written comments will be received concerning this request.

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LAND USE APPLICATIONS

This section is designed to provide a comprehensive overview of each type of land use application. It should be recognized that this overview does not preempt or supersede any part of the City of Bay City Zoning Ordinance.

The table below demonstrates the role of the various review entities regarding the approval of the various Planning/Zoning Applications outlined in this document.

	Planning Commission Recommendation	Planning Commission Approval	Governing Body Approval	Zoning Board of Appeals	Administrative or Building Department Approval
Rezoning	*		*		
Planned Unit Development	*		*		
Special Land Use		*			
Site Plan		*			
Zoning Compliance					*
Variance				*	

ZONING AMENDMENTS (Rezoning)

Zoning divides land into categories according to their use and sets regulations for these categories. When a property owner wants to use land in a way that is not permitted by the zoning of the property, the owner must request to rezone the property to a classification which permits the desired use. A rezoning is a legislative process that will amend the zoning map and/or text of an existing zoning code. The governing body (with recommendation from the Planning Commission) has the authority to approve or deny rezoning requests.

The governing body may of its own motion or shall upon petition signed by the owner(s) of a property proposed for rezoning, prepare an ordinance amending or changing the district boundaries or the district regulations.

[Application](#) – The applicant shall submit the required information to the Planning and Zoning Department. The information required varies depending on the type of amendment (map or text) proposed. Review [fees](#) shall be enclosed as part of a complete rezoning application.

Notice of Public Hearing. Upon receipt of a complete application, staff will make proper notification of the meeting.

Staff Review. The Planner and other staff (as appropriate) will provide a review and recommendation regarding the rezoning request. This review and recommendation will be presented prior to the public hearing being conducted at the Planning Commission meeting.

Public Hearing and Planning Commission Recommendation. Upon hearing staff's review and conducting a public hearing, the Planning Commission will make a recommendation to the governing body to approve, approve with conditions, deny or postpone the rezoning request.

Governing Body Action. Upon receiving a recommendation from the Planning Commission, the governing body will hold a first reading of the rezoning request. At a following meeting the governing body will conduct a second reading and consider the Planning Commission's recommendation. Prior to taking action, the governing body may remand the proposed amendment back to the Planning Commission for further consideration. The governing body will take action to approve, deny or postpone the rezoning request (after the second Ordinance reading).

Governing Body Approval. Once the governing body approves the amendment to the Zoning Ordinance, a Notice of Amendment must be published within fifteen (15) days in a newspaper of general circulation within the municipality.

Referendum. Within thirty (30) days after the adoption of a zoning ordinance amendment/modification, petition requesting the submission of the amendment to the electors residing in the municipality may be circulated. The petition shall be signed by several qualified, registered voters residing in the municipality equal to not less than 8% of the total vote cast for all candidates for governor at the last preceding general election at which the governor was elected and presented to the Clerk.

Approval. A Zoning Ordinance amendment/modification shall take effect thirty (30) days after publication unless a referendum petition is filed within the thirty-day period after the publication is found to be adequate.

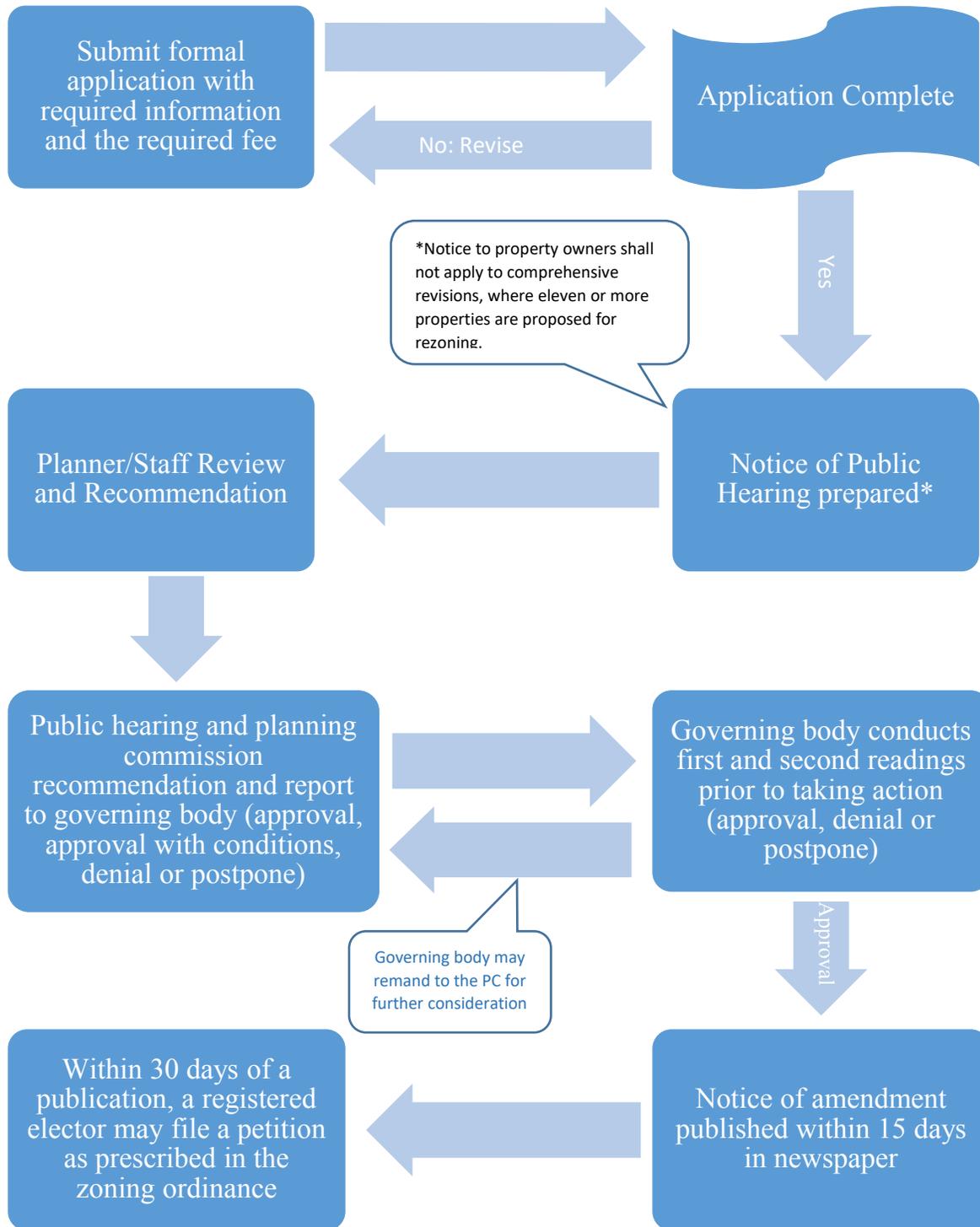
STEPS:

1. Pre-application meeting with City Staff
2. Submit [application](#)
3. Staff reviews application
4. Public hearing is scheduled
 - a. Appellant or representative must attend the meeting
 - b. Property owners within 300 feet will be notified via mail
 - c. Announcement of public hearing in a publication of general circulation
5. Public hearing at Planning Commission
6. Planning Commission makes recommendation
7. City Commission discusses at City Commission meeting after Planning Commission makes a recommendation
8. City Commission votes on rezoning at the following meeting
9. Decision is finalized at the following meeting

Meeting Dates: Planning Commission – 3rd Wednesday of each month – 7:00 p.m.
City Commission – 1st and 3rd Monday of each month – 6:30 p.m.

[Rezoning Application](#)
[Fees](#)

REZONING FLOW CHART



SPECIAL LAND USE

In each zoning district, certain specified, mutually compatible uses are permitted by right. In addition to permitted uses, there are certain other uses which are essential or desirable for the welfare of the community. Such uses are appropriate and are not incompatible with the uses permitted by right in a zoning district, but not at every or any location, or without conditions being imposed because of special problems presented by the use or its particular location in relation to neighboring properties. These uses are identified as special land uses.

No special land use shall commence until a Special Land Use Permit is issued in accordance with the City of Bay City's Ordinance.

Application Submittal. Applicants shall submit an application for a Special Land Use permit to Planning and Zoning Department. The information required for a Special Land Use review is listed in Article XVI, [Section 122-351 thru 122-359](#) (current). Review fees shall be enclosed as part of a complete Special Land Use Application.

Notice of Public Hearing. Upon receipt of a complete application, staff will make proper notification of the meeting.

Staff Review. The Planner (and other staff as appropriate) will provide a review and recommendation based upon the required standards and findings outlined in Article XVI, [Section 122-357](#) of the Bay City Code of Ordinances. This review and recommendation will be presented during the public hearing being conducted at the Planning Commission meeting.

Public Hearing and Planning Commission Recommendation. Upon hearing the staff review and conducting a public hearing, the Planning Commission will approve, approve with conditions, or deny the Special Land Use request. The Planning Commission may postpone action on the application if it is determined that additional information is needed from the applicant that would help address the standards and findings of [Section 122-357](#).

The Planning Commission's decision, the basis for the decision and all conditions imposed shall be described in a written statement and provided to the applicant.

Approval is issued if the application conforms to all applicable policies and regulations. Approval with conditions is issued to make certain the application complies with policies and regulations. Denial is issued if the application does not comply with local policies and regulations.

Permit. After the Planning Commission grants a Special Land Use, an application for a building permit must be completed and received by the City Building Department

STEPS:

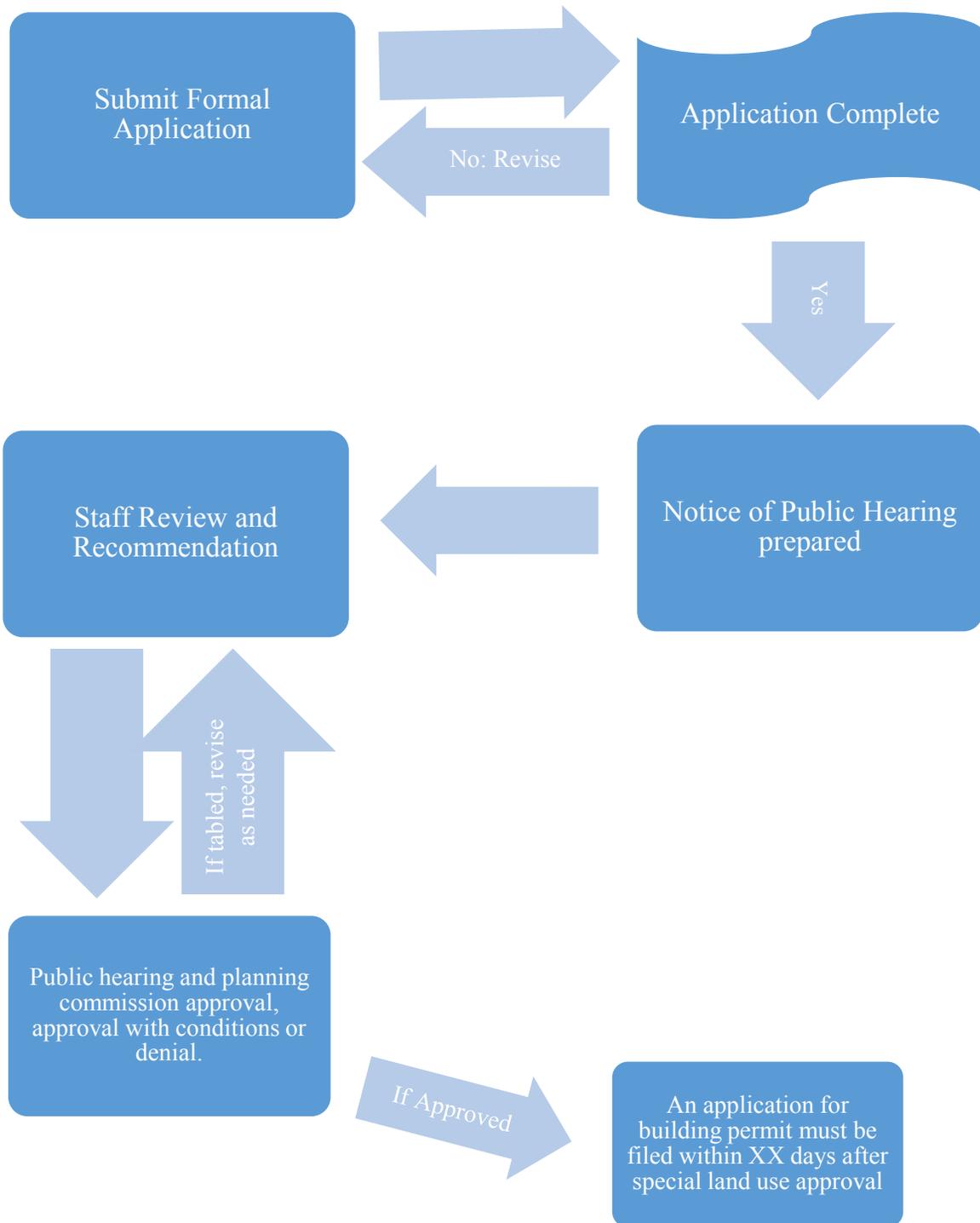
1. Pre-Application Consultation with City Staff (mandatory)
2. Submit preliminary site plan
3. Submit [application](#) and fee to Planning Department
 - a. Two sets of plans at 24 by 36 inches; 9 sets, Z-folded, at 11 by 17 inches
 - b. Digital copy of site plan
4. The Planning Department distributes copies of site plan to appropriate public utilities and city departments who have review authority over the proposed special use
5. Planning Department/Staff prepares for public hearing and provides application and site plans to the planning commission
6. Public hearing is scheduled
 - a. Appellant or representative must attend the meeting
 - a. Property owners within 300 feet will be notified via mail
 - b. Announcement of public hearing in a publication of general circulation
7. Planning Commission makes decision, approves as requested or with conditions, denies the application, or postpones action at the request of the applicant or pending receipt of revised site plan or supplemental information
 - a. Approved:
 - i. project must be started within one year from the date of approval
 - ii. extension of one year may be granted by planning commission upon written request
 - iii. *a building permit may be revoked in any case where the conditions of the approved site plan have not been met
 - b. Denied:
 - i. appeal must be made within 30 days of the date of the written decision on an application

Meeting Dates: Planning Commission - 3rd Wednesday of Each Month 7:00pm

[Special Use Application](#)

[Fees](#)

SPECIAL LAND USE FLOW CHART



SITE PLAN REVIEW

Site Plan Review and approval of all development proposals with specific zoning districts is required to ensure that the City of Bay City develops in an orderly fashion in accordance with the Master Plan. It is recommended that all potential projects (with the exception of individual single-family homes) consult with municipal staff regarding compliance with Section 122, [Article XV 321](#).

Site plan review and approval by the planning commission is required for:

- (1) All new buildings, uses, and off-street parking areas having 3,000 square feet or more of gross floor or land area
- (2) The expansion of existing buildings, uses and off-street parking areas where such expansion results in the addition of 3,000 square feet or more of gross floor or land area
- (3) All condominium projects, regardless of type
- (4) All nonresidential uses permitted by right or special approval in residential zoning districts
- (5) All special approval uses

STEPS:

Pre-Application Meeting. Pre-Application Consultation with City Staff (mandatory).

Preliminary Site Plan Application Submittal. Applicants shall submit an [application](#) for Site Plan Review to the Planning Department. The information required for Preliminary Site Plan Review is listed below. See [checklist](#) to help guide. Review [fees](#) shall be enclosed as part of a complete Preliminary Site Plan review application.

- 1) The name, address and telephone number of the applicant and property owner. The name of the proposed use, if any;
- 2) A scale and north arrow;
- 3) The exterior boundaries (with dimensions) of the property. The location and name(s) of abutting streets;
- 4) The type(s) and location of proposed land use(s), and an indication of the approximate land area to be devoted to each use;
- 5) The approximate location of lots and buildings with an indication as to the use of each;
- 6) Driveways providing ingress and egress to the property. Driveways on adjoining properties and on properties separated from the subject property by a public or private street;
- 7) Routes for vehicular and pedestrian circulation;
- 8) Parking and loading areas;
- 9) Open space, common and recreation areas; and
- 10) Natural features, including stands of trees, drainage and water courses and wetlands
- 11) Existing Utilities

Preliminary Site Plan Review. Upon receipt of a complete application, The Planning Department distributes copies of site plan to appropriate city departments who have review authority over the proposed special use and will provide a review and recommendation of the Preliminary Site Plan based upon the required standards outlined in [122-327](#) Article XV 321.

Preliminary Site Plan Approval. Upon determination of the Planning Department that a Preliminary Site Plan is in conformance with [122-327](#) Article XV 321 and other associated plans and regulations, the Preliminary Site Plan shall be granted approval, approval with conditions or denial by the Planning Commission.

Final Site Plan Application Submittal. Following preliminary site plan approval, the applicant shall submit a Final Site Plan to the Planning Department.

One digital copy in PDF format designated by the Planning Department of a site plan illustrating the following information (unless deemed unnecessary by planning department staff):

- a. The name, address and phone number of the applicant. The name, address and phone number of the property owner. The proposed name of the project, if any;
- b. The date of preparation, scale, a north arrow and location map. The date(s) of subsequent revisions shall also be indicated;
- c. A small-scale illustration indicating the zoning designation of the subject and adjoining properties;
- d. The area of the property in acres and square feet;
- e. Exterior and interior lot lines with dimensions;
- f. Adjoining streets and sidewalks with an indication of pavement width;
- g. Driveways on adjoining properties and on properties separated from the subject property by a public or private street;
- h. All existing and proposed buildings and structures with an indication as to the use of each. Indicate exterior dimensions, number of stories and height in feet, and square footage;
- i. Existing and proposed driveways, on-site roadways, off-street parking and loading areas (indicate number and typical dimensions of parking and loading spaces) and pedestrian circulation system. Include a typical cross-section of proposed roads, driveways and access aisles;
- j. All exterior lighting fixtures (building mounted and freestanding) indicating height and type of luminaires;
- k. Refuse receptacles. Indicate method of screening, if required;
- l. Proposed landscaping and screening with an indication as to size, type and quantity of plant materials. Whether an in-ground irrigation system is to be provided. Existing trees having a caliper of six inches or greater measured 12 inches above grade;
- m. Exterior HVAC and electrical equipment and similar appurtenances. Indicate method and location of screening;
- n. Existing natural features, if any;
- o. Utilities and utility easements, including storm drainage improvements and structures (existing and proposed);
- p. Outdoor storage areas, if any. Indicate method and location of screening;
- q. Required setback lines. The distance between individual buildings and buildings and lot lines;
- r. Proposed and required walls and fences, indicating type and height;
- s. Location of signs (building mounted and freestanding) with an indication as to type, size, height and illumination; and
- t. Ancillary structures, such as walls columns, gates and similar structures delineating nonresidential and residential developments.
- u. Proposed building elevations.

- v. Professional seal from a licensed architect, landscape architect, engineer or surveyor when required by planning department staff.
- w. For projects along Euclid Avenue, the locations and spacing from proposed access to existing access points and intersections to confirm compliance with the standards set forth in [section 122-634](#).

[Fees](#). Fee Schedule

Final Site Plan Review. The Planning Department distributes copies of site plan to appropriate city departments who have review authority over the proposed special use and will provide a review and recommendation of the Final Site Plan based upon the required standards outlined in Section 122, [Article XV 321](#) and other associated plans and regulations.

Planning Commission makes decision, approves as requested or with conditions, denies the application, or postpones action at the request of the applicant or pending receipt of revised site plan or supplemental information

- a. Approved:
 - i. project must be started within one year from the date of approval
 - ii. extension of one year may be granted by planning commission upon written request
 - iii. a building permit may be revoked in any case where the conditions of the approved site plan have not been met
- b. Denied:
 - i. applicant can be appeal to the zoning board of appeals
 - ii. appeal must be made within 30 days of the date of the written decision on an application

Final Site Plan can only be granted after preliminary approval and Zoning Board of Appeals action if necessary.

Approval is issued if the application conforms to all applicable policies and regulations. Approval with conditions is issued to make certain the application complies with policies and regulations. Denial is issued if the application does not comply with local policies and regulations.

Two copies of the approved site plan shall be signed and dated by planning department staff. One copy shall be kept on file in the planning department. One copy shall be returned to the applicant. The applicant shall provide one approved copy of the site plan to the party responsible for construction. A building permit may be revoked in any case where the conditions of the approved site plan have not been met.

Administrative Site Plan Review: Less complex site plans and minor modifications to approved site plans may receive administrative approval from designated staff as outlined in the Administrative Review Application and if they fall within the requirements below. All codes and ordinances shall be met to gain approval. Applicable municipal departments and consultants may provide review and comment when necessary.

- 1) The construction or expansion of multi-family residential and nonresidential buildings and off-street parking areas when construction or expansion is less than 3,000 square feet in size.

- 2) The colocation of new antennas on existing wireless communication system towers and alternative tower structures and the installation or replacement of equipment cabinets and buildings within existing wireless communication system compounds.

[Administrative Review Application](#)

Revised Site Plans: A request to revise, modify or change an approved site plan that cannot be administratively approved shall be treated as a new application in accordance with Section [122-331](#).

Planning department staff may approve minor changes to approved site plans provided that no change authorized by this section may cause any of the following:

- 1) A change in use or increase in the intensity of use of the property;
- 2) An increase in the coverage of the site by buildings and structures;
- 3) A reduction in open space; or
- 4) A reduction of off-street parking areas and loading spaces.

Changes which are not minor must be approved by the planning commission in accordance with the application, review and approval regulations of this article.

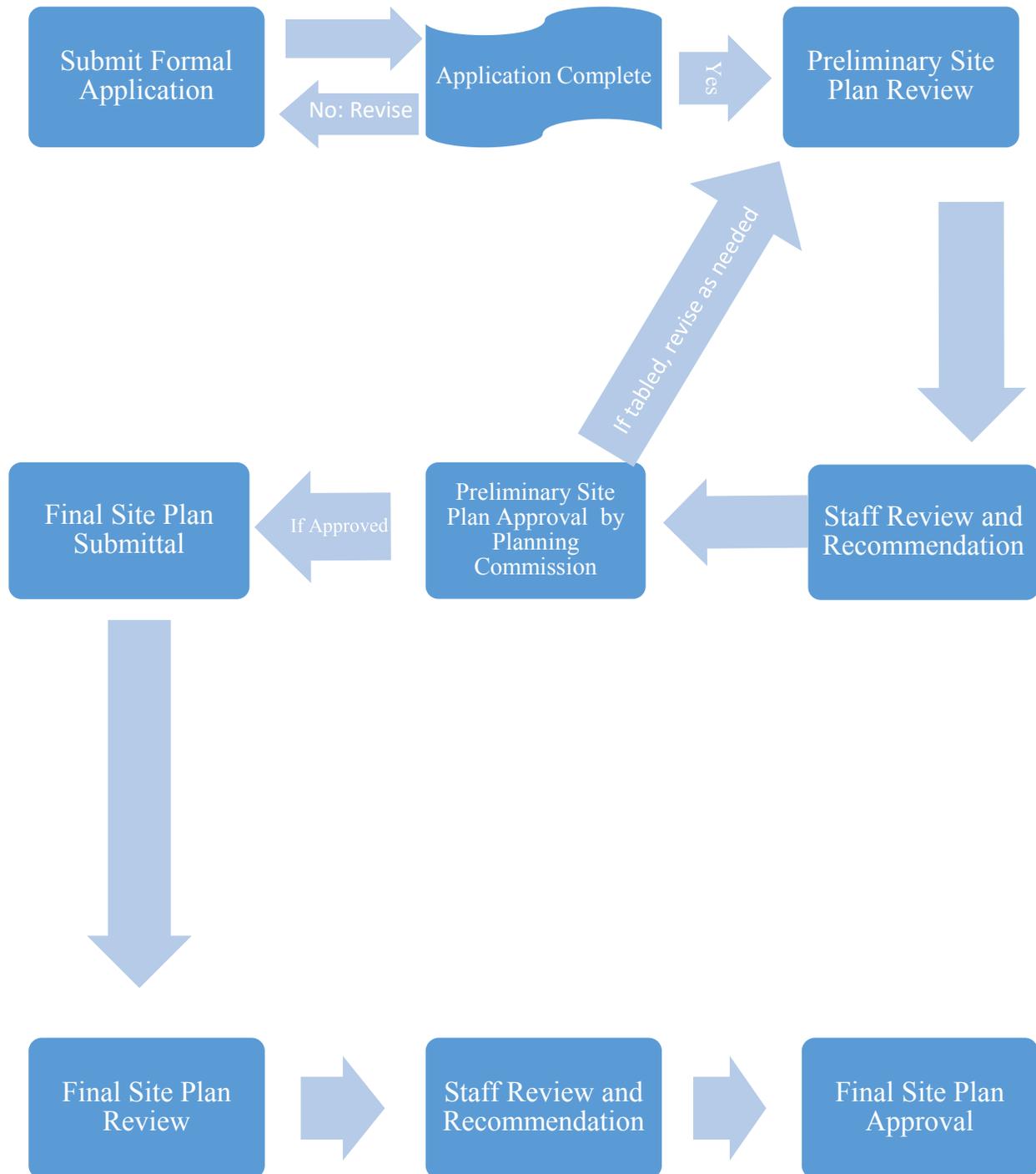
Time Limit of Approval and Work Completion: A Final Site Plan approval remains valid for one (1) year from the date of approval or such approval shall become null and void. Upon written request, an extension of one year may be granted by the planning commission for good cause shown.

[Site Plan review application](#)

[Site Plan review checklist](#)

[Fees](#)

SITE PLAN REVIEW FLOWCHART



PLANNED UNIT DEVELOPMENT

Planned Unit Developments (PUDs) are a mechanism to allow flexibility in development regulations by encouraging the use of land in accordance with its character and adaptability; conserving natural resources and energy; preserving historic resources; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the community; and bringing about greater compatibility of design and use.

Pre-Application Conference. Potential applicants shall meet with municipal staff prior to submission of a Planned Unit Development application to discuss required information and review procedures as outlined in [Section 122-212](#).

Preliminary PUD Plan Submittal. Applicants shall submit an application for Preliminary PUD Plan review to the Planning and Zoning Department. The information required for Preliminary PUD review is listed in [122-214](#). Review fees shall be enclosed as part of a complete Preliminary PUD review application.

Preliminary PUD Plan Review. Upon receipt of a complete application, staff (and other parties, agencies, etc. as applicable) will provide a review and recommendation of the Preliminary PUD Plan based upon the required standards outlined in [122-215](#).

Preliminary PUD Approval. Upon determination of the Planning Commission that a Preliminary PUD Plan is in conformance with [122-215](#) and other associated plans and regulations, the Preliminary PUD Plan shall be granted approval, approval with conditions or denial by the Planning Commission.

NOTE: Some communities conduct the required public hearing prior to Preliminary PUD consideration; whereas others conduct the public hearing at Final PUD consideration. Further, in this example, the governing body does not review the Preliminary PUD plan. Your community's PUD Ordinance should be consulted for specific PUD review and approval procedures.

Final PUD Application Submittal. Following Preliminary PUD plan approval, the applicant shall submit a Final PUD Plan to the Planning Department. The information required for Final Site Plan review is listed in [122-216](#). An application and review fees shall be enclosed as part of a complete Final PUD Plan review application.

Staff Review. The Planner (and other staff as appropriate) will provide a review and recommendation based upon the required standards and finding outlined in [122-216](#). This review and recommendation will be presented during the public hearing being conducted at the Planning Commission meeting.

Public Hearing and Planning Commission Recommendation. Upon hearing the staffs' review and conducting a public hearing, the Planning Commission will recommend the governing body approve, approve with conditions, or deny the Final PUD Plan. The Planning Commission may postpone action on the application if it is determined that additional information is needed from the applicant that would help address the standards and findings of [122-216](#).

Governing Body Action. Upon receiving a recommendation from the Planning Commission, the governing body will hold a first reading of the Final PUD Plan request (*treated as a rezoning in most communities*). At a following meeting the governing body will conduct a second reading and consider the Planning

Commission's recommendation. Prior to taking action, the governing body may remand the proposed Final PUD Plan back to the Planning Commission for further consideration. The governing body will take action to approve, deny or postpone the Final PUD Plan (after the second Ordinance reading).

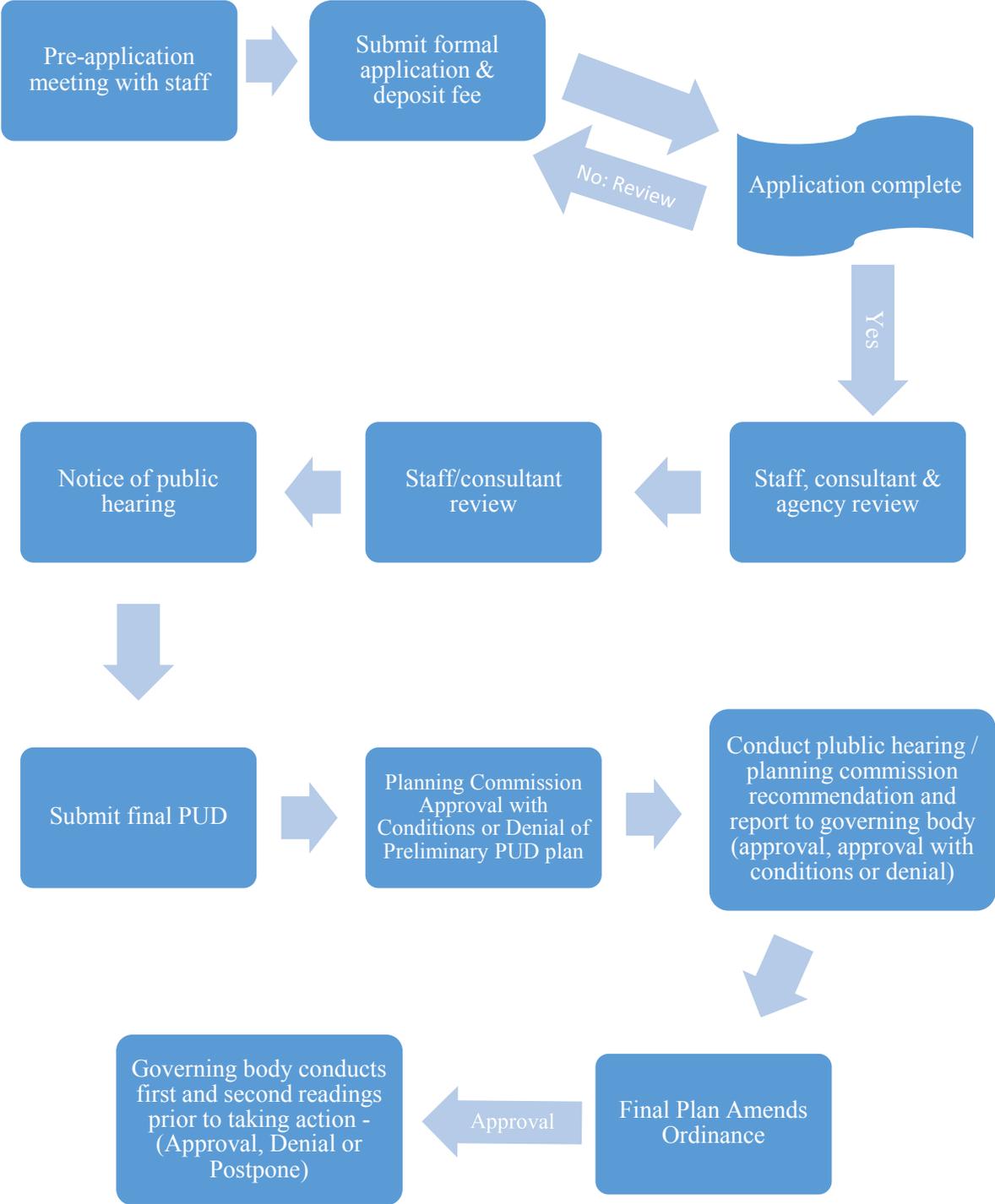
Governing Body Approval. Once the governing body approves the Final PUD (amendment to the Zoning Ordinance), a Notice of Amendment must be published within fifteen (15) days in a newspaper of general circulations within the municipality.

Referendum. Within thirty (30) days after the adoption of a zoning ordinance amendment/modification, petition requesting the submission of the amendment to the electors residing in the municipality may be circulated. The petition shall be signed by several qualified, registered voters residing in the municipality equal to not less than 8% of the total vote cast for all candidates for governor at the last preceding general election at which the governor was elected and presented to the Clerk.

Approval. A Zoning Ordinance shall take effect thirty (30) days after publication unless a referendum petition is filed within the thirty-day period after the publication is found to be adequate.

Modifications to Approved Plans: Approved PUD plans may be modified subject to the standards outlined in [122-217](#).

PLANNED UNIT DEVELOPMENT FLOWCHART



ZONING VARIANCES AND APPEALS

The Zoning Board of Appeals (ZBA) is the legislatively appointed body that can permit variances from the Zoning Ordinance. The most common variances are dimensional such as lot area and width, building height, bulk regulations, setbacks, and off-street parking and loading requirements. The Zoning Board of Appeals can also consider special uses of land and hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of zoning maps and zoning language.

Application Submittal. Applicants shall submit an application for a Variance or Appeal Request to the Planning and Zoning Department. All required information and fees shall be enclosed as part of a complete variance/appeal application.

Notice of Public Hearing. Upon receipt of a complete application, staff will make required notification of the meeting.

Staff Review. The Planner (and other staff as appropriate) will provide a review and recommendation based upon the required standards and findings outlined in [122-545](#). This review and recommendation will be presented during the public hearing being conducted at the Planning Commission meeting.

Public Hearing and Zoning Board of Appeals Decision. Upon hearing staff's review and conducting the public hearing, the ZBA shall approve, approve with conditions, or deny the variance request.

In granting a variance, the board may grant a lesser variance or specify, in writing, conditions regarding the location, character, landscaping, or other treatment that will, in the board's judgment, be reasonably necessary to the furtherance of the intent of the Zoning Ordinance and the protection of the public interest. The breach of any condition shall automatically invalidate the permit granted.

Each variance granted under the provisions of the Zoning Code becomes null and void after twelve (12) months from the date of granting unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

After a variance has been denied in whole or in part by the board, then no application shall be resubmitted for a period of six months from the date of the last denial; provided, however, that a denied variance may be reconsidered by the board when, in the opinion of the planning and zoning official, or the ZBA, newly discovered evidence or changed conditions warrant such reconsideration.

Meeting Dates: 2nd Tuesday of Each Month 7:00 pm
Deadline: See meeting schedule

STEPS:

1. Pre-Application meeting with City Staff (recommended)
2. Submit [application](#)
3. Staff prepares for public hearing and shares application with board
4. Public hearing is scheduled
 - a. Appellant or representative must attend the meeting
 - b. Property owners within 300 feet will be notified via mail

- c. Announcement of public hearing in newspaper of general circulation
5. Public hearing is held
6. Board makes final decision, approves as requested or with conditions or denies the variance
 - a. Approved:
 - i. project must be started within six months
 - ii. five day waiting period before permits may be issued
 - b. Denied: applicant can resubmit application after six months
 - i. *board can waive the six months

Types of Appeals

- Review: An appeal where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, the Planning Commission, or City Commission in the administration of the Zoning Ordinance.
- Interpretation: An appeal for the interpretation of the provisions of the Zoning Ordinance, which shall include the determination of precise location of zone boundaries where there is doubt, or modification of a use which is specifically permitted in any zone.
- Variance: A request to vary the literal requirements of the Zoning Ordinance. The Zoning Board of Appeals has the authority to grant two types of variances. Applicant must submit a variance petition.
 - Use Variance: enables a person to establish a use not otherwise permitted in a zoning district.
 - Nonuse/Dimensional Variance: varies dimensional requirements, such as lot size and width, building height, and setbacks.

[ZBA Application Fees](#)

City of Bay City

Developer's Handbook

CONSTRUCTION PERMITS

COMMERCIAL PROJECTS

Commercial projects, including multiple-family residential housing, require licensed contractors to perform construction and most repairs. A contractor must apply for a building permit for any of the following activities: new construction, additions, demolitions, interior/exterior alterations, or signs.

The Building Department can assist with the process.

All required zoning approvals must be obtained prior to application and issuance of any construction permits.

Application Submission: The applicant is required to submit three (3) complete sets of plans signed and sealed by a licensed architect or engineer with a completed application. The completed applications are submitted with the City of Bay City Building Department. Building plans must include all work to be performed and meet the following requirements: minimum scale of ¼" per foot and minimum sheet size of 24" X 36" All dimensions must be shown.

Plans shall contain the following information:

1. site plan
2. project address or location
3. property owner address
4. architect/engineer name, address
5. phone number and license number
6. construction codes used
7. all design (live, dead, snow and wind loads)
8. occupancy classification
9. type of construction
10. total floor area and floor area for each use group classification and level
11. *(Statement of Special Inspections) *

Larger projects may require height and area computations, allowable floor area, allowable area increases, maximum, height increases and automatic fire sprinkler increases, number of means of egress, capacity of egress calculations and travel distances, fire rated assembly details and fire resistive requirements, structural design calculations, and soil, footing, foundation, masonry and concrete minimum bearing capacities and design standards. Additional information may be required based on complexity or size of building project. The Building Official may waive specific requirements depending on need.

Plan Review: Plans are reviewed by the Building Department for compliance with building code, electrical code, mechanical code and plumbing code compliance. Safety of the intended inhabitants is essential. The review of a complete plan submission is generally completed within 10 business days, larger projects may take up to 15 business days. Depending on the project, the applicant might need to apply for and receive a soil erosion permit through the Building Department before a building permit is issued.

If application is incomplete, the reviewer will ask the applicant for additional information. The letter will include any corrections or conditions imposed on the building permit. A plan review letter is issued citing

approval, conditions imposed on approval or necessary corrections. Requested plan corrections require the applicant to submit new or revised plans for review.

Permit Issuance: The applicant will be contacted to pick up the building permit and pay the permit fee. Building permits are issued when all required approvals have been obtained and applicable fees have been paid. The applicant must post a copy of the permit on the job site until final approval is issued.

Electrical, mechanical, and plumbing permits are generally not issued until the building permit is approved. Compliance may be determined at the time of the inspection for less complex projects. More complex projects will require review by the applicable trade inspector. An approved Certificate of Occupancy or Certificate of Compliance is required prior to occupancy or use of such project.

MISS DIG System, a free service, at **811** must be contacted at least 3 working days before excavating to identify the location of underground utility lines. The MISS DIG System member utilities will mark the approximate location of their underground public utility lines at no charge. If Miss Dig is not notified and damage occurs, liability for repair costs may occur. Permit Validity: Permits shall lapse and cease to be in effect when authorized work has not started within **180 days or 6** months following the date of issue or when work has been abandoned for a period of **66** months as evidenced by failure to make substantial progress or lack of inspections. Once a building permit is obtained, the work must be completed within **66 months from the date of the last inspection** otherwise the approval becomes null and void. A request to extend the time limit can be requested of the building official (or appropriate party as outlined in the Zoning Ordinance) and they can grant a **180 day** extension for good cause.

Construction Progress: As construction progresses, the municipality will inspect the work to verify that the building plans are being followed. Permit holders are required to schedule appropriate inspections throughout the process and get appropriate approvals before moving on to the next construction phase. The permit holder is responsible to notify the Building Department when the stages of construction that require an inspection are reached.

Electrical, mechanical or plumbing permit final inspections must be completed before the final building inspection. Similarly, Fire Marshal Jeff Ross, County Health Department, Department of Public Works and Michigan Department of Transportation (if applicable), must review and issue their own final permits. The structure must be complete and ready for use and occupancy.

After all the above inspections have been approved and if final building inspection is approved, the certificate of occupancy or certificate of compliance can be issued.

Temporary / Permanent Certificate of Occupancy: A temporary certificate of occupancy may be issued for projects with landscaping, soil or grading work that cannot be completed due to weather. In those cases, the temporary approval will take place only if all the other components of construction are completed and temporary approvals are issued by the **Electrical, Plumbing, Mechanical, Fire, Health and Building departments**. The building official may require that a cash deposit, certified check or irrevocable bank letter of credit in an amount equal to the engineer's estimated cost of uncompleted improvements be escrowed with the municipality. The building official will also set a date of completion. The escrow will be returned when the work is completed within the set date.

Business License: After the final occupancy permit is issued, the owner or representative agent can apply for other business licenses through the Clerk's Office. (Insert link to business license page when available)

CONSTRUCTION PERMITS – DEPARTMENT OF PUBLIC WORKS

Depending on the nature of the project, an applicant may need to apply for one or more of the following construction permits issued by other municipal, county or state departments:

Occupation and Use of Street/Alley Rights-of-Way (Non-Utility)

Occupation and Use of Street/Alley Rights-of-Way (Utility)

Water and Sewer Connection and Water Tap

Wetland Verification & Wetland Delineation Verification

Grading & Soil Erosion & Sedimentation Control

USE OF RIGHT-OF-WAY LICENSE

Businesses are required to apply for a [Sidewalk Café License](#) to use the public Right of Way for outdoor seating, dining, sales and service. A business may seek to use the space directly adjacent to their business or may gain the approval of a neighboring business and property owner in order to use additional space. In all cases, the spaces proposed for business use must be designed in such a way as to allow for logical pedestrian circulation patterns into neighboring businesses and to improve the overall attractiveness of the outdoor space. The remaining public walkway shall not be reduced to less than 42 feet wide.

STEPS:

Plan Review fee, due with Plan Review application, and is Non-Refundable

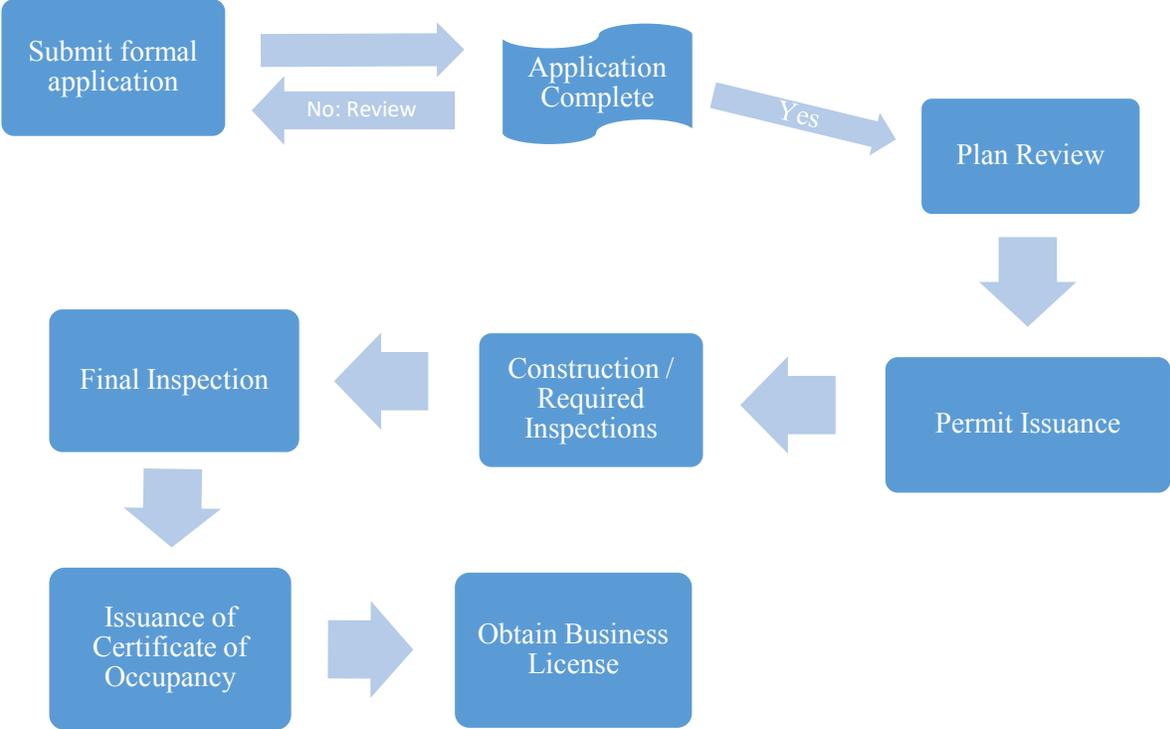
[Building Permit Fee Schedule](#) Based on Cost of Construction.

**An administrative fee of the cost of the regular permit (up to \$250.00) will be added to the regular permit fee when work requiring a permit is started before the permit is issued and department action has been taken to require a permit to be obtained.*

1. Submit [building permit application](#)
Along with three (3) sets of sealed plans and a Plan Review application, for commercial construction
2. Zoning approval must be verified then,
3. Building staff reviews for completeness
4. Staff notifies applicant about the initial review and approval or,
Requests additional materials needed and/or revised plans for second review
5. Applicant resubmits revised plans and/or documentation
6. The second plan review is completed, based on revisions, as needed
7. Building permit is issued
8. Construction begins - Contractor schedules the required inspections

[Building Department Applications and Forms](#)

COMMERCIAL CONSTRUCTION PERMIT FLOW CHART



City of Bay City

Developer's Handbook

BUILDING OCCUPANCY

RESIDENTIAL RENTAL INSPECTION

Residential rental properties must be registered with the municipality and inspected. Registration is a one-time fee that remains until the property is sold. Inspections are conducted in 3-year cycles. An annual rental license fee is billed once the property is registered and will be issued following approval by the rental inspector. Contact the Administrative Specialist for questions about rental license applications, renewal, fees, and inspections.

Rental licenses are renewed every three (3) years. Renewal reminders are sent to owners or managers with a renewal form. They are typically sent at least 30 days prior to the expiration of the rental license to allow adequate time to submit the renewal application, schedule the required inspection and make necessary corrections. Owners are responsible for calling the office to schedule inspections; it is advisable to call 30 days prior to the license expiration date.

The Code Enforcement Department has an inspection guideline identifying safety items that the inspectors look for. For properties that have code violations a letter will be sent to the owner/manager that lists what the violations are and a date and time for the re-inspection. Owners are encouraged to have the violations corrected in time for the re-inspection so that another inspection is not necessary. Delays in making repairs because of unusual or weather-related situations are understandable. For these situations, owners/managers must request a time extension in writing to Code Enforcement Coordinator prior to expiration date. The Code Enforcement Coordinator will first determine if the extension is warranted and set a completion date if approved.

[Application for rental dwelling – individual](#)

[Application for rental dwelling – business](#)

[Rental housing checklist](#)

[Fee Schedule](#)

City of Bay City

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BUSINESS LICENSES (WILL ADD WHEN ACTIVE)

All businesses, including home-based occupations, are required to display an annual business license issued by the Clerk. License applications and fees can be found on [\(insert link\)](#) or at the Clerk's Office, 301 Washington Avenue, Bay City, MI 48708

License approval may require review and acceptance from multiple departments (e.g., Fire, Police, Zoning, Building and Code Enforcement). An applicant should start the process at least 30 days prior to expiration of existing license to allow for the time required to obtain all departmental approvals. More information about the process can be found at [www._____](#) or by calling [Insert Telephone Number](#).[Insert Telephone Number](#).

[Insert Links to Checklists, Forms, Applications and Fee Schedule](#) [Insert Links to Checklists, Forms, Applications and Fee Schedule](#)

City of Bay City

Developer's Handbook

LIQUOR LICENSES

Businesses must be approved for a Liquor License with both the Michigan Liquor Control Commission and the City of Bay City Clerk's Office to sell alcoholic beverages. More information about the application process and licensing can be found through the following sources:

[Liquor License Application](#)

City Clerk's Office
301 Washington, Suite 204
Bay City MI 48708
Phone (989) 894-8168

Michigan Liquor Control Commission
https://www.michigan.gov/lara/0,4601,7-154-89334_10570---,00.html

City of Bay City

Developer's Handbook

MARIHUANA

On December 18, 2017, the Bay City Commission adopted Chapter 30, Medical Marihuana Facilities to the City Code of Ordinances to implement the provisions of the Michigan Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016. The purpose of the new ordinance is to implement the provisions of the MMFLA to protect the public health, safety, and welfare of the residents and patients of the City by setting forth the way medical Marihuana facilities can be operated in the City. This Ordinance authorizes the establishment of medical marihuana facilities within the City of Bay City provided all application requirements are met.

The adopted ordinances are provided below. An application form must be submitted with a \$5,000 application and license fee.

On July 1, 2019, the Bay City Commission adopted revisions to the City Code of Ordinances, Chapter 30, Businesses, to implement the provisions of the Michigan Regulation and Taxation of Marihuana Act of 2018. This ordinance, as well as Chapter 122, Zoning authorizes the establishment of adult-use facilities within the City of Bay City provided all application requirements are met.

GENERAL INFORMATION

[Department of Licensing & Regulatory Affairs \(LARA\)](#)

[Medical Marihuana Code Requirement Overview](#)

[Selecting Your Medical Marihuana Location](#)

[Medical Marihuana Application Status](#)

[Recreation Adult-Use Marihuana Application Status](#)

ORDINANCES

[Medical Marihuana Ordinance](#)

[Adult-Use Marihuana Zoning Ordinance](#)

[Article XVII: Business Adding Recreational Marihuana](#)

APPLICATIONS and FORMS

[Medical Marihuana Application](#)

[Medical Marihuana Renewal Application](#)

[Adult-Use Marihuana Application](#)

[Wastewater Permit Screening Application](#)

[Plan Examination Application](#)

[Site Plan Review Application](#)

[Release of Information](#)

MAPS

[Zoning Map](#)

[Interactive Separation Map](#)

[MRA – Licensed Michigan Medical Marihuana Facilities](#)

City of Bay City

Developer's Handbook

DEVELOPMENT AND FINANCE INCENTIVE TOOLS

A general description of development and finance incentive tools used by the City of Bay City are provided within this section. The intent is to provide important information to a potential investor to assist in making an initial decision to proceed with an investment. The intent is not to describe how a district or program was initiated or identify the operations of a board or authority. Each economic incentive listed below, provides a general description, investor incentive, eligible activities or projects, the application process (if required) and contact information.

LIST OF INVESTMENT INCENTIVES

FINANCE AUTHORITIES

- Brownfield Redevelopment Authority
- Economic Development Corporation
- Downtown Development Authority

TAX EXEMPTIONS AND ABATEMENTS

- Plant Rehabilitation and Industrial Development Exemption
- Neighborhood Enterprise Zone
- Obsolete Property Redevelopment District

ASSESSMENT DISTRICTS

- Principal Shopping District
- Business Improvement Zone

MUNICIPAL ASSISTANCE

- Site Location Assistance
- Interactive GIS map
- Development Data
- Entrepreneurial Support
- How to Start a Business
- Regional economic development resources

The municipality uses the following state legislated financial and/or tax assistance programs to encourage new development and rehabilitation. The governing body and reviewing authorities support requests based on careful consideration anticipated public benefit. The program summaries are intended to provide key general information for an investor decision to proceed with an investment.

INCENTIVE TOOLS

BROWNFIELD REDEVELOPMENT AUTHORITY (BRA) PA 381 of 1996

A BRA provides the City of Bay City with the opportunity to use the Brownfield financing resource in order to enhance local economic development capacities and market difficult sites based on the private investment incentives, and enhance tax base. It encourages redevelopment of contaminated, functionally obsolete and blighted property by providing financial and tax incentives for cleanup and due diligence activities.

The Brownfield Redevelopment Authority reviews and recommends approval of an application and reimbursement requests. The legislative body provides final approval. The State Tax Commission and other state agency approvals are also necessary.

INVESTOR INCENTIVE:

Tax increment revenue will reimburse a developer for the eligible costs pursuant to a Brownfield Redevelopment Plan as approved by the Authority and legislative body. The length of tax increment capture will not exceed the number of years required to pay the costs of eligible activities as allowed under the Brownfield Redevelopment Financing Act.

ELIGIBLE ACTIVITIES:

- Remediation of environmental contamination
- Structure demolition
- Lead or asbestos abatement
- Infrastructure improvements including but not limited to utilities and parking,
- Site preparation that is not a response activity

APPLICATION PROCESS:

- Step 1.** The developer of a proposed brownfield project should contact Economic Development Department to introduce the proposed project and request financing assistance. *The developer should work with an Environmental/Engineering consultant to draft the Brownfield Redevelopment Plan, as well as the Act 381 Work Plan, and complete the other steps required by state agencies.*
- Step 2.** Application is submitted to Economic Development staff along with applicable fees.
- Step 3.** Once application is approved by staff, a meeting with both MEDC and EGLE staff is scheduled.
- Step 4.** The Brownfield Redevelopment Authority reviews and recommends approval of the development plan and reimbursement agreement to the legislative body. A public hearing is conducted according to provisions of PA 381 of 1996.
- Step 5.** The City Commission will consider the request from the Authority. A resolution for approval is issued for the development plan and reimbursement agreement.
- Step 6.** The Brownfield Redevelopment Authority enters into a Brownfield Reimbursement Agreement that specifies the terms and conditions associated with the reimbursement of costs associated with the eligible activities.
- Step 7.** The approved Plan is forwarded to the State of Michigan, Michigan Economic Development Corporation (Michigan Strategic Fund) for non-environmental activities and Environment, Great Lakes and Energy (EGLE) for environmental activities, for approval.

Step 8. Required site plan and special use approvals are received from local authority.

Note: If captured school taxes are required to reimburse the cost of certain environmental response activities or any non-environmental activities, approval of a PA 381 work plan by EGLE and/or Michigan Strategic Fund is necessary. The Brownfield Redevelopment Authority will submit the work plan to the appropriate State agency together with the approved Brownfield Redevelopment Plan, a copy of the City of Bay City Commission resolution approving the plan, and a transmittal letter from the BRA.

CONTACT:

City of Bay City Economic Development Department at (989) 894-8159 or (989) 894-8227 or email at economicdevelopment@baycitymi.org.

WEBSITE LINKS:

[Briefing for developers](#)

[Brownfield Application](#)

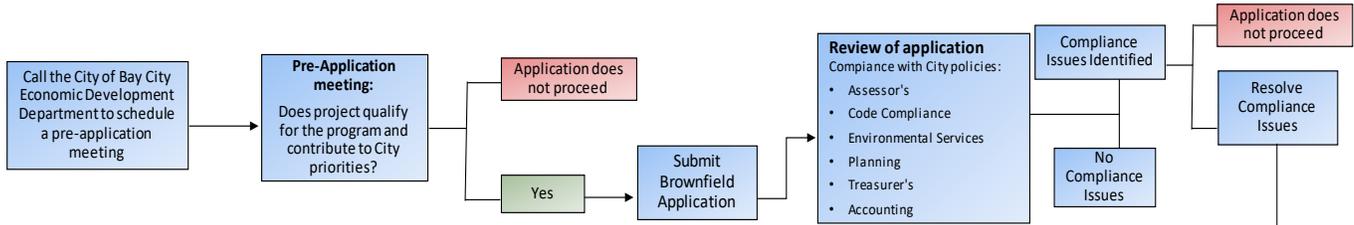
[Brownfield Policies and Procedures](#)

[Fee Schedule](#)

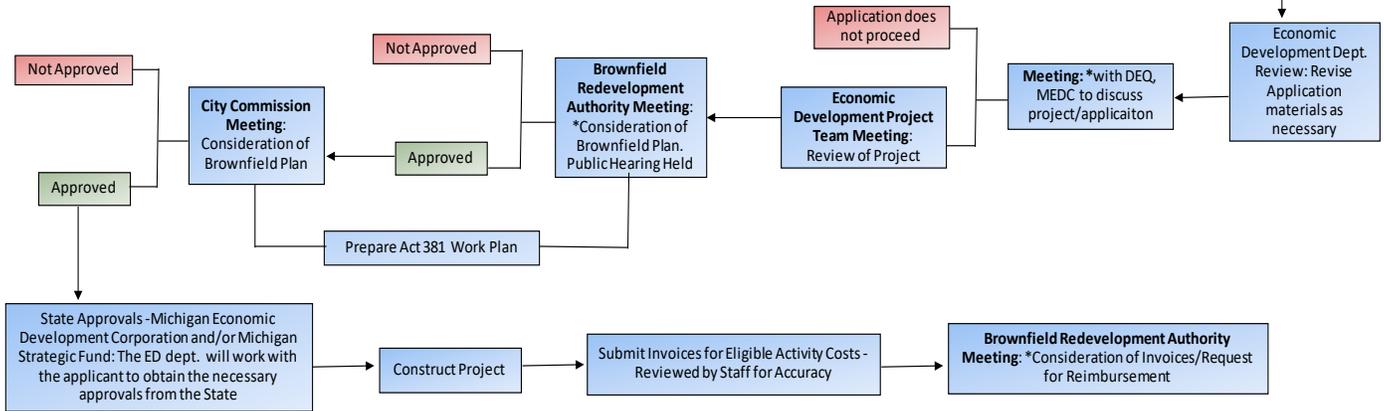
BROWNFIELD APPLICATION FLOWCHART

Brownfield Application Process

Timeframe: The local approval process takes one to four (1-4) months depending on the project



Timeframe: The local approval process takes three to four (3-4) months depending on meeting schedules



***Applicant attendance is required**

PLANT REHABILITATION AND INDUSTRIAL DEVELOPMENT EXEMPTION PA 198 of 1974

The City of Bay City provides tax abatements to eligible manufacturers to enable renovation and expansion of aging facilities, assist in the building of new facilities, and to promote the establishment of high-tech facilities. Industrial property tax abatements provide incentives for eligible businesses to make new investments in Michigan. Industrial property is defined as land improvements, buildings, structures, or any part or accessory whether completed or in the process of construction comprising an integrated whole.

An Industrial Facilities Tax Exemption (IFE) can be granted in an Industrial Development District (IDD) and a Plant Rehabilitation District (PRD). The IDD is applied in areas for new construction. A PRD is applied in areas for rehabilitation of obsolete facilities. The governing body will consider the merits of each individual project and the overall benefits that result from granting the exemption.

INVESTOR INCENTIVE:

An Industrial Facilities Tax Exemption certificate entitles the facility to exemption from ad valorem real property taxes for a term of up to 12 years as determined by the governing body. After the Industrial Facilities Tax Exemption Certificate (198 abatement) is granted, the City of Bay City is required to enter into a contract memorializing the terms of the abatement.

Notes:

1. Any buildings that existed prior to construction of a new facility are not exempt.
2. If the project is for rehabilitation, the value of any pre-existing obsolete property is exempt from ad valorem property taxes but will be used as the base for the IFT.
3. Similarly, any structures added after completion of the project are fully taxable.
4. Land is specifically excluded from the benefits of the act and is fully taxable.

ELIGIBLE PROJECTS:

- Industrial plants that primarily manufacture or process goods or materials by physical or chemical change.
- Related facilities of Michigan manufacturers such as offices, engineering, research and development, warehousing or parts distribution.
- Research and development laboratories, high-tech facilities and large communications centers can qualify throughout Michigan.
- The facility must be located within an established Industrial Development or Plant Rehabilitation District.
- The applicant is a qualifying business as outlined in MCL 207.552.
- The application must be filed within six months of the commencement of the improvements.

APPLICATION PROCESS:

A Plant Rehabilitation or Industrial Development District must be created prior to initiating a project.

- Step 1.** Applicant contacts Economic Development staff to schedule a pre-application meeting.
- Step 2.** The application is filed with the municipal clerk along with applicable fees.

- Step 3.** The governing body reviews and approves the application within 60 days of the clerk's date of receiving the completed application. A public hearing is conducted as part of the review process.
- Step 4.** The application, resolution of approval and executed contract are forwarded to the State Tax Commission for final approval and issuance of certificates. The exemptions are not effective until approved by the State Tax Commission.

Note: The following criteria are used to evaluate the merits of an application:

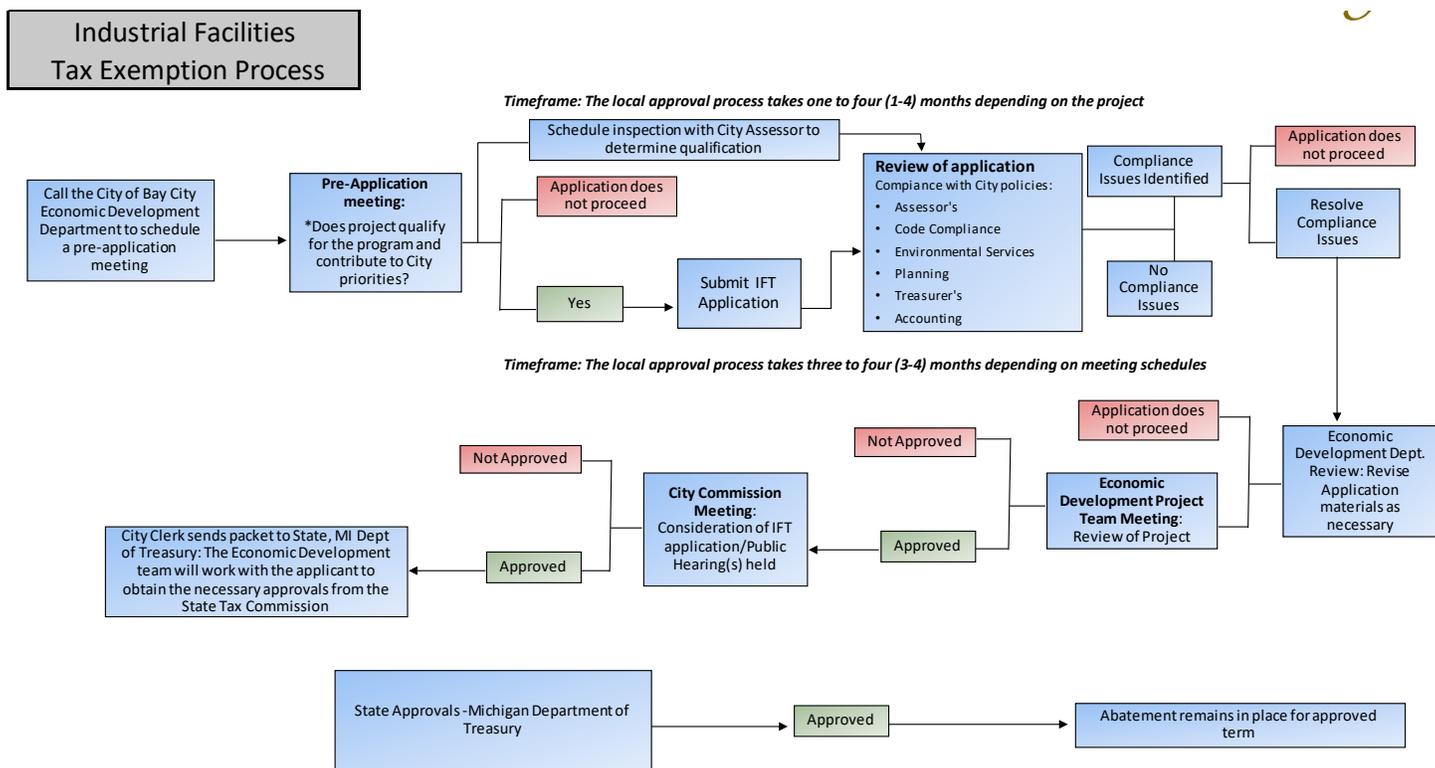
1. The exemption does not have the effect of substantially impeding the operation of the City of Bay City.
2. The exemption does not have the effect of impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Bay City.
3. The applicant is not delinquent on any taxes related to the facility, including taxes owed on existing property.
4. The exemption of property will have the effect of increased employment in the City of Bay City.
5. The aggregate State Equalized Value (SEV) of real and personal property exempt from ad valorem taxes within the City of Bay City, after granting this certificate, will not exceed 5% of the SEV.

CONTACT: City of Bay City Economic Development (989) 894-8227 or (989) 894-8159 or email at economicdevelopment@baycitymi.org

WEBSITE LINKS:

[IFT Application](#)
[Fee Schedule](#)

INDUSTRIAL FACILITIES TAX EXEMPTION FLOWCHART



**Applicant attendance is required*

NEIGHBORHOOD ENTERPRISE ZONE PA 147 of 1992

A Neighborhood Enterprise Zone provides a tax incentive for the development of residential housing and to spur the development of residential housing in communities where it may not otherwise occur. A NEZ promotes neighborhood revitalization, encourages owner occupied housing and new investment by lowering property taxes. The Neighborhood Enterprise Zone (NEZ) encourages redevelopment of residential housing, owner-occupation and new investment.

INVESTOR INCENTIVE:

Certificate holders do not pay real property taxes collected under the general property tax act, but pay a Neighborhood Enterprise Zone Tax, equal to one half (1/2) of the State's average rate of taxation for a period of 6 to 12 years as determined by the criteria listed below. Land value and special assessments are not included in the tax abatement and remain on the regular ad valorem tax rolls. Certificate approval must be received prior to starting construction. An interested investor should speak with the Economic Development Department for program specifics.

A certificate expires if an owner fails to complete the filing within two years after the certificate is issued. It can be automatically revoked if any one of the following exists:

- The new facility is no longer a homestead or residential facility.
- The NEZ tax is not paid, or property tax is not paid.
- The structure is not in compliance with local construction, building or safety codes.

The NEZ tax is levied certificate holders in place of ad valorem real property taxes on the new facility (not on the land on which the facility is located). Until paid, the NEZ tax is a lien on the real property upon which the new facility is located. School taxes are reimbursed by the state.

ELIGIBLE PROJECTS:

- One or two-unit new residential structures that are owner occupied and meet the minimum threshold investment of \$100,000, excluding the cost of the land.
- Property must be in a designated Neighborhood Enterprise Zone.
- Rules and conditions must be met as described in the Public Act 147 of 1992.

Notes:

1. A building permit cannot be issued prior to approval.
2. A new facility is defined as a new structure that has as its primary purpose residential housing consisting of one or two units, one of which will be owner occupied as a principal residence. This definition includes a new individual condominium unit, in a structure with one or more condominium units, that has as its primary purpose residential housing which will be owner-occupied as a principal residence. A new facility does not include apartments.

APPLICATION PROCESS:

1. An owner/developer of a proposed new facility files an application for a NEZ certificate with the Clerk's office at 301 Washington Avenue, Bay City, MI 48708, along with the applicable filing fee made payable to Bay City Treasurer.
2. An owner/developer must file one original and two copies of the Application for Neighborhood Enterprise Zone Certificate, including the legal description and parcel ID number of the property.
3. The City Clerk will record the filing date and start the approval process. The City has 60 days from the receipt of the application to act and forward to the Michigan State Tax Commission in Lansing.
4. The City Commission will determine the length of the NEZ Certificate based on the following criteria:

a. \$100,000 - \$140,000	6
b. \$140,001 - \$180,000	7
c. \$180,001 - \$220,000	8
d. \$220,001 - \$260,000	9
e. \$260,001 - \$300,000	10
f. \$300,001 - \$350,000	11
g. \$350,001+	12
5. An owner/developer obtains a building permit and submits a copy to the local unit of government.

6. Upon project completion, the property owner submits to the municipality one of the following:
 - o New Facility/Homestead Facility — Certificate of Occupancy and/or an affidavit executed by the owner affirming that the facility is occupied by the owner as a principal residence.
7. The local government forwards the application, approved resolution and the appropriate documentation (building permit, resolution contractor estimates, legal description and parcel number) to the State Tax Commission within 60 days of receipt.
8. The State Tax Commission issues a certificate to the applicant if it is determined that the facility complies with the NEZ program requirements within 60 days of receipt of the complete application. Copies of the certificate are sent to the applicant, assessor's office and each affected taxing unit.

Effective date of Certificate: is December 31 in the year in which the new residential structure is substantially completed and occupied by an owner as a principal residence as evidenced by the owner filing with the City Assessor a Certificate of Occupancy and/or an affidavit executed by an owner affirming that the new facility is occupied by an owner as a principal residence.

The City Assessor is required by this law to file certain information annually with the Michigan State Tax Commission. This includes maintaining a current market value of the property. The owner may be contacted periodically to arrange for inspections to keep the City's records up to date.

CONTACT: Economic Development Department at (989) 894-8159 or (989) 894-8227 or economicdevelopment@baycitymi.org

WEBSITE LINKS:

[NEZ Policies and Procedures](#)
[Application](#)
[Fee Schedule](#)
[Public Act 147 of 1992](#)

OBSOLETE PROPERTY REHABILITATION ACT PA 146 of 2000

The governing body in promotion of public interest, has enacted the Obsolete Property Rehabilitation Act (OPRA) and provides tax incentives to encourage the redevelopment of obsolete and older buildings into vibrant commercial and mixed-use projects. The tax incentive is designed to assist in the redevelopment of older buildings in which a facility is contaminated, blighted or functionally obsolete. In many cases, this could be an abandoned, multi-story industrial building that is now more suited for commercial or residential rental units.

INVESTOR INCENTIVE:

The advantage to the developer is savings on property taxes. The tax incentives freeze local property taxes for up to 12 years. In addition, the State Treasurer can exempt one-half of the school millage for up to six years on 25 projects per year.

ELIGIBLE PROJECTS:

- Commercial Building
- Mixed-Use Residential Building

Note:

Commercial Housing Property is defined as the portion of real property not occupied by an owner of that real property that is classified as residential real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, is a multiple-unit dwelling, or is a dwelling unit in a multiple-purpose structure used for residential purposes. Commercial housing property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to a multiple-unit dwelling or dwelling unit in a multiple-purpose structure, used for residential purposes.

Commercial Property is defined as land improvements classified for general ad valorem tax purposes as real property including buildings and improvements assessable as real property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, the primary purpose and use of which is the operation of a commercial business enterprise. Commercial property shall also include facilities related to a commercial business enterprise under the same ownership at that location, including, but not limited to, office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Commercial property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to the operation of a commercial business enterprise or a multiple-unit dwelling or a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial property does not include land or public utility property.

Forms [District Application](#) (if applicable)

SOM Form 3674 - [Application for Obsolete Property Rehabilitation Exemption Certificate Letter of Agreement](#) Application Packet

SOM - [Obsolete Property Rehabilitation Exemption Application Checklist](#)
[Frequently Asked Questions- Obsolete Property Rehabilitation Act](#)

Fees: District Application: \$600.00

Project Application: \$600.00

Dates: 1st and 3rd Monday of Each Month: City Commission

Steps – Creating OPRA District

1. Call City of Bay City Economic Development Department to schedule a pre-application meeting.
2. Pre-application meeting. Does the project qualify for the program and contribute to City priorities?
3. Assessor determine functional obsolescence, schedule walkthrough of building
4. **If District established previously – skip to step 9**

5. Property owners (of at least 50% of the property) file [District Application](#) for establishment of an Obsolete Property Rehabilitation District (OPRD)
6. City staff makes recommendation and forwards to City Commission
7. Public hearing is scheduled, and written notice is provided to all owners of all real property within the proposed district
8. Establishment of Obsolete Property Rehabilitation District

Steps – OPRA Certificate

9. Submit State of Michigan Form 3674 [Certificate Application](#) and [Letter of Agreement](#) for an OPRA certificate with the clerk
10. Clerk notifies assessor and each taxing unit that levies property taxes
11. Public hearing is scheduled
12. City commission approves application within 60 days of receipt
13. Application and resolution sent to the State Tax Commission (STC)
14. STC has 60 days to approve or deny request
15. Project must begin within days agreed to in Letter of Agreement

Additional Information:

- Properties must meet eligibility requirements including a statement of obsolescence by the local assessor
- District and Certificate applications may go to Commission at the same time

OPRA District- additional information:

An Obsolete Property Rehabilitation District may consist of one or more parcels or tracts of land or a portion of a parcel or tract of land, provided that the parcel or tract is either of the following:

- a. Obsolete property in an area characterized by obsolete commercial property or commercial housing property.
- b. Obsolete property that is commercial property that was owned by the local governmental unit on June 6, 2000 and was later conveyed to a private owner.

CONTACT: Economic Development Department at (989) 894-8159 or (989) 894-8227 or economicdevelopment@baycitymi.org

WEBSITE LINKS:

[District Application](#)

[Certificate Application](#)

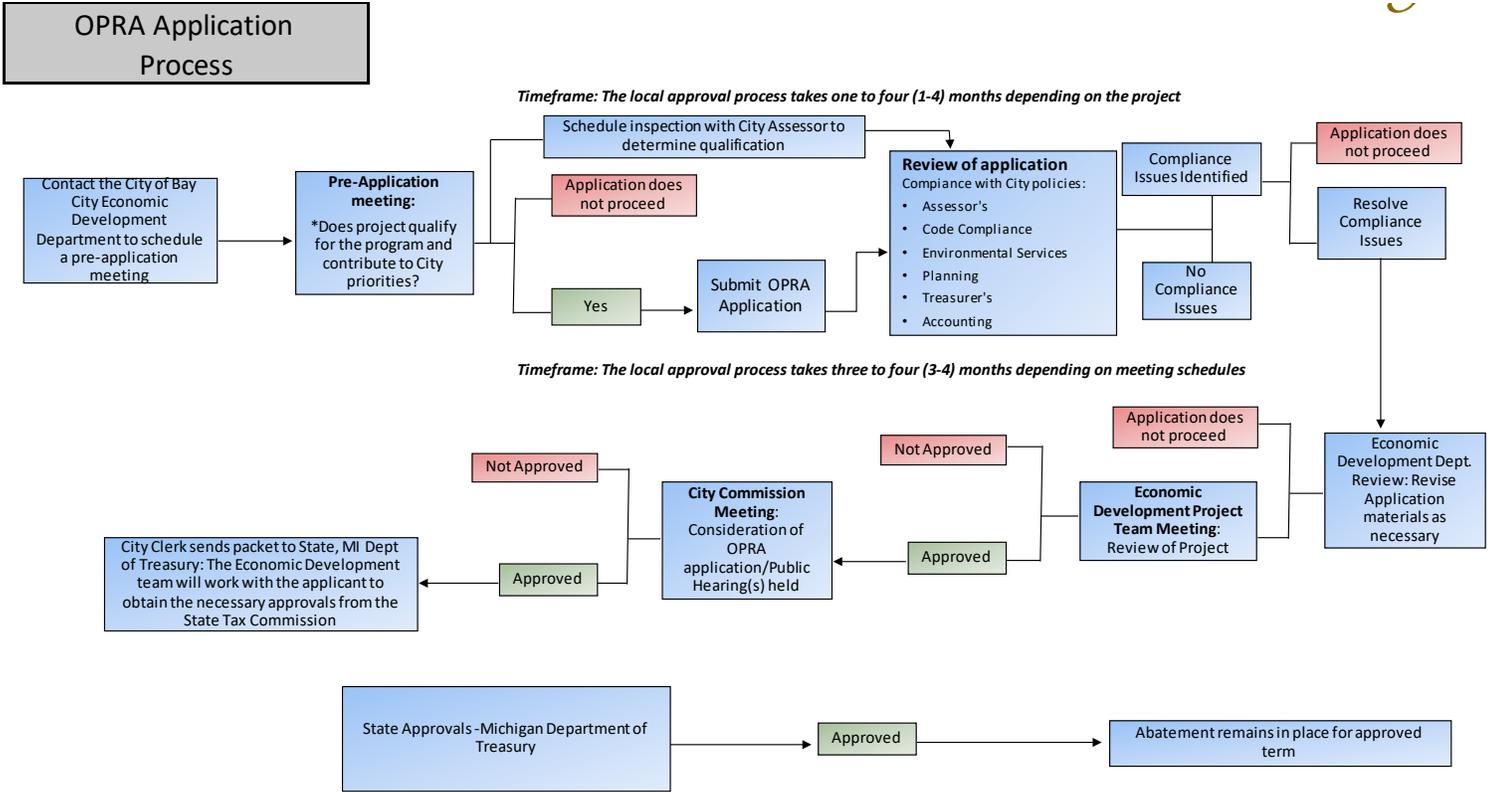
[Letter of Agreement](#)

[OPRA application packet](#)

State of Michigan Form 3674 [Application for Obsolete Property Rehabilitation Exemption Certificate](#)

[MEDC Fact Sheet](#)

OPRA APPLICATION FLOWCHART



***Applicant attendance is required**

COMMUNITY REVITALIZATION PROGRAM (CRP)

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

Eligible properties can receive support not to exceed 25% of total eligible investment for a single project which is not to exceed \$10,000,000 for loan agreements or \$1,000,000 for grant agreements or \$10,000,000 for a combination of support of the total eligible investment for a single project.

If a developer is interested in pursuing this incentive, they are encouraged to contact City staff to discuss and coordinate a meeting with MEDC staff.

CONTACT: Economic Development Department at (989) 894-8159 or (989) 894-8227 or economicdevelopment@baycitymi.org

WEBSITE LINKS:

[MEDC CRP Process Overview](#)

[MEDC CRP Program Guidelines](#)

City of Bay City

Developer's Handbook

Version History

Version Number	Release Date	Significant Changes
Release 1.1	January 2020	Initial Release
