

VILLAGE OF BYRON
ORDINANCE NO: 2014-2
(Enacted December 8, 2014)

**AN ORDINANCE TO APPROVE THE
VILLAGE OF BYRON'S DOWNTOWN DEVELOPMENT AUTHORITY'S
TAX INCREMENT FINANCE AND DEVELOPMENT PLAN**

WHEREAS, a Tax Increment Finance and Downtown Development Plan for development area within the downtown district established pursuant to Act 197 of the Public Acts of 1975 (hereinafter the "Act"), and pursuant to the Village of Byron Ordinance No. 2013-2, enacted September 16, 2013, was prepared by the Village of Byron's Downtown Development Authority (herein after "BDDA");

WHEREAS, the Tax Increment Finance and Downtown Development Plan Amendments have been recommended by the BDDA;

WHEREAS, an opportunity was provided for the Tax Increment Finance and Downtown Development Plan Amendments to be reviewed with the other area taxing authorities in accordance with the Act;

WHEREAS, a public hearing thereon was held before the Village of Byron Council on November 20, 2014 on or after 7:00 p.m. in the Village Council Chambers, Village Hall, 146 South Saginaw Street, Byron, MI 48818;

WHEREAS, notice of said public hearing has heretofore been given in accordance the Act, including but not limited to:

- A. The First Publication was October 31, 2014 in the Argus-Press of Owosso
- B. The Second Publication was November 16, 2014 in the Independent Durand Area News.
- C. Direct Delivery of the Required Notices to each taxing jurisdiction on October 31, 2014 with an executed receipt.
- D. Notice to each property tax owner by mail.
- E. Posting as required in the required area.

WHEREAS, the Council has carefully considered the Tax Increment Finance and Downtown Development Plan Amendments, the statements and ideas expressed at the public hearing and the recommendations received by the Council, including the request by two members of the public to not have their properties included within the development district.

THE VILLAGE OF BYRON ORDAINS:

SECTION 1. The Village of Byron Council hereby expressly finds that:

- 1.1 The Tax Increment Finance and Downtown Development Plan both constitute a public purpose;
- 1.2 The Tax Increment Finance and Downtown Development Plan meets the requirements set forth in Section 14 and 15 of said Act 197, as amended;
- 1.3 The Tax Increment Finance and Downtown Development Plan meets the requirement set forth in Section 17 (2) of said Act 197;
- 1.4 The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing;
- 1.5 The development plan is in reasonable accord with the zoning of the Village of Byron;
- 1.6 Public services, such as fire and police protection and utilities, if any, are, or will be, adequate to service the project area;
- 1.7 Changes in zoning, streets, intersections, and utilities are reasonably necessary for the project area; and
- 1.8 The Tax Increment Financing and Downtown Development Plan have been recommended by the Downtown Development Authority, no recommendation being required by the Downtown Area Citizen's Council as the development area does not qualify for same and said Council, if it did qualify, has failed to form.
- 1.9 The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this Act in an efficient and economically satisfactory manner, and;
- 1.20 The tax increment financing plan and the development plan project recommendations and development area district boundary, as amended, are reasonable and necessary to carry out the purposes of the Public Act forming downtown development authorities, and;
- 1.21 The development plan remains in reasonable accord with the Village Master Plan, and meets the requirements set forth in Section 17 (2) of the Act;

SECTION 2. A new Section 32 Development Plan and Tax Increment Financing Plan shall be added to TITLE III, Administration, of the Byron Village Code, to read as follows:

Sec. 32.01. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base year assessment roll means the base year assessment roll prepared by the Village Assessor in accordance with Section 32.04.

Captured assessed value means the amount in any one (1) year by which the current assessed value as finally equalized of all taxable property in the development area exceeds the initial assessed value.

Development area means the area legally described in Appendix A of the Development Plan dated October 13, 2014, and which is hereby made a part of this division.

Development fund means the Downtown Development Authority development fund established pursuant to Section 32.06.

Development Plan means the Tax Increment Financing and Development Plan for the Village dated October 13, 2014, as amended by the BDDA on November 6, 2014, and as transmitted to the council by the Downtown Development Authority for public hearing, copies of which are on file in the office of the Village Clerk.

Downtown development authority means the Village Downtown Development Authority.

Initial assessed value means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the development area on December 30, 2014.

Taxing jurisdiction shall mean each unit of government levying an ad valorem property tax on property in the development area.

Sec. 32.02. Approval and adoption.

Based on the following determinations, the development plan is hereby adopted and approved:

1. the development is reasonable and necessary to carry out the purposes of this act.
2. the plan's proposed method of financing the development plan is feasible and the Authority has the ability to arrange the financing.
3. the land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this act in an efficient and economically satisfactory manner.
4. the tax increment financing plan and the development plan project recommendations and development area district boundary, as amended, are reasonable and necessary to carry out the purposes of the Public Act forming downtown development authorities.
5. the development plan remains in reasonable accord with the Village Master Plan, and meets the requirements set forth in section 17 (2) of the Act.
6. public services, such as fire and police protection and utilities, are or will remain adequate to service the project area.
7. changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

Sec. 32.-03. Boundaries of development area.

The boundaries of the development area district as set forth in the tax increment finance and development plan, attached as Exhibit A and incorporated herein by reference, are hereby adopted and confirmed, with the following two properties being removed from the development area district (map on page 9 of Exhibit A) at the request of the owners during the public hearing held on November 20, 2014:

A. Tax ID #016620000002 - Owners John and Vickie Murphy
Mailing and Property Address:
227 South Saginaw
Byron, MI 48418

B. Tax ID # 01666064000 - Owner Robert Cole, Sr.
Mailing Address:
316 North Saginaw
Byron, MI 48418

Property Address:
v/l South Saginaw
Byron, MI 48418

Sec. 32.04. Preparation of base year assessment roll.

(a) The village assessor shall prepare the initial base year assessment roll. The initial base year assessment roll shall list each taxing jurisdiction in which the development area is located, the initial assessed value of the development area on the established date of the plan and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the development area.

(b) The assessor shall transmit copies of the initial base year assessment roll to the village treasurer, county treasurer, downtown development authority and each taxing jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this division and the tax increment financing plan contained in the development plan approved by this division.

Sec. 32.05. Preparation of annual captured assessment value assessment roll.

Each year within fifteen (15) days following the final equalization of property in the development area, the assessor shall prepare an assessed captured value assessment roll. The updated captured assessed value assessment roll shall show the information required in the initial year assessment roll and, in addition, the captured assessed value assessment roll shall be transmitted by the assessor to the same persons as the initial base year assessment roll, together with a notice that it has been prepared in accordance with this division and the development plan.

Sec. 32.06. Establishment of fund; approval of depository.

The treasurer of the downtown development authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the Village treasurer to be designated as the downtown development authority development fund. All moneys received by the downtown development authority pursuant to the development plan shall be deposited in the development fund. All moneys in that fund and earnings thereon shall be used only in accordance with the development plan and this division.

Sec. 32.07. Payment of tax increments.

The village and county treasurers shall, as ad valorem taxes are collected on the property in the development area, pay that proportion of the taxes, except for penalties and collection fees, which constitutes the captured assessed value to the treasurer of the downtown development authority for deposit in the development fund. The payments shall be made on the date or dates on which the village and county treasurers are required to remit taxes to each of the taxing jurisdictions.

Sec. 32.08. Use of moneys in fund.

The money credited to the development fund and on hand therein from time to time shall annually be used in the following manner and following order of priority:

1. To pay the cost of the public improvements provided in the development plan;
2. To pay administrative and operating costs of the downtown development authority to the extent provided in the annual budget of the downtown development authority;
3. To reimburse the village for funds advanced to acquire property, clear land, make preliminary plans and improvements necessary for the development of the development area in accordance with the development plan;
4. Any tax increment receipts in excess of those needed under the preceding paragraphs shall revert proportionately to the taxing jurisdictions.

Sec. 32.09. Annual report.

Within ninety (90) days after the end of each fiscal year, the downtown development authority shall submit to the council, with copies to each taxing jurisdiction, a report on the status of the development fund. The report shall include:

1. the amount and source of revenue in the account,
2. the amount in any bond reserve account,
3. the amount and purpose of expenditures from the account,
4. the initial assessed value of the development area,
5. the captured assessed value retained by the authority,
6. the tax increment revenues received and the amount of any surplus from the prior year,
7. the number of jobs created as a result of the implementation of the tax increment financing plan, and
8. any additional information the village council or the state tax commission considers necessary.

The secretary of the downtown development authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the village.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Byron declares that it would have passed this ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4. That this Ordinance and the related rules, regulations, provisions, requirements, orders and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1; MSA 5.1271.

SECTION 5. Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Motion By: K. Brunell

Second By: J. Cole

Adopted at a Regular Meeting of the Village Council held on the 8th day of December, 2014.

YEAS: Bessenbacher, Berecz, Cole, Miller, Orr, Prestonise, & Brunell

NAYS: None

ABSENT: None

K. Brunell 12/8/14
Kit Brunell, Village President

I certify that the above is a true and complete copy of Ordinance No. 2014-2 adopted by the Village Council at a Regular Meeting held on the 8th day of December, 2014 and published in the Argus & Independent Newspaper of local circulation on December, 2014.

Marsha Reed
Marsha Reed, Village Clerk
January 2nd & January 18th 2015

Drafted by: John L. Gormley (P-53539)
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Exhibit A

Byron Downtown Development Authority

Downtown Development Plan and Tax Increment Financing Plan

Byron, Michigan

October 13, 2014



Village Council of the Village of Byron

Kit Brunell, Village President
Janet Cole, Trustee
Hugh Miller, Trustee
Vicki Bessenbacher, Trustee
Gloria Burack, Trustee
Duncan Orr, Trustee
Tony Prestonise, Trustee

Byron Downtown Development Authority

Rob Vandemark, Chair
Mike Rauch, Vice-Chair
Beverly Miller, Treasurer
Kit Brunell, Village President
Vickie Murphy
Julie Bowers
Chris Dickinson
Tricia Murphy-Alderman
Ray Ayotte



[above image courtesy of Byron Area Schools]

VILLAGE OF BYRON DOWNTOWN DEVELOPMENT AUTHORITY

DEVELOPMENT AND TAX INCREMENT FINANCING PLAN

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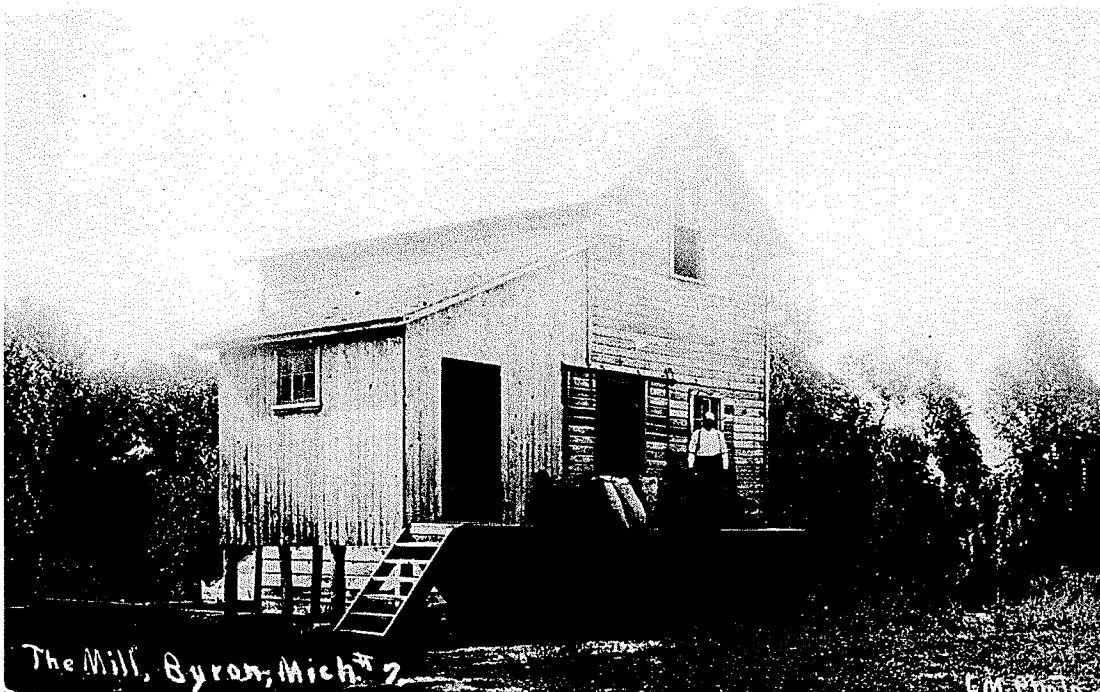
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PREFACE

The “Rebuild Byron” campaign began in November, 2012 with a town meeting to talk about the future of the Village after the downtown fire of October 1, 2012. That fire removed the last remaining historic street wall of the Village and it stirred community response to plan for sustaining a Village center and community identity. Before this Development Plan other community meetings were held to develop a restoration plan of Block 15 and the organizational underpinnings to implement the plan. While Brownfield redevelopment dominated the effort and resulted in the adoption of a Brownfield Redevelopment Plan in early 2014, the Restoration Plan also detailed strengths, weaknesses, opportunities and threats for the community and downtown. Goals and objectives were detailed and rank-ordered for significance.

An outgrowth of the Plan was the recommendation to form a Downtown Development Authority. The Village Council established the Authority on September 16, 2013. The Downtown Development Authority presents this Plan for community consideration with its prospects of adding essential ingredients for a Rebuilt Byron village center. The persons involved in the Authority and property owners and business operators in the District create the sustaining force for optimism and concrete results for infrastructure upgrades, design advances, business development and marketing efforts.



INTRODUCTION

To its advantage downtown Byron is a mix of many land uses that establish a credible central place for the village itself and a regional, rural hinterland of about an eight-mile radius. Educational, commercial, residential, recreational, and industrial enterprises are mostly gathered along a north-south axis influenced by Shiawassee River and Saginaw Street. Historically this was a vibrant place with four individual block facings of two story street walls on either side of Saginaw Street. With only a few remaining two-story buildings, that high density character of a central business district is dramatically diluted. Historic preservation, quite common elsewhere, has its place in Byron yet so much more limited in scope from what is observed about similar settings about the State.

There remains a sufficient fabric on which to build a future central business district. Byron remains the most historic settlement area of the region with a strong influence of the convergence of the two branches of the Shiawassee River and the water power origins of commerce. A rail station served the community as well.

Recently Byron experienced a tragic fire on October 1, 2012 that removed the last street wall and completed the deterioration of structural history advantage enjoyed by most other communities. In its stead the Village has conducted many community meetings about the future, a time when inherent strengths are to be tapped for a sustaining force towards community redevelopment.

To translate the goals and objectives into reality, State of Michigan laws enable local communities to plan and finance improvements that will reverse the direction of devaluation of real estate and bestow vitality on the Village center. The singular law that encircles this Plan is the Downtown Development Authority Act 197 of 1975, as amended. The law provides for local adoption of a Development Plan and Tax Increment Financing Plan.

The Plan follows the law's step-by-step outline of subject areas required to be considered. The two-part content of the Byron Downtown Development Plan first lists several projects and programs. Costs, timing and locations are all identified. Secondly, the financial and operational means are identified to achieve the projects and programs. A plan adoption process ensues that involves a public notice and hearing process with the downtown community and the local taxing jurisdictions.

Creation of the Downtown Development Authority

The legal basis for the creation of the Village of Byron Downtown Development Authority is Michigan Public Act 197 of 1975, the Downtown Development Act, as amended. The legislation provides for the means to revitalize downtown districts. Act 197 was entitled as follows:

“An Act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; and to authorize the use of tax increment financing.”

Pursuant to the provisions of Act 197, the Byron Village Council adopted Ordinance No. 2013-2 on September 16, 2013. This ordinance provided for the creation of the Byron Downtown Development Authority, hereinafter referred to as the “DDA.” The Council provided the DDA with all the powers and authority contained within the enabling act. On January 15, 2014, the DDA Board of Directors adopted a set of By-Laws and elected officers.

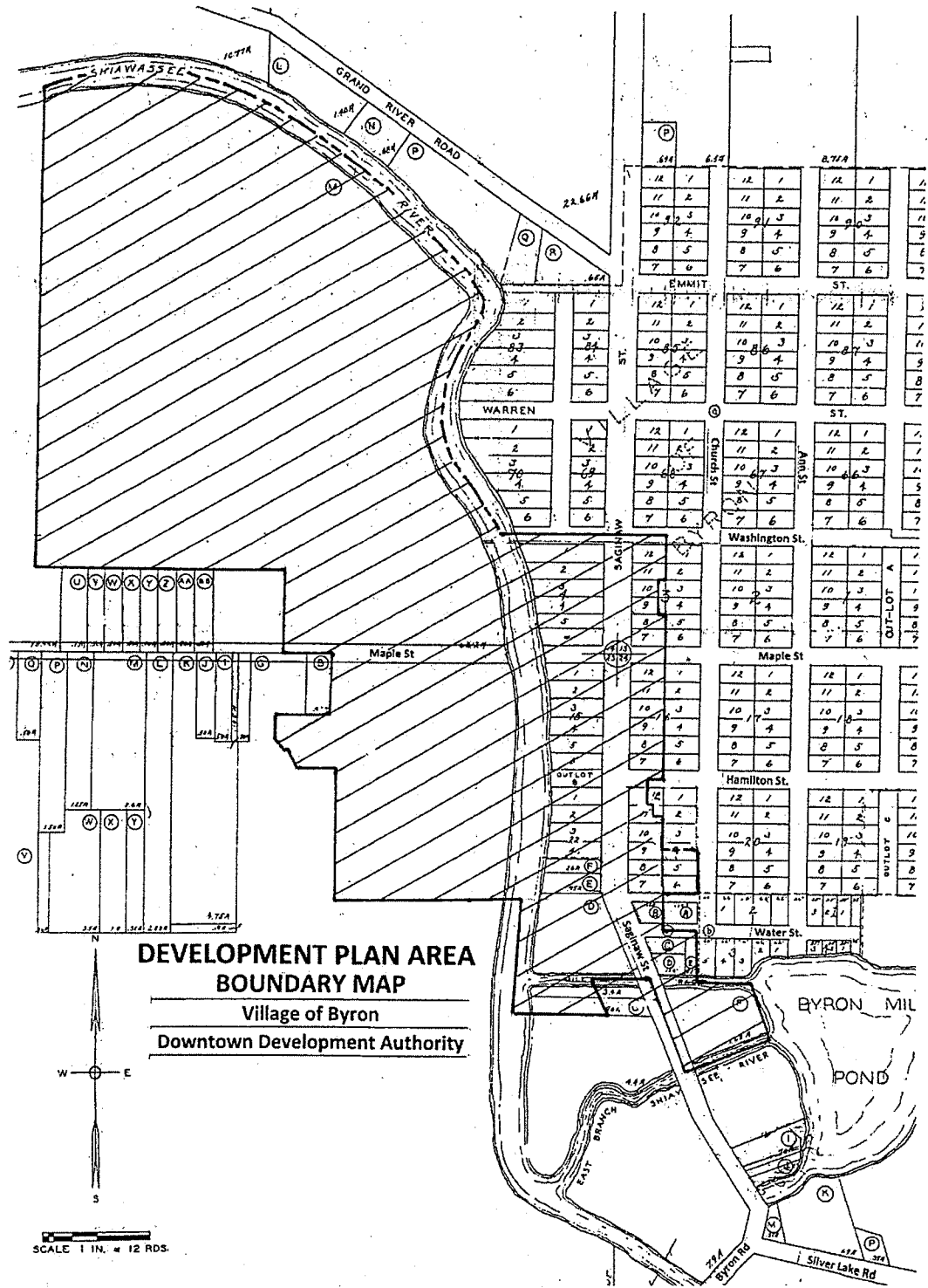
In the original ordinance, the Village Council established the boundaries of the Downtown District. The Development Plan District on Map 1 on the next page is a small variation in the District and shows the area where this plan’s actions and financing methods will operate. A single Development Plan District may be smaller in area than the Downtown District as long as contiguity of property boundaries is preserved.

From the earliest accounts...

“When a traveler, not familiar to this wilderness, asked for directions when leaving Detroit or Toledo, he was told, “You must go through the woods to the north or northwest till you come to the seventh river.” “How will I know when I come to the river?” “Why, the Shiawassee makes more noise than all the rivers in that country.”

--From A History of Byron, Michigan--

MAP 1: VILLAGE OF BYRON DOWNTOWN DEVELOPMENT PLAN AREA



DUTIES AND POWERS OF THE AUTHORITY

The Board of the Byron Downtown Development Authority is responsible for furthering the intent and purpose of Act 197. In doing so, the Board may complete the following activities:

- *Prepare analysis of economic changes within the Downtown District.*
- *Prepare analysis on the impact of sprawl development upon the Downtown District.*
- *Plan and propose construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multi-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the Board, aids in the economic growth of the Downtown District.*
- *Plan, propose, and implement an improvement to a public facility within the Development Area to comply with the barrier-free design requirements of state and federal construction codes.*
- *Develop long-range plans to halt deterioration of property values.*
- *Implement any plan of development in the Downtown District necessary to achieve the purposes of Act 197, in accordance with the powers of the DDA as granted by Act 197.*
- *Make and enter into contracts necessary to exercise the powers of the DDA.*
- *Acquire by purchase, own, or lease property.*
- *Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building and any necessary adjuncts thereto, within the Downtown District for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.*
- *Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the DDA.*
- *Accept grants and donations of property, labor, or other things of value from a public or private source.*
- *Acquire and construct public facilities.*
- *Create, operate, and fund retail business incubators in the downtown district.*
- *Contract for broadband service and wireless technology service in the downtown district.*
- *Create, operate, and fund a loan program to fund improvements for existing buildings located in a downtown district to make them marketable for sale or lease.*
- *Create, operate, and fund retail business incubators in the downtown district.*

Legal Basis for Development and Tax Increment Financing Plan

As noted above, Act 197 is intended to provide local officials with a means of addressing the need for revitalization in their downtown districts. Two sections of Act 197 provide the legal basis for this Development and Tax Increment Financing Plan.

Section 14 of Act 197 authorizes the DDA, upon determination that it is necessary for the achievement of the purposes of the Act, to prepare and submit a tax increment financing plan to the Village Council. Tax increment financing results from the DDA's "capturing" of tax revenues that are derived from the increase in assessed valuations in a development area over the valuations of the area at the time the development area was established. Tax increment revenues accrue to the DDA from the application of tax rates of all political subdivisions levying taxes in a development area, but excluding those of local school districts. The DDA may use tax increment revenues to make public improvements within a development area as provided for by Section 7 of Act 197.

The Tax Increment Financing Plan includes a detailed explanation of the tax increment procedure, the amount of bonded indebtedness to be incurred, the duration of the tax increment program, a statement of the estimated impact of the program on all taxing jurisdictions in the Development Area, and a statement of that portion of the tax increment revenues the DDA will use.

Section 17 of Act 197 requires that whenever a downtown development authority decides to finance a project within a development area through the use of tax increment revenues or revenue bonds, it must prepare a development plan. The development plan must contain, among others:

- the designation of the development area (i.e., the area within which the tax increment revenues are to be captured and expended for public improvements);
- the projects to be undertaken;
- the estimated costs of the projects;
- an estimate of the stages of construction and time of completion;
- the proposed methods of financing the projects, and;
- the impact upon the existing character of development in the area.

Section 18 of Act 197 provides for the adoption of a tax increment financing plan and development plan by ordinance of the Village Council after a public hearing. After the hearing the Village Council must find the purposes of the plan constitute a public purpose and are necessary for the achievement for the purposes of Act 197.

Purpose of Development and Tax Increment Financing Plan

The DDA has determined that the establishment of the Development Area and the activities proposed therein, as stated in the Development Plan, are necessary and appropriate to correct and prevent deterioration, promote economic growth and increase property tax valuation in the Downtown District. It is to these public purposes that the Development and Tax Increment Financing Plan has been prepared.

The specific purpose of the Development Plan is to define the improvements proposed for the Development Area, estimate improvement costs and stages of construction, document the impact these activities are expected to have on the existing structure of the Downtown District, indicate for whom the proposed activities are being undertaken and the methods of proposed for financing the proposed activities. The specific purpose of the Tax Increment Financing Plan is to provide the legal authority and procedure necessary to permit the DDA to finance improvements deemed necessary to achieve the public purpose of this Plan through the use of financing powers granted in Act 197.

Basis of Necessity for Development Area

The basis upon which the DDA determined that establishment of the Downtown Development Area was necessary and appropriate to correct and prevent property value deterioration, promote economic growth, and increase property tax valuation was an analysis of past and existing economic conditions, comparable property valuation growth and economic development potential of the Downtown District. The information gathered by the DDA and an analysis of this information is found on the following two pages.

I. Analysis of Downtown District Property Valuations.

The principle influence on property valuations in the Downtown District was the October 1, 2012 fire when five structures were reduced from land and property improvements to land value only in the most recent assessment role.

SEV growth in Byron and elsewhere has been slow for many reasons:

- Commercial growth everywhere causing occupancy rates and rent not to keep pace with residential values that have not been subject to sprawl and an overbuilt inventory.
- The lasting 2008 recession and depressed housing market.
- High unemployment and lower disposable income.
- Regional population stagnation and a declining market for commercial space, especially older buildings.
- Obsolescence of structures with inadequate maintenance
- The weak economy's disproportionate effect on the downtown while mass merchandising stores expanded and internet sales are booming.
- Declining population especially the family formation age group

II. Development potential for the Downtown District and its meaning to the overall economy.

Downtowns continue to be the community's signature, its front page, its first impression, and its face. While the primary economic activity downtown does not represent economic base activity (e.g., industry, wholesaling, federal and state offices), the downtown reflects what this community thinks about itself. It is the foundation of confidence that permeates the entire community. With a healthy downtown the community looks forward and believes in its efforts to build a stronger economy. The presence of some historic buildings together with their preservation, the extensive history of Byron, the presence of a high school in the downtown, and the socializing influence of downtown parades and special events, many business establishments, riverfront parks, a key highway-Saginaw Street-for regional travel, and the confluence of the two branches of the Shiawassee River create a special place environment that the entire region supports. The downtown's shared position in the regional marketplace from its exclusive position of the pre-1950's has evolved into new perspectives on the downtown's future. Life style positioning is an evolving character of downtowns, with cultural events, recreation, socialization, expanded community education programming, specialty shops, dining, residential life and pursuit of good health. These all have a place now and in the future for the Village center. While the downtown is probably not the economic engine of the community, it is the heart and soul of the community. There is a budding opportunity for downtown development to support a lifestyle residential presence. The downtown will maintain its status as the hometown reference point for economic base industries (farming) and its regional central place. The established commuter settlement population provides a market for evolution of land uses in downtown commercial buildings.

III. Marketing Analysis.

The DDA finds that it is critical to complete a marketing analysis that is less prescriptive for retail development but more attentive to lifestyle housing potential, service concepts for the resident/regional population, entertainment outlets compatible with small town America, recreational use of the Shiawassee River, life learning opportunities, traffic interception business activity, health care businesses, and a data set describing the regional market population from several perspectives. The intent of that publication is for use with business recruitment. It shall be manageable and flexible so that data and information may be customized for a targeted user.

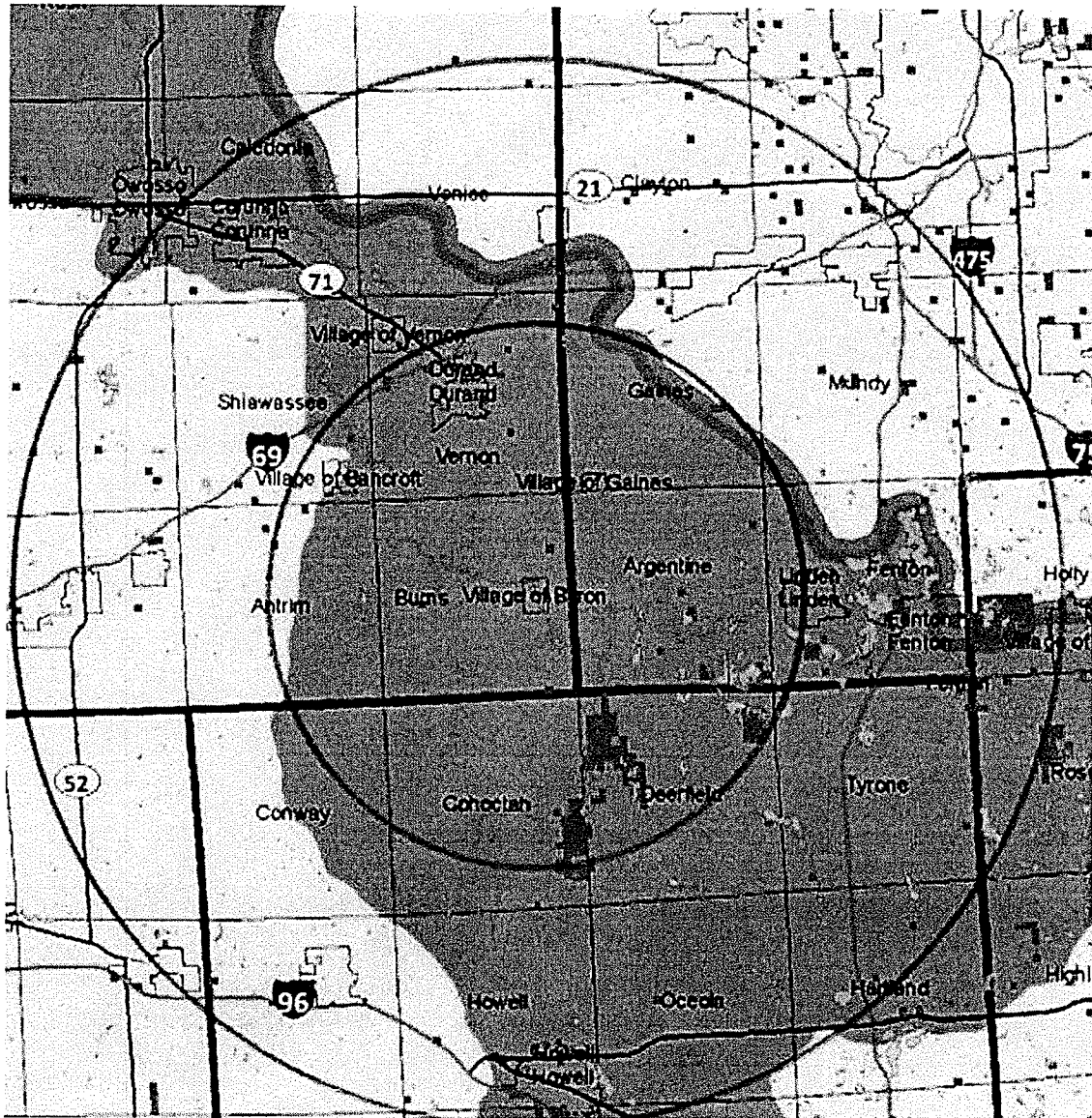
The Block 15 Restoration Plan of 2013 references an 8-mile radius and 16-mile radius map that reflects a reasonable assessment of Byron's commercial market-serving potential. The residential market is wider than the outer ring with the added strength of Livingston County to the South and Linden/Fenton to the east. This area is largely rural with a mix of commuter non-farm settlement and agricultural enterprises. See Map 2 on the next page.

The two distances for the market map are popularly referenced distances to indicate supportable markets that may travel to Byron for services, entertainment, and products. The

inner circle is reliably established for convenience goods and services that are commonly available in competing nearby markets—convenience stores/filling stations, variety stores, and pizza restaurants are examples. The outer circle demonstrates where a supportable region exists when the businesses and services operate at a scale or with specific market advantages that make travel to Byron competitive with other regions. Restaurants, home heating services, and real estate/finance are examples.

Rationale for Boundaries of the Development Area

The boundaries of the Development Area have been established to provide the greatest opportunity for the DDA to achieve its purpose—that is, to correct and prevent deterioration, promote economic growth, and increase property tax valuation in the Downtown District. The boundary is irregular with the influence of the Byron Public School grounds and the Shiawassee River as it courses through the central village area. See Map 1 in an earlier section of the plan for a view of the District boundary. The new boundary area is also legally described in the Appendix at EXHIBIT A.



Map 2. Byron's 8-mile and 16-mile market map.

Goals and Policies Statement

The 2013 Rebuild Byron planning process drafted and adopted a policy and goals statement to help guide decisions for future action and developments. A goals/policies plan begins with a Mission statement for the downtown that reflects why the DDA exists and that is:

MISSION: To be an ongoing public/private partnership for the revitalization of a compact diversified business and residential downtown attending the regional market area with attractive convenient parking, pedestrian amenities, home town security, cleanliness, advances in structural design for historic and modern buildings, omnipresent symbols of community in the form of inviting public spaces, a river-centered marketing advantage, and a friendly atmosphere.

A Vision statement details where downtown Byron should be headed. That statement also accompanies policy guidelines and projects a desired scenario for downtown Byron 20 years into the future. The vision incorporates commonly held values defined recently in a DDA Directors' planning exercise.

VISION: In the year 2035 Byron's downtown will reflect the community's expression of desired outcomes detailed from several gatherings following the 2012 fire disaster. That unfortunate change agent in history inspired a refreshing response. Since the fire many people united to set their minds about sustaining a Village that has resided with heritage since its inception but had to look beyond for sustainability. Looking back from this day in 2035 to 2014 it is evident that through concerted effort, Byron's engaged populace had stabilized and began a legacy to enhance the key pillars for prosperity. Of the six most commonly recognized pillars, the Village and region rebuilt on the basis of these four: 1) attractiveness where people want to live and raise families; 2) a highly competitive school system with lifelong learning opportunities; 3) a thriving agricultural sector with a local food connection, and; 4) an enhanced natural resource that is the Shiawassee River for recreation, lifestyle living settings and quality of life advances.

In 2035 we see people on the street both those seeking services, experiences and products and those who comprise the informal associational sector that is an unmanaged environment. There is diversity of everything, and a concentration of independently owned businesses. The local leadership is committed to the downtown and nurtures trust through honest-open decision-making processes and integrity-based actions. Endowment development and growth exceed consumption of resources so that improvement is evident and sustainable on many fronts. The local culture values education and takes responsibility for its robust stature and central community reference point for the Village and environs. Local culture fosters collaboration, teamwork and coordination to market the Village and to undertake community improvements. Byron's village center has become a memorable place for its physical qualities and experiential encounters. Not to be complacent, in 2035 a symposium for community improvement resolved that, "We can do better."

2013 BYRON RESTORATION PLAN GOALS AND POLICIES. By reference, the 2013 Restoration Plan Goals and Policies are adopted herein. Those most relevant to the Development Plan are organized through the four point approach to downtown development—that is 1) *organization*; 2) *design*; 3) *promotion/marketing*, and; 4) *economic restructuring*.

>Goals and Policies Related to ORGANIZATION:

- 1) The DDA shall establish a network of collaborating interests and teamwork opportunities to expand the capacity of downtown Byron to achieve the plans and improvements to the Village center. Partnerships with entities shall evolve, engage regularly and be more meaningful.
- 2) Project feasibility must be financial, political, physical and able to be implemented, not just a product of market analysis.
- 3) Byron’s downtown will take advantage of digital media and cutting edge communications for maintaining an ongoing discussion with the public about restoration plans, ideas and actions.
- 4) Alternative funding methods as provided for by Act 197 shall complement tax increment financing and enable the downtown to accomplish planned actions on a reasonable timetable.
- 5) Byron Area Schools shall be a companion reference point for downtown initiatives where leadership, knowledge, facilities, events and programs expand the capacities of the Village center.
- 6) DDA members shall continuously strive to maintain a cosmopolitan perspective on community improvement while appreciating and employing the cultural benefits of Byron’s historic and present legacies for small town life.
- 7) The DDA shall develop and maintain on at least a bi-annual basis long-range plans to halt deterioration of property values.
- 8) This Plan endorses the use of enabled powers to make and enter into contracts necessary for the conduct of public events, special maintenance, real estate services, and consultant assistance.
- 9) To support property value base and community appearance, DDA actions shall first include promoting a variety of cooperative efforts with property maintenance standards. In the event of severe impacts on public safety, health and general welfare, DDA members shall urge Village enforcement of the Uniform Building Code’s property maintenance standards.
- 10) The Downtown needs to capitalize on its basic amenity—street life. This means that more people must live and work downtown, not just seek goods and services.

>Goals and Policies Related to DESIGN:

- 1) The Downtown needs to promote social interaction and maintain a convenient setting for human activity.
- 2) Through its rights to acquire grants and loans for economic development and with inducements related to Village interests in developmental properties, the DDA shall support design standards that reflect the following themes:
 - a) Common green spaces shall form the heart of the Village.
 - b) Connectors in the form of bike lanes, sidewalks and trails shall link important areas of the Village center and community.

- c) DDA efforts shall design the public realm first, then the private realm.
 - d) Vertical elements shall be considered to draw attention to landmark sites.
 - e) The Village center's entryways shall be clearly evident.
 - f) Public spaces shall be planned so that they create experiences. These shall be places in town where one wants to be when not at home or work.
 - g) Pedestrian features shall enhance walkability.
 - h) The DDA shall support green infrastructure strategies to work with the built environment.
 - i) The zoning ordinance shall be examined to identify character areas and supplement efforts to employ encouragement standards, not just regulatory standards.
 - j) The DDA shall take full advantage of the Shiawassee River waterway for recreation, restoration, education, lifestyle housing settings and economic development.
 - k) For Saginaw Street and Maple Street, the complete streets standards (pedestrian, non-motorized passage, traffic calming and vehicle accessibility) shall be evaluated for incorporation into capital improvement plans. Saginaw Street shall function as a livable, everyday amenity, a complete street extension of the Village's mobility, environmental and recreational matrix.
 - l) The DDA shall tackle vacant land and inactive zones one site at a time and base involvement on prioritization standards or opportunities that present themselves.
 - m) The DDA shall encourage participation of DDA property owners, occupants and the community at large so that differences may be resolved up front.
- 4) Recognize the visual clues that characterize Byron and work to enhance that image into a brand and graphic art representation.
 - 5) The Downtown needs a pervasive, contagious inclination for good design of buildings and special places with an attractive townscape from key viewpoints. Building renovations and new construction should employ architectural features, signs and lighting that add character to the streetscape.

>Goals and Policies Related to PROMOTION AND MARKETING:

- 1) Institute a holiday lighting program for the streetscape and building fronts.
- 2) Adopt a marketing brand and employ a multi-faceted media effort to build the image.
- 3) Accumulate marketing information useful to investors and existing businesses for expansion.
- 4) Conduct added promotional events for community enjoyment and frequent dovetailing with businesses.
- 5) Develop marketing tools that take advantage of Byron's regional traffic and rural by-way image.
- 6) Keep Byron "on the map" with periodic press releases, articles, and word-of-mouth marketing. Contradict the isolated location image and remove the County map bias for remoteness with market imaging centered on the Byron regional marketplace.
- 7) Byron's website must be a merge of the information about the village with the craft of communicating that information. This is the content of Byron's social media signature.

>Goals and Policies Related to ECONOMIC RESTRUCTURING:

- 1) Implement a recruitment and support program for those businesses that take advantage of Byron's relatively high traffic volume on Saginaw Street.
- 2) In line with Goal #1 above, identify development potential for vacant and underused properties along Saginaw Street.
- 3) Evaluate potential for lifestyle housing (select riverfront sites, lofts, townhouses) to expand opportunity for settlement of new professionals and younger persons in the community.
- 4) Maintain "Placemaking" concepts in the forefront of economic development [Placemaking means creating a sense of place by promoting an area's assets and amenities that will attract and retain residents and businesses].
- 5) Continuously lead a community acknowledgement of a *compelling shared need* to do something to abate declining indicators on several fronts. Villagers know the economic plight. Yielding to the adverse external and internal influences is not predestined. The *shared need* is for a restored sense of place where this town already has worked well.
- 6) Maintain a foremost acknowledgement that individual assets, skills and experiences of residents, community institutions and local businesses are the sources of Byron's future opportunities.
- 7) Byron's DDA members and occupants of the DDA should understand that this is the relationship age where networks of interests and entities will determine success.
- 8) Byron's DDA and the Village officials should combine efforts to provide responsive government, professionalism, and cutting edge communications.
- 9) Place Byron's position on the confluence of the two branches of the Shiawassee River as a location of undisputed leadership in the river basin—the essence of a brand that will lead to regional awareness of place and investment of time and resources.
- 10) The DDA endorses the concept of an entertainment district that is one that has a defined area with residential, leisure, commercial and educational activities in attractive spaces.
- 11) Byron's downtown shall offer an environment for offering experiences that maintains and atmosphere for discovery and creative expression in a setting that provides for five basic human needs: 1) Security 2) Convenience 3) Efficiency 4) Comfort, and 5) Welcome.
- 12) The compatible creative industries to Goal #11 above include, but are not limited to: restaurants, styling salons, local foods outlet, art and antiques, recreation, school programs, dance studios, floral/landscaping, crafts, and computer services.
- 13) Play a supportive role in the Brownfield Redevelopment of Block 15 with investment in marketing analysis, infrastructure, riverside bank restoration.

Improvements Proposed for the Development Area

Over the past year the Village of Byron and the DDA have initiated many efforts to create a Development Plan that prevents deterioration, promotes economic growth and increases property tax valuations in the Downtown District. Additionally the DDA will create and update a comprehensive capital improvements plan every year for Village Council consideration before Village budget adoption time each February. An earlier effort of the Byron Planning Commission occurred in 2007 but did not feature the downtown, only a suggestion for creating a DDA. The Visioning session was a village-wide perspective, and it remains a useful reference point for downtown.

What arose from the 2007 visioning session that is pertinent to the downtown plan included these preferences for action:

- ✓ Create a DDA and adopt a Tax Increment Financing Plan
- ✓ Install directional (aka “wayfinding”) signs and gateways to the Village
- ✓ Explore second floor use opportunities for offices and residential
- ✓ Design an historic streetscape
- ✓ Improve walkability and replace sidewalks
- ✓ Expand river recreation
- ✓ Bury overhead utility wires in the downtown.

Parking Needs Analysis

Before embarking on a parking recommendation for downtown development, some analysis of available parking is useful. Byron’s advantage over many towns is the diagonal parking on the generous 99 foot-wide Saginaw Street right-of-way. In other communities with far more square footage of customer-oriented land uses, this manner of street parking offers sufficient turnover area so that there is always at least 30% of the necessary parking available. The caveat from this observation is that employees must park on off-street spaces or on side streets to permit these valued street spaces to remain available to customers.

What can stress a parking system is the established policy to promote mixed uses in the downtown that includes residential 24-hour parking. For snow removal, security and emergency services, downtowns do not offer overnight parking except in extreme circumstances where valued buildings are land-locked.

The analysis area of the downtown is confined to the two Saginaw Street blocks from FK Signs/Post Office to Maple Street. The Maple to Washington St. Block has a surplus of street spaces and on-site spaces so are not counted. With approximately 36,000 square feet of building area on Saginaw Street, parking demand at 1 space per 400 square feet (and an 8 space boost for Fairway retail store) and at 80% of usable building area (approx 30,000 square feet), there should be 82 available parking spaces for customers and employees. There are 103 street spaces in the area along with 40 on-site private parking spaces. There is a parking surplus at this time.

With the development potential of Block 15 fire damaged area, being 14,000 square feet of added commercial and residential space along the street and 6 condominiums on the river bank, the demand for that localized area will be 40 spaces. The existing parking system in the immediate area cannot support that much demand; therefore, this Development Plan will add an off-street parking lot of 28 to 30 spaces to supplement the 17 street spaces fronting Block 15. It shall be part of a development agreement if this is to be public or private parking.

As with most downtowns across the State, the street parking should be counted as available parking for building additions and new buildings.

Zoning Ordinance

The 2009 zoning ordinance is the land use, parking, loading zone, and building dimension standard to this date. In 2013, the Byron Restoration Plan analyzed the zoning ordinance as follows:

The Village of Byron has an updated zoning ordinance that was adopted on March 11, 2009. The adequacy of the notice and hearing process for the zoning ordinance adoption was not reviewed for this Plan. The permitted uses and development standards are representative of those found in zoning ordinances about the municipalities of the State of Michigan. The permitted uses often refer to another similar district in the ordinance and offer an expanded list of land uses that could be tolerated in a traditional downtown. Byron's ordinance does that with the Central Business District's reference to the General Commercial District uses as allowed downtown.

Other Zoning Ordinance Standards and Provisions most pertinent to the CBD, Central Business District, are:

Section 3.6.1. SITE PLAN REVIEW. Site Plan Review is required for any change in use or structure that involves 500 additional square feet or a change of more than 10% of a site, whichever is less. Site plan review is a process to evaluate compliance of a land use change with local and other government level rules and regulations.

Section 4.4.6. PLANNED UNIT DEVELOPMENT ("PUD"). This provision is mentioned because a multi-use innovative concept for Block 15 is one of the preferred options for restoration of the site. Planned Unit Developments provide for that flexibility. Some amendments to the PUD provisions may be required for the preferred Block 15 redevelopment scenarios.

Section 4.5. SCHEDULE OF AREA, HEIGHT, WIDTH AND SETBACK REGULATIONS. This is a chart found in every ordinance with numerical standards for structures within a particular district. For the CBD District, the following standards apply:

<i>Minimum lot size:</i>	5,000 square feet. (All lots in Block 15 meet this standard)
<i>Minimum Lot Frontage:</i>	None
<i>Maximum Building Height:</i>	Stories—2.5 and Height of 35 feet.
<i>Yard Setbacks:</i>	<u>Front Yard:</u> None; <u>Rear Yard:</u> None; <u>Each Side Yard:</u> None.
<i>Maximum Lot Coverage:</i>	None
<i>Minimum Floor Area:</i>	None

Section 5.16.3. BUSINESS CONDUCTED INSIDE BUILDINGS. Business and services shall be conducted wholly within the confines of a building except for businesses for which outside inventory, sales and service are typical, such as automobile service stations, the sale of produce and plants, side walk cafes (also see Section 5.30) and other businesses of like kind, except for temporary sidewalk or seasonal sales.

Also in Section 23.2 it is mentioned that outdoor public displays on sidewalks must maintain a minimum of 5 feet of unobstructed, pedestrian access.

Section 5.59.1(c). FENCES, WALLS AND SCREENS. In the front yard space, fences shall not exceed 3 feet in height.

Article 7. NONCONFORMING USES. The new zoning ordinance created some nonconforming uses and structures in the central business district with perhaps unintentional consequences. The Village Council will have to address these uses as changes in floor area or expansion of uses arise.

Section 8.2.5. PARKING LOT LANDSCAPING. These provisions will affect the design of the proposed rear yard parking lot in Block 15; however, the space maximization can be managed and still fulfill the objectives of this section.

Section 8.2.9. SCREENING OF TRASH CONTAINERS. Trash dumpsters shall be screened. This standard will affect the rear lot placement in Block 15. A combined dumpster service for the entire block should be coordinated by the Downtown Development Authority and/or site developer.

Section 8.8. GLARE AND EXTERIOR LIGHTING. The Village should be sensitive to these illuminations and glare avoidance standards for the new streetscape lighting despite the condition that right-of-way lighting falls outside of zoning provisions. The City of Corunna is a good example of glare-proof lighting upgrades.

Section 8.11. STORMWATER MANAGEMENT. New development in Block 15 should expect site plan review expectations to retain storm water on-site, filter that storm-water and reduce the impact of the rate of fall to the adjoining river.

Article 9. SIGNS. This is a contemporary ordinance with all the provisions that will add character to the CBD district. Gaudiness, tawdry lighting, rooftops, flashing elements, temporary signs, public right-of-way use and some interior illumination methods are all prohibited. Discussion is inevitable on the height restriction of 5 feet for ground signs (i.e., no pole signs) and absence of reference to marquee wall signs (often favored on historic downtown buildings).

Article 10. OFFSTREET PARKING. There is a parking exemption in the CBD District except for the prohibition to remove existing off-street parking for a building expansion. This does not address apartment dwellings in upper stories and their apparent right to park in the street spaces, even overnight.

Article 11. VARIANCES. Byron does not permit use variances; however, the Zoning Board of Appeals may classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district. Each district has its own purpose statement at the outset to help accommodate alternative, closely related land uses.

The standards represent a preservation of good design that protects the tax base with an inviting character for the Village population and others. To expand on the existing standards, some key zoning amendments might be considered. These are:

- ✓ Commercial entryways should face the street.
- ✓ Commercial buildings should be built close to the street.
- ✓ New buildings downtown architecture will complement nearby historic buildings.
- ✓ Buildings are to have 60% transparency level (windows) at the ground floor front and 40% on the side.

- ✓ New buildings and additions to existing structures must be placed 35 feet back from the waterfront.
- ✓ New Driveway access shall be encouraged from side streets or at least shared with existing driveways.
- ✓ On-premise parking lots should be located behind or to the side of buildings to reduce the visual impact of parked cars.
- ✓ Cantilevered banners and awnings over the sidewalk will be regulated through a maintenance clause of the property maintenance code.
- ✓ No interior lit clear plastic signs shall be permitted. Projecting signs over sidewalks should consist of wood or metal and be limited to 16 square feet.

The Planning Commission and DDA may develop a recommendation to the Village Council for alterations to the zoning districts list of allowed land uses and the locations of the districts. There are some zoning classifications of property that could detract from the proper development of the downtown. A 1989 zoning map on Page 31 is included in this Plan, but it has yet to be updated and adopted by amendment to fit the 2009 zoning ordinance.

Downtown Projects

The project list below is a compilation of recommendations from the 2007 Vision Statement and the 2013 Restoration Plan. Added to that history are project recommendations from the DDA Board of Directors and the recent community streetscape and river design charrettes of June and July, 2014. The list is quite extensive and comprehensive with the understanding that the DDA’s role ranges from complete responsibility to passive partnerships.

The suggested actions are listed below and are repeated in the Development Plan section under various sub-headings along with cost estimates and time of completion:

TABLE 1—DDA PROJECT LIST (also see this in the Development Plan Section)

- Improve the Village gateways on South and North Saginaw Streets and West Maple Street.
- Upgrade and expand way finding signs.
- Implement optional streetscape elements with sidewalk improvements, street lighting, trees, solar energy, crosswalks, mini-plazas, street/sidewalk tree islands, public art, and bikeways.
- Upgrade utility services on Saginaw Street, especially that area serving Block 15.
- Bury overhead wires where possible or relocate them to rear lots.
- Redevelop vacant lots into multi-use sites or parks.
- Identify location(s) for local food connections/markets.
- Complete a marketing plan.
- Gain Village eligibility for Community Development Block Grants
- Employ interim real estate interests to guide strategic land use transition sites.

- Support Block 15 redevelopment into a multi-use site with a two-story street wall and an off-street parking facility.
- Complete a traffic analysis of Saginaw Street and a design upgrade for Maple/Saginaw Street intersection.
- Identify public art opportunity sites and market them.
- Assist the Planning Commission for a Village Parks and Recreation Master Plan and the subsequent grant eligibility from the State of Michigan.
- Acquire state grants for environmental site assessments for key redevelopment parcels.
- Upgrade the canoe/kayak launch and establish a Mill Pond to River portage location.
- Market Byron's brand, lifestyle housing sites, its rural by-way status, the south County Grand River Road Corridor, and business interception opportunities especially for creative business concepts and entertainment-related business.
- Restore riverbank sites where scrub vegetation and probable dump sites exist.
- Identify and support riverside recreation with overlooks and lifestyle housing locales.
- Install water quality practices for storm water management.
- Examine options for the Mill Pond's excessive aquatic vegetation conditions and maintaining the river outlet (outflow from the south dam).
- From time to time, acquire professional assistance in zoning upgrades, GIS mapping base, targeted building code enforcement, and economic development plans for vacant sites. Support administrative services for all DDA projects.
- Assist in the development of a healthful, recreational and educational interpretive and walking trail along the River on the school grounds.
- Design a pocket park at the Block 15 intersection of Maple Street and Saginaw Street.
- Adopt a Parks and Recreation Master Plan to make the Village eligible for 70% funding for parks improvements.

DEVELOPMENT PLAN

Section 17 of Act 197 provides that when a downtown development authority decides to finance a project in a downtown district through the use of either revenue bonds or tax increment financing, it must prepare a development plan. The Development Plan is, therefore, being prepared as a result of the Byron Downtown Development Authority's desire to use the above referenced financing methods to fund public projects as outlined herein. Section 17 of Act 197 also specifies the contents of a Development Plan, and these contents follow as designated in that section of the Act.

Designation of Boundaries of Development Area

The boundary of the Development Plan Area, is illustrated at Map 1 on Page 9, The Development Area is similar to the Downtown Development District with two caveats. One, Lots 1, 2 and 3 of Block 21 are not in this Plan's Development Area, and; two, a prior adopted Brownfield Redevelopment Plan provides for tax increment financing on those pertinent parcels and excludes DDA tax capture from that site until the eligible Brownfield activities detailed in the Brownfield Redevelopment Plan are completed. A legal description of the DDA Development Plan Area boundary is located at Exhibit A in the Appendix.

Location, Character and Extent of Existing Streets, Public Facilities and Private Land Uses

Existing Streets

There is one north-south highway in the DDA and that is Saginaw Street. For most of its passage through the downtown, there is a 99 foot right-of-way with only 24 feet of that right-of-way dedicated to two-way traffic. The balance of the street right-of-way varies from diagonal parking, grass, gravel parking, unnecessary asphalt areas and sidewalks. The street is not entirely curbed.

The main east-west highway is Maple Street (that coincides with Bath Road at the Village entrance), a 66-foot right-of-way ("ROW") and narrow sidewalk/grass areas adjoining the travel lanes. Other east-west streets—that represent mostly intersections with Saginaw Street and only one parcel deep from Saginaw Street—are Washington Street and Hamilton Street, both with a 66-foot ROW and Water Street with a 49-foot ROW. There are no public alleys in downtown Byron. Map 2 on Page 26 shows the street layout as it relates to adjoining land uses.

Public Facilities

Existing public facilities and land uses within the Development District of Downtown Byron include the Village Hall with a pocket park, a DPW storage building, Byron Area Schools, the U.S. Post Office, and a school-park on Maple Street. Of these, the school system property, structures and facilities dominate the overall area of the Development District and play a key role in offering community leadership, community education and access to over 4,000 linear feet of river frontage. There are no municipal parking lots.

Public and Private Land Uses

The land use map on Page 26 shows a variety of uses in the residential, industrial, commercial and institutional classes. Most of these uses are mixed and adjoin one another in contrast to traditional zoning schemes that separate land uses from one another. The map does not include the Westside DDA where there is an industrial use on one site and the balance of land used for public education and community recreation.

- For the 2 1/2 block commercial area east of the Shiawassee River, the total 2014 building area in this section of downtown Byron is approximately 36,500 square feet. A 2012 fire reduced the building area to that amount by 16,000 square feet for a 30% reduction. This condition and the attendant land use loses drives much of the impetus for a Development Plan. The 2 1/2-block section is considered the central business district (CBD).
- The downtown ground floor vacancy rate in the CBD is 6%. A favorable rate for real estate development and land use turnover is 5%-7%. Some of the occupied buildings have low levels of activity.
- The overall land use breakdown for the entire DDA is as follows:

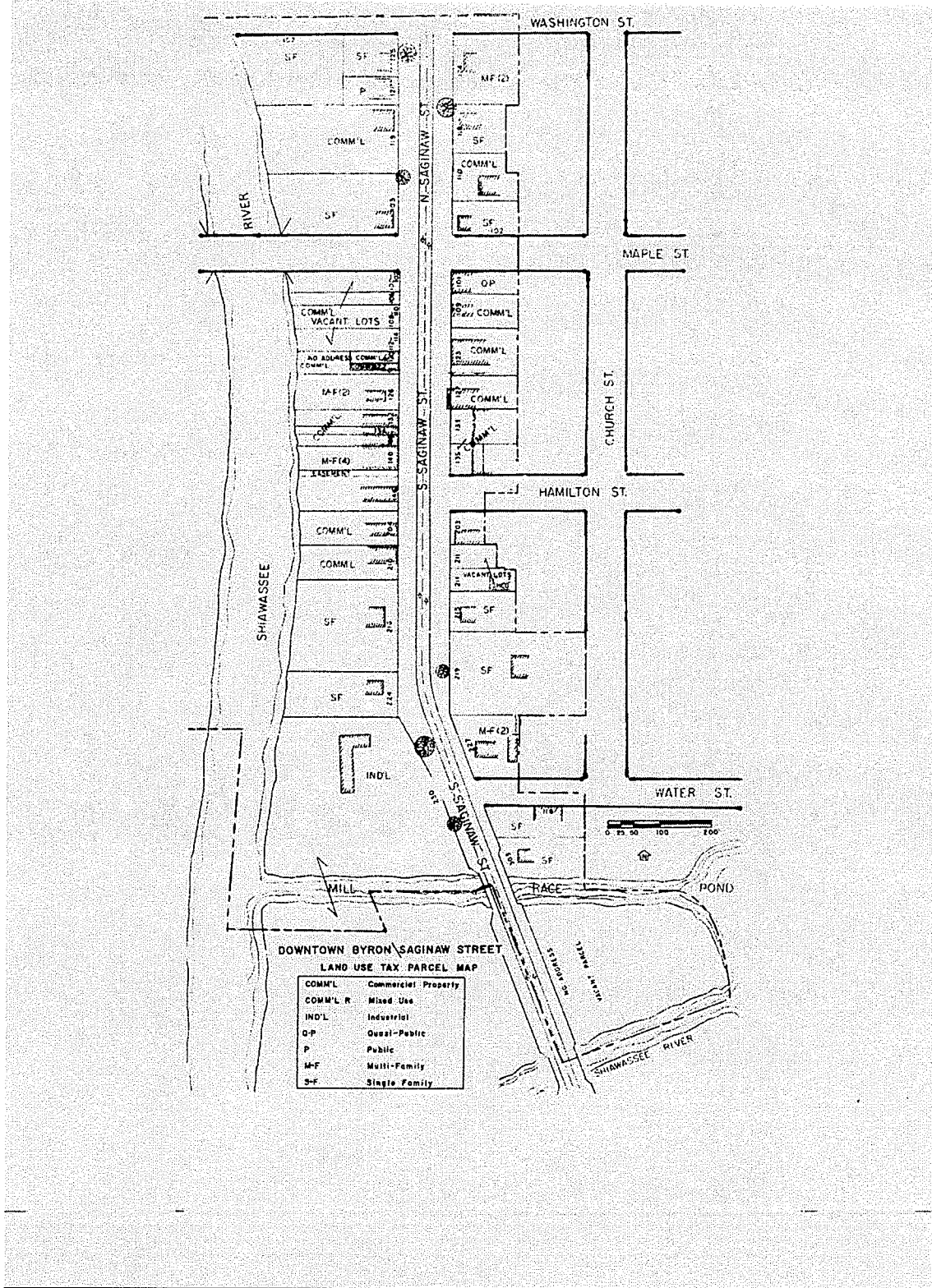
Single Family Residential (11 homes) at...	17,400 square feet	(10.3%)
Multiple-Family Residential (8 units) at...	5,920 square feet	(3.4%)
Industrial (two sites/one vacant) at...	24,000 square feet	(14.2%)
Commercial Business at...	30,000 square feet	(17.7%)
General Commercial and Warehousing (4 sites) at...	7,000 square feet	(4.1%)
Public (Byron Schools) at...	80,000 square feet	(47.2%)
Public (not schools) at...	5,220 square feet	(3.1%)

The DDA's Total Structural Square Feet is 169,540.

- From a mixed land use perspective, the 2½ block CBD has an effective concentration of customer access commercial land uses. The few ground floor apartments blend in well enough. The vacant lots, except for the Block 15 rebuild site, do not break up the continuity of business services. Subject to owner interests, these lots can be in-filled.
- Except for a FEMA-mapped parcel on S. Saginaw Street and occupied land areas for some sites, the 100 year flood plain boundary within the DDA is mostly confined to undevelopable land. See the FEMA flood plain map at Appendix C.

- The greenbelt of the Shiawassee River is well-defined with only the 2 ½ block west side CBD buildings showing their backsides to the river.
- Transitional land use can be expected at the former mill site (aka Byron Manufacturing) and a few warehouse locations.

Map 2: LAND USE MAP—EAST SIDE BYRON
DDA



Proposed Land Uses

Land use developments are proposed throughout the District especially the mixed-use redevelopment at Block 15. Lifestyle housing concepts are promoted throughout the DDA on any site with potential for conversion to that housing type or additions to existing structures on a site. In-fill lots along Saginaw Street are available for commercial expansion. Park and recreation facilities including entirely new sites are possible along the River. Educational opportunities exist on school grounds along the river for an interpretive trail.

Description of Existing Improvements to be Demolished, Repaired or Altered, and Estimate of Time Required for Completion

Note: The DDA has evaluated the Downtown District, conducted two urban design charrettes, examined data from the 2013 Restoration Plan and this Plan, and applied the Plan's goal and policy statements—all with the intent to identify strategies that will stimulate private and public investments in the Development Area. The project list, Table 1 on Pages 22 and 23 of this Plan is distributed in this sub-section and the ensuing sub-sections of Section 17 of the Act.

Byron Manufacturing.

With expanded river frontage and large lot status, this former mill site will prosper from its strategic location on the river. The historic structure will be evaluated for adaptive reuse for commercial and/or residential uses or for removal. Potential land uses include lifestyle housing, restaurant, recreation access or recreation business uses. Whatever the outcome, the DDA involvement may be in acquisition, rehabilitation, and/or site clearance. This role is speculative but included in the Plan so as to not exclude any possibilities.

Other Demolitions or Alterations.

The Development Area contains a few other lots with accessory structures only. A DDA site clearance role may surface on these sites.

Lifestyle Housing Developments.

Lifestyle housing refers to downtown living with cultural and entertainment amenities. The apartments units would incorporate work/live opportunities and include options such as balconies, indoor grilles, laundry facilities, skylights, rooftop gardens, and covered parking to name a few. The partnership of the Development Plan and expansion of downtown housing repeats itself from earlier project listings—riverfront development, Brownfield tax advantages, historic tax credits, MSHDA, expansion of the parking system, marketing analysis, site clearance, and obtaining real estate interests. Each development has its own special needs that cannot be foreseen until they enter a planning phase. The orientation of this plan is to get involved with infrastructure and marketing support. Except for the parking lot at Block 15, no cost estimate is made—they are private investments.

Private Partnerships for Business Development

These projects remain undefined but are projected as mixed-use developments that are larger scaled ventures. The funding sources are usually more complex. What is established for the purposes of the Development Plan is that there are unknown project initiatives that will result in the use of Tax Increment Funds for legal use of public support of the activity. A specific plan at this larger scale might raise the necessity of an amendment to the Development Plan. For example a project may affect the street grid system or reduce the parking supply of an existing parking facility, both of which are deemed undesirable outcomes of the plan or plan amendment proposal. The DDA may operate on and about the Block 15 fire site despite the fact that Block 15 fire site is covered by a prior adopted Brownfield Redevelopment Plan with its prior access to that sites tax increments. Those tax increments will first repay the Village for the Village-incurred demolition expenses.

Environmental Site Assessments for Key Development Parcels

There are development sites about the Development District that lack good information on past environmental actions that may deter from development opportunities. Contamination of soil and ground water together with demolition debris burial sites and improper compaction from filling constitute likely conditions at one or more locations. The State of Michigan operates a Site Assessment program for properties where the owners are not liable for contamination, usually Village-owned and acquired through tax sale for past acquisitions and Village acquisition initiatives that must have environmental site assessments as part of any real estate transaction where the Village becomes an owner or an operator. DDA resources would be applied to professional assistance to acquire the State grants.

Marketing Activity

The DDA will conduct business recruitment for Block 15 and other locations. Part of the marketing will be to refine the brand and associated graphic applications. There will be documentation of traffic counts and movement to assist in the advancement of Byron's rural by-way image and business interception activity. Creative businesses and entertainment related businesses, understandably at Byron's scale have a place in existing buildings and vacant lots and require market support information to communicate to prospects.

The Location, Extent, Character, and Estimated Cost of the Improvements Including Rehabilitation Contemplated for the Development Area and an Estimate of the Time Required for Completion

Gateways and Way Finding Signs.

There are key entry points to Byron that will add to traveler's sense of arrival to the downtown. This Plan intends to improve the Village gateways on South and North Saginaw Streets and West Maple Street. Both at Gateways and at key intersections the DDA will upgrade and expand way finding signs.

Sculpture/Art Work.

Public art is a shortcoming for the downtown environment. In concert with the DDA mission statement to have great public spaces, sculpture/art work can advance that goal through sidewalk and plaza applications. The role of this plan and the DDA would be to establish partnerships for public art and assist in the project development. Locations for sculpture work have been identified at the 2014 summer charrette.

Small-Scale Infill Development.

The core area of downtown consists of many 22-foot wide storefronts and like-sized vacant lots. These are the locations for new and existing specialty businesses that distinguish downtowns from any other commercial setting—malls, plazas, strip centers, or mass merchandizing outlets. The concentration allows a critical mass of customer serving sites that compare to a large store albeit individual ownerships. The Development Plan supports this setting through promotions, marketing studies, Brownfield development inducements, and administrative action. The special role of these buildings and lots is the ability they have for start-up ventures. The cost to the development plan can only be estimated through marketing study estimates, and the DDA's time share of the business consultant. An amount of \$3,000 per year is established for this activity area. A special analysis and follow-up support measures are planned for what is popularly called "local food connections."

Marketing Plan.

The DDA requires a marketing plan to assist private land development into commercial and residential additions to the downtown. A special aspect of marketing analysis will weigh life style housing capacity together with the type of amenities expected in that housing segment.

Stages of Construction Planned and Estimate of Time Required for Completion

The stage of public-area construction planned and the estimated time of completion for each stage have yet to be determined for the majority of the proposed improvements. There are some improvements with a specific timeline already contemplated. These are:

<u>Improvement</u>	<u>Schedule/Duration</u>
Streetscape—Sidewalks, pavement, curbs, trees, benches, plazas, crosswalks, bike lanes, gateway/way finding signs	2016/Two Years
Canoe/Kayak Launch/Portage Easements/Mill Pond Work	2015/Three Months
Interpretive Riverside Trail/Boardwalks	2015/Ongoing
Overhead Wire Relocation	2016/Two Years
Parking Lot – Engineering Only	2019/Three Months
Upgraded Storm, Sanitary and Water Services	2016/Ongoing

Description of Open Space Areas and Uses

The DDA believes that preserving green space and enhancing public open spaces is important to the vitality of the downtown and the Village's brand based on the confluence of the two branches of the Shiawassee River. Many community meetings since the 2012 fire has made Bryon realize the economic benefits of revitalizing its river corridor and making it the centerpiece of the community. The Development Plan encourages the development of open space areas and walkways through many of its projects, i.e., streetscapes, landscaped entryways, enhancement areas, plazas, planter boxes, riverside settings, alley upgrades, and trails. The following open space areas are either existing or proposed places within the Development Area that incorporates the allocation of DDA resources to enhancements:

A. Existing...

- 1) Village Hall public area (south of Hall)
- 2) School grounds along the river (available as the Schools direct)
- 3) Village Park on school grounds

B. Proposed...

- 1) Land area between the two dam outlets
- 2) Canoe/Kayak launch and portage (to be determined)
- 3) Public art opportunity sites in street right-of-way and open space areas
- 4) Mill Pond evaluation and management for invasive aquatic vegetation issues
- 5) Boardwalk trail to the Byron Manufacturing site with pedestrian bridge to south trail.
- 6) The river bank of Block 15 for restoration and viewing deck purposes
- 7) Tree Islands on Saginaw Street
- 8) Pocket Park at Saginaw and Maple Street intersection on NW corner of Block 15

Related to potential actions from the above list, the Village and DDA should combine resources to complete a Parks and Recreation Master Plan. Also the DDA may commission public art or sculpture as part of its streetscape actions. Finally the school property north and south of Maple Street involves over 6,000 lineal feet of tree/forest lined river segments of the Shiawassee River. That area provides sufficient space for a regionally significant interpretive trail of natural vegetation together with recreational opportunity for hiking and the healthful benefits of exercise within the Village limits.

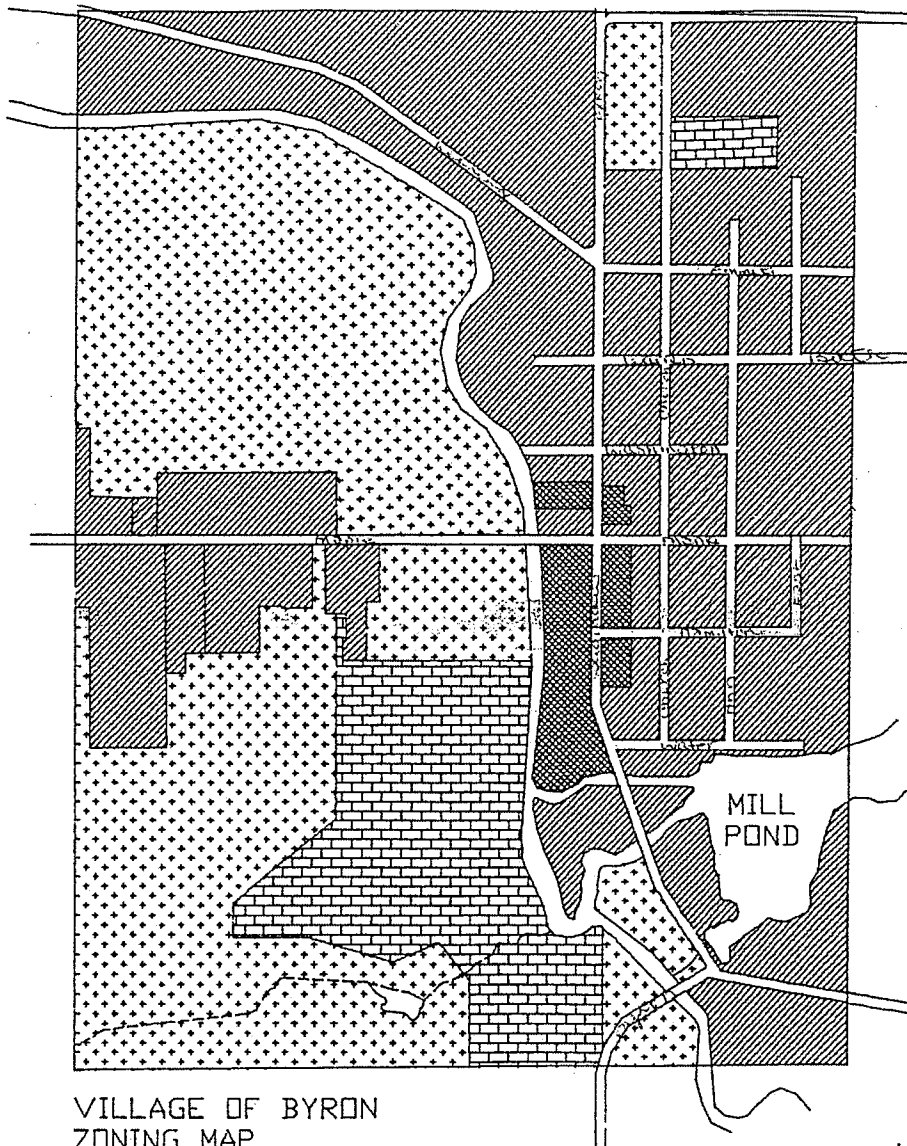
Portions of the Development Area Where the DDA Desires to Sell, Donate, Exchange or Lease to or from the Village of Byron

Many properties are under consideration for DDA interests. It is anticipated that property that will include financing options with the DDA shall do so with a property transfer to the DDA or a sub-contract of lease with the Village. The terms of any property conveyance have yet to be determined. Lease terms with the Village will reference use of tax increment funds.





Description of Desired Zoning, Street and Utility Changes

There are possible zoning changes for the riverfront parcels relative to multiple family housing. Other parcels may include ground floor residential and would entail a text amendment to accomplish that objective. The zoning ordinance text provisions are mentioned earlier in the plan. See the Village zoning map on the next page.

MAP #3—VILLAGE OF BYRON 1989 ZONING DISTRICTS MAP



VILLAGE OF BYRON
ZONING MAP

-  R RESIDENTIAL
-  M MULTI-FAMILY
-  C COMMERCIAL
-  R/O RECREATION/OPEN SPACE



This is to certify that
this is the official
Zoning Map referred to
in Article V, Section 5.1.2
of the Village of Byron
Zoning Ordinance adopted
on September 12, 1989



Village President

Village Clerk

Note: The official map with the Clerk's signature applied was not able to be acquired for inclusion into the plan. A signed map is the only official map of the Village zoning districts.

Utilities include the water, sewer, storm drainage, electrical, natural gas and communication systems. It is a common practice for municipalities to coordinate major street reconstruction with utility upgrades. It is expected that storm sewer, sanitary sewer and water supply services will be improved for at least some of the development parcels in this Plan. An evaluation of Byron's internet/smart phone infrastructure and upgrade implementation will be undertaken.

Code Enforcement.

The Village has adopted the Uniform Building Code that includes a Property Maintenance Code and International Fire Code. The Codes provide the minimum standards for building maintenance and safety. Through observation, complaints and inspections, building deficiencies can be identified and communicated. The codes require compliance and are a critical component of preserving the existing structures of the downtown. A regularly attended code enforcement program retains the valued building stock and supports the private responsibility of owners to maintain commercial structures top to bottom. The program is especially relevant with party wall structures where one building owner depends on an adjoining owner to mutually care for their building. Roof maintenance and fire safety are strong justifications for enforcement.

Six-Year Capital Improvements Plan.

The six-year capital improvement plan (CIP) is a compilation of bricks and mortar work in public spaces and streets about the downtown. The projects are sorted by need and account for \$2,000,000 in projected investments. The costs exceed the scope of this plan and the implementation of the projects will a result of coordinated Village funds, foundation gifts, matching grant funds and in some cases benefiting property owners' contributions. Application of DDA resources may be made to certify Byron as a Low-Moderate Income eligible community for Community Development Block Grants—a key capital improvements financing source. Some of the essential and desired projects include:

- 1) Saginaw Street streetscape elements
- 2) Sewer and water service upgrades
- 3) Storm drainage improvements with water quality environmental protection features
- 4) Curb installation where needed
- 5) Maple Street/Saginaw Street intersection improvements & design analysis
- 6) Burial of overhead wires or relocation of wires to rear lot service settings

Downtown Parking Lots and Streetscapes.

Implement optional streetscape elements with sidewalk improvements, street lighting, trees, solar energy, crosswalks, mini-plazas, street/sidewalk tree planter/islands, public art, and bikeways.

Professional Assistance

From time to time Byron's DDA will require professional assistance. As the law provides and the By-Laws of the DDA allow, professional assistance may be sought to initiate zoning amendments, GIS mapping base work, grant applications, targeted building code enforcement, support for administrative services, and economic development efforts as defined throughout this Plan.

Estimated Cost of Development, Proposed Method of Financing and Ability of DDA to Arrange Financing

The estimated total cost of all public and private improvements expected is expected to exceed \$3,000,000. It is anticipated that the DDA will finance a small portion of the estimated total costs of the public improvements. The streetscape project dominates 80% of the budget estimate. The larger share of the costs will be related to economic development initiatives that earn tax increments, development grants, and public infrastructure grants. Other state programs in environmental site assessments and parks improvements offer lower cost sharing funding options. The DDA shall continue to pursue Small Cities Community Development Block Grant eligibility.

Designation of Whom Development is to be Leased, Sold, or Conveyed and Beneficiary of Development

At the present time, none of the proposed projects are being undertaken for the benefit of anyone other than the citizens of Byron and the existing property owners, residents and businesspersons of the Byron Downtown Development District. Some of the enhancement projects may include the sale, lease or conveyance of property and/or air rights to a private person, natural or corporate, responsible for a development. No private person, natural or corporate, has been selected for any enhancement projects defined in this Development Plan.

Procedures for Bidding, Leasing, Purchasing or Conveying All or a Portion of Improvements

The DDA does not anticipate completion of any improvements for the benefit of any private person, natural or corporate, or which may be leased, sold, or conveyed to any private person, natural or corporate; unless there is an expressed or implied agreement between the DDA and private persons, natural or corporate. However, should some improvement, or portion thereof, be completed without such agreements, it will be sold, leased or conveyed in accordance with all applicable laws and ordinances of the Village of Byron.

Estimate of Number of Persons Residing in the Development Area and Number to be Displaced

It is estimated that there are approximately 30 residents in downtown Byron. There are no immediate or long term plans to displace or relocate any families or individuals. If it is determined that persons are to be displaced or relocated, the standards and provisions of the Federal Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 will be followed.

Plan for Establishing Priority for Relocation of Persons Displaced by Development in any new Housing

Because there are no displacements from developments contemplated in the plan, no plan is required.

Provision for Costs of Relocation of Relocating Persons Displaced by the Development and Financial Assistance and Reimbursement of Expenses

As with the explanation for the Relocation Plan, this section does not pertain to the Development Plan. There is no intent or project in the Development Plan to acquire residential properties and move residents.

A Plan for Compliance with Act No. 227 of the Public Acts of 1972

This act provides for financial assistance and relocation assistance advisory services to displaced residents. Again, without any intent of the Development Plan to displace residents this section of the plan does not have to be addressed.

Businesses and Property That May Be Acquired

At this time there are no plans for any businesses within the Development Area, or other property not otherwise specified in this Plan, to be acquired by the DDA. However, the acquisition of any business or property within the Development Area that becomes available in the future may be pursued if the DDA considers it to be an integral part of a public improvement or economic development that is being undertaken. The DDA may also consider the acquisition of any business or property within the Development Area that has become or might become blighted or dilapidated.

Other Material That the Authority, Local Public Agency, or Governing Body Considers Pertinent

On March 24, 2014, the Shiawassee County Brownfield Redevelopment Authority adopted a Brownfield Redevelopment Plan for a portion of Block 15 where the October 1, 2012 fire occurred. Since that fire the block has been razed and the Brownfield Plan provides for reimbursement of costs to the Village for the demolition as well as reimbursement for infrastructure upgrades serving the site, environmental site assessments and clean-ups that may be required and associated administrative costs. The Shiawassee County Board of Commissioners adopted the Brownfield Redevelopment Plan on April 17, 2014, prior to the hearing and adoption of this Plan.

That Development Plan/TIF Plan and the Brownfield Plan have overlapping boundaries. The sequence of plan adoption favors the Brownfield Plan's TIF capture before DDA TIF capture. At such time the Development and TIF Plan is adopted the County Redevelopment Authority and the Byron DDA will execute an agreement commemoration this understanding.

Tax Increment Financing Plan

Section 11 of Act 197 provides that the activities of the DDA may be financed through various funding sources, including the proceeds of a tax increment financing plan. Section 14 of Act 197 further provides that:

“When the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in Section 17, a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, the duration of the program, and it shall be in compliance with Section 15. The Plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The Plan may provide for the use of part or all of the captured assessed value, but that portion intended to be used by the authority shall be clearly stated in the tax increment plan.”

The Byron DDA has determined that it is necessary for the achievement of the purposes of Act 197 to prepare and submit to the Village Council a tax increment financing plan for the Development Area.

Tax Increment Financing Procedures

A detailed explanation of the tax increment finance procedure is found in Sections 14 through 19 of Act 197. A copy of those referenced sections is found in the Appendix at Exhibit B.

To summarize, tax increment revenue available to the DDA is generated when the current assessed value of all property within a development area exceeds the initial assessed value of that property. The initial assessed value is defined in Act 197 as “the assessed value, as equalized, of all taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved...” The current assessed value refers to the assessed value of all property within the development area as established each year subsequent to the adoption of the tax increment financing plan. The amount in any one year by which the current assessed value exceeds the initial assessed value is defined as the “captured assessed value.”

The tax increment revenue available to the DDA results from applying the total tax levy of all eligible taxing bodies to the captured assessed value, except for the state education tax, and the local and intermediate school districts tax and except for voted debt.

Increases in assessed values within a development area which result in the generation of tax increment revenues can result from any of the following:

- *Construction of new developments occurring after the date establishing the “initial assessed value.”*
- *Construction through rehabilitation, remodeling alterations, or additions occurring after the date establishing the “initial assessed value.”*
- *Increases in property values that occur for any other reasons, including inflationary growth.*

Tax increment revenues transmitted to the DDA can be used either as they accrue annually, i.e., pay-as-you-go, or can be pledged for debt service on general obligation bonds issued by the municipality or tax increment bonds issued by the DDA.

If general obligation bonds are sold, the municipality may not pledge for annual debt service requirements in excess of 80% of the estimated tax increment revenue to be received from a development area for that year. Should actual tax increment revenues fall below projections, any previously accumulated revenue would be devoted to retirement of the bonds. The bonds are subject to the Michigan Municipal Finance Act and may not mature in more than thirty (30) years. If tax increment revenues are insufficient for any reason, the Michigan Municipal Finance Act provides that if the bond issue has been approved by the electors of the municipality, the municipality must meet debt service requirements from its general fund, and, if necessary, levy whatever additional taxes are required. If the bond issue has not been approved by the electors, meeting debt service requirements becomes a first budget obligation of the general fund.

The DDA may expend tax increment revenues only in accordance with the tax increment financing plan; surplus revenues revert proportionally to the respective taxing jurisdictions. The tax increment financing plan may be modified upon approval of the governing body after notification and hearings as required by Act 197. When the governing body finds that the purposes for which the plan was established have been accomplished, they may abolish the plan. However, the tax increment plan may not be abolished until the principal of, and any interest on, bonds issued pursuant to the plan have been paid, or until funds sufficient to make such payments have been segregated.

Estimated Captured Assessed Value and Tax Increment Revenue

The tax increment plan will reference the initial assessed value of the Development Area as established on December 30, 2014. Beginning with the 2015 fiscal year, the DDA will capture funds. The date of plan adoption will start the capture of tax increment revenues that can be used for the projects proposed in the Development Plan. Table 3, “Projected Captured Value and Tax Increment Revenue”, at the end of this section presents the captured assessed

values and the tax increment revenue estimated to be available to the DDA over a 25-year period commencing with the date of this amendment to the Plan. It is the intent of the DDA to use all of the captured assessed value generated from within the Development Area, including any inflationary growth, so long as the capture of that assessed value is necessary to the financing of any public improvements provided for in the Development Plan and undertaken by the DDA. Any revenues not so required in any year will be considered surplus and will be distributed proportionately to all taxing jurisdictions. The DDA intends to apply the maximum tax rate available, except for debt service levies, to the captured assessed value in order to generate maximum tax increment revenues. The generation of such revenues will allow the DDA to finance any public improvements it undertakes over the shortest duration possible, thereby generating surplus revenues at the earliest possible date. Although the actual tax increment revenues available to the DDA will undoubtedly vary from the estimates herein provided, the estimates of tax increment revenues are based on the following:

- The estimated 2014 assessed valuation of \$1,420,411. In accordance with the requirements of Act 197, this is the projected assessed value on December 30 of 2014 as shall be finally equalized in May of 2015.
- A projected Taxable Value in 2039 (25-year term limit of plan) of \$1,870,239.
- Assumption of annual appreciation in value of 1.0%.
- If millage rates remain constant (they normally fluctuate up and down in small increments), a tax rate of 20.7451 mills shall apply in 2014. Despite the inevitable local millage variation over time, this 2014 millage rate is used for the purpose of illustrating tax increments throughout the duration of the Plan. The local school millage for a sinking fund is deemed voted debt and not a part of the captured millage.

Use of Tax Increment Revenues

Tax increment revenues derived from the Development Area will be used to finance all or a portion of the public improvements within the Development Area as proposed in the Development Plan. The manner in which tax increment revenues will be used to finance these public improvements is herein set forth.

1. General Obligation Bonds. Tax increment revenues may be pledged as debt service on one or more series of general obligation bonds issued by the Village of Byron pursuant to Section 16(1) of P.A. 197 of 1975.
2. Tax Increment Bonds. Tax increment revenue may be pledged as debt service on one or more series of tax increment bonds issued by the DDA pursuant to Section 16(2) of P.A. 197 of 1975.
3. Debt Service Reserve. For each series of bonds issued, a debt service reserve account may be established pursuant to the requirements of applicable statutes.

4. Annual Accruals. To the extent not financed from the proceeds of a bond issue, and as deemed necessary by the DDA, tax increment revenues may be used to finance all or part of any public improvement the DDA may undertake on an annual accrual or “pay-as-you-go” basis.
5. Reimbursement. Tax increment revenues may be used by the DDA to reimburse the Village of Byron for any funds advanced to the DDA for use in financing those public improvements, or any portion thereof, indicated in the Development Plan. To the extent the Village may be called upon to meet any debt service insufficiencies as a result of a full or limited faith and credit pledge behind a bond issue, tax increment revenues will be used to reimburse the Village in the amount of any such advance it has made.
6. Administrative and Operating Costs. Tax increment revenues may be used by the DDA to pay administrative and operating costs such as, but not necessarily limited to: the employment and compensation of a director, treasurer, secretary, legal counsel and other personnel considered necessary to the DDA; the reimbursement of DDA members of actual and necessary expenses; the administrative costs related to the acquisition and disposal of real and personal property, demolition of structures, site preparation, and relocation of businesses; costs assessed to the DDA by the Village for handling and auditing the DDA’s funds; and other costs incurred by the DDA in connection with the performance of its authorized functions, including, but not limited to, architects, engineers, legal, appraisal, testing and accounting fees.
7. Surplus Funds. Funds not required for any of the preceding purposes will be considered surplus and shall be distributed proportionately to all taxing jurisdictions.

Maximum Amount of Bonded Indebtedness

At the time of the Plan adoption, it is not the intent of the DDA to consider financing portions of the projects described in the Development Plan with the issuance of tax exempt and taxable bonds by the Authority or Village, or other entities empowered to issue bonds on behalf of the Authority and to pledge the tax increment revenues for payment of those bonds. If undertaken at some point in the future, the maximum amount of bonded indebtedness contemplated under this Plan would be the amount sufficient to acquire the projects described in the Development Plan.

Duration of Tax Increment Financing Plan

This tax increment financing plan shall commence upon the date the ordinance adopting the amendment to this plan is approved by the Village Council of the Village of Byron. It shall last until the principal and interest on bonds issued pursuant to this Plan have been paid, or

until funds sufficient to make such payments have been segregated, or until all improvements have been financed if bonds are not sold, whichever comes first. In the absence of a specific bond issue, the Plan is designed as a pay-as-you-go finance system for the law's allowance for a 25-year Plan, i.e. tax capture years 2015 to 2039. The duration of this Plan as herein stated may be amended or modified as deemed necessary as provided for by Act 197.

Estimated Impact on Assessed Value of all Taxing Jurisdictions

As indicated in the following tax increment revenue projections, it is anticipated that, in the long term, the Downtown District and the Village as a whole will witness average growth. This will benefit all taxing jurisdictions. This benefit will result in: increases in property valuations surrounding the Development Area; increases in property valuations in the Development Area at the time the tax increment financing plan is completed; and increases in property valuations through the entire community, which, to a significant degree, are dependent upon the well-being of the Downtown District for regional economic growth and stability.

Table 2 on the next page shows the captured value and tax increment revenue by taxing jurisdiction for 2014. The column "Revenue of Base Value" shows the continuation of flow of tax revenues to the taxing jurisdictions from the downtown through 2039. Also no personal property taxes are proposed for capture; therefore, these taxable values for personal property are not shown at all.

Table 3 demonstrates the tax increments available over time assuming ordinary property appreciation through 2020 and two possible developments, a restaurant and a convenience store/gas station adding capture tax value to the Schedule. There is no purpose in proposing more development and appreciation after 2020 because it is too speculative and has the effect of raising false expectations for the DDA and unwarranted concerns over excess fiscal diversion of captured taxes from local taxing jurisdictions. Nothing in this plan prevents higher tax capture amounts from occurring. Nothing in this plan protects the initial taxable value of 2014. The 2013 taxable value of the downtown actually declined (demolitions/fires). If the TIF plan had been operative in 2013, there would be no captured taxes. This explanation adds more to the point that these charts are illustrative only.

Table 4

This table serves the purpose of demonstrating how tax increment financing works impacts local taxing jurisdictions in a sample year when tax capture is operative. The selected year is 2020. Readers are cautioned that this is an illustration only, and that the tax increment amount shall be based on what actually occurs.

This page concludes the narrative of the Development Plan and Tax Increment Financing Plan.

TABLE 2: Existing Tax Revenues in Downtown Byron that will continue to disburse among the Local Taxing Jurisdictions. Illustration only subject to millage rates and taxable value corrections as may take place from time to time.

TABLE 2 --Illustration						
Existing Revenues Downtown Byron--Local Taxing Jurisdictions -- 2014						
A	B	C	D	E	F	G
Taxing Unit	2014 Base Year Taxable Value	Current Taxable Value	Captured Taxable Value [C-B]	2013 Tax Rate (see note)	Revenue of Base Value [E x B]	Revenue of Captured Value [E x D]
Village of Byron	\$1,420,411	\$1,420,411	\$0	0.0102074	\$ 14,499	\$0
Shiawassee County General	\$1,420,411	\$1,420,411	\$0	0.0051146	\$ 7,265	\$0
District Library	\$1,420,411	\$1,420,411	\$0	0.0007000	\$ 994	\$0
Seniors	\$1,420,411	\$1,420,411	\$0	0.0002500	\$ 355	\$0
Pleasant View	\$1,420,411	\$1,420,411	\$0	0.0020000	\$ 2,841	\$0
4-H/MSU Extension	\$1,420,411	\$1,420,411	\$0	0.0000500	\$ 71	\$0
Veterans	\$1,420,411	\$1,420,411	\$0	0.0000500	\$ 71	\$0
Burns Twp Operating	\$1,420,411	\$1,420,411	\$0	0.0008731	\$ 1,240	\$0
Burns Twp Fire	\$1,420,411	\$1,420,411	\$0	0.0015000	\$ 2,131	\$0
TOTAL:				0.0207451	\$ 29,467	

Note: This chart is for illustration purposes only and does not account for any 2014 adjustments to millage rates among the various jurisdictions.

Table 3
Summary of Tax Increment Revenues and Reimbursement of Eligible Activities
Downtown Development Plan, Byron, Michigan

PAGE 1 OF 2	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Initial Taxable Value	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411
Taxable Value After Appreciation*	\$ 1,420,411	\$ 1,434,615	\$ 1,625,711	\$ 1,641,968	\$ 1,658,288	\$ 1,851,722	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239
Plus Development Taxable Value	\$ -	\$ 1,609,615	\$ 1,625,711	\$ 1,641,968	\$ 1,833,388	\$ 1,851,722	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239
Net Captured Value	\$ -	\$ 189,204	\$ 205,300	\$ 221,557	\$ 412,977	\$ 431,311	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828
MILLAGES--Using 2013 levels												
Village of Byron	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074
Shiawassee County General	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146
Shia Med Care Fac'y	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002
Township Fire	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015
Township Operating	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731
Comm Dist. Library	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007
Senior Programs	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025
Veterans Affairs	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005
MSU Extension	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005
Total Millage	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451
TOTAL CAPTURE AVAILABLE												
Total Tax Capture Available	\$ -	\$ 3,925	\$ 4,259	\$ 4,596	\$ 8,567	\$ 8,948	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332
Cumulative Captured Taxes	\$ -	\$ 3,925	\$ 8,184	\$ 12,780	\$ 21,347	\$ 30,295	\$ 39,627	\$ 48,959	\$ 58,290	\$ 67,622	\$ 76,954	\$ 86,285

* Assumes 1.0% Annual Appreciation through 2019

Development History:
 2015--New Gas Station with General Store=\$175,000 increase in Taxable Value
 2018--New Restaurant at Byron Mill=\$175,000 increase in Taxable Value

Table 3
Summary of Tax Increment Revenues and Reimbursement of Eligible Activities
Downtown Development Plan, Byron, Michigan

PAGE 2 OF 2	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
Initial Taxable Value	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411	\$ 1,420,411
Taxable Value After Appreciation*	\$ 1,870,239	\$ 1,870,239	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941	\$ 1,888,941
Taxable Value After Development	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239	\$ 1,870,239
Total Captured Value	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828	\$ 449,828
MILLAGES--Using 2013 Levels												
Village of Byron	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074	0.0102074
Shiawassee County	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146	0.0051146
Shia Med Care Fac'y	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002
Township Fire	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015	0.0015
Township Operating	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731	0.0008731
Comm Dist. Library	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007
Senior Programs	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025	0.00025
Veterans Affairs	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005
MSU Extension	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005	0.00005
Total Millage	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451	0.0207451
TOTAL CAPTURE AVAILABLE												
Total Tax Capture Available	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332	\$ 9,332
Cumulative Captured Taxes	\$ 95,617	\$ 104,949	\$ 114,281	\$ 123,613	\$ 132,944	\$ 142,276	\$ 151,608	\$ 160,940	\$ 169,887	\$ 179,219	\$ 188,551	\$ 197,882

Chart continued	2038	2039
Initial Taxable Value	\$ 1,420,411	\$ 1,420,411
Taxable Value After Appreciation*	\$ 188,941	\$ 188,941
Taxable Value After Development	\$ 1,870,239	\$ 1,870,239
Total Captured Value	\$ 449,828	\$ 449,828
MILLAGES--Using 2013 Levels		
Village of Byron	0.0102074	0.0102074
Shiawassee County	0.0051146	0.0051146
Shia Med Care Fac'y	0.002	0.002
Township Fire	0.0015	0.0015
Township Operating	0.0008731	0.0008731
Comm Dist. Library	0.0007	0.0007
Senior Programs	0.00025	0.00025
Veterans Affairs	0.00005	0.00005
MSU Extension	0.00005	0.00005
Total Millage	0.0207451	0.0207451
TOTAL CAPTURE AVAILABLE		
Total Tax Capture Available	\$ 9,332	\$ 9,332
Cumulative Captured Taxes	\$ 207,214	\$ 216,546

TABLE 4 --Illustration						
Existing & Captured Revenues Downtown Byron--Local Taxing Jurisdictions -- 2014 + 2020 Sample Year						
A	B	C	D	E	F	G
	2014 Base Year Taxable Value	2020 Taxable Value	[C-B]	2013 Tax Rate (see note)	[E x B]	[E x D]
Taxing Unit			Captured Taxable Value		Revenue of Base Value	Revenue of Captured Value
Village of Byron	\$1,420,411	\$1,870,239	\$449,828	0.0102074	\$ 14,499	\$ 4,592
Shiawassee County General	\$1,420,411	\$1,870,239	\$449,828	0.0051146	\$ 7,265	\$ 2,301
District Library	\$1,420,411	\$1,870,239	\$449,828	0.0007000	\$ 994	\$ 315
Seniors	\$1,420,411	\$1,870,239	\$449,828	0.0002500	\$ 355	\$ 112
Pleasant View	\$1,420,411	\$1,870,239	\$449,828	0.0020000	\$ 2,841	\$ 900
4-H/MSU Extension	\$1,420,411	\$1,870,239	\$449,828	0.0000500	\$ 71	\$ 22
Veterans	\$1,420,411	\$1,870,239	\$449,828	0.0000500	\$ 71	\$ 22
Burns Twp Operating	\$1,420,411	\$1,870,239	\$449,828	0.0008731	\$ 1,240	\$ 393
Burns Twp Fire	\$1,420,411	\$1,870,239	\$449,828	0.0015000	\$ 2,131	\$ 675
TOTAL:				0.0207451	\$ 29,467	\$ 9,332

Note: This chart is for illustration purposes only and does not account for any 2014 or 2020 adjustments to millage rates among the various jurisdictions.

APPENDIX

EXHIBIT A

Village of Byron Downtown Development Authority

DEVELOPMENT PLAN AREA BOUNDARY DESCRIPTION

Together with the map in the main text of this Development Plan, the 2014 boundary of the Village of Byron Downtown Development Plan Area is as follows:

Blocks 4, 15 & Lots 1, 2 of Block 22 of the Original Plat including the closed section of Hamilton Street lying between Block 15 and 22; Lots 3 & 4, Block 22 also Com at SE Cor of Block 22, S 3 Rods, W to Shia River, N 3 Rods, E to Beg;

Sect 23 T5N R4E, Com on W Ln of Sag St at 74 Lks S of SE Cor of Lot 4, Blk 22, S 1.25 Chs, W 3.60 Chs to E bank of Shia Riv, N 1.25 Chs to pt 74 Lks S of SW cor of Lot 4, N 1.25 Chs to Pt 75 Lks S of SW COR of said LOT 4, E 3.60 Chs to Beg;

Sect 23, T5N, R4E Com on W Ln of Sag St, 2 Chs S of SE Cor of Lot 4, Blk 22, Th E 75 Lks to Cen of Sag St., Th S21*45'E on C/Line of Pontiac & Gr Riv Rd 6.56 Chs, Th S 89*30"W 6.96 Chs to E Bank of Shia Riv, Th N4*W on Right Bank of Riv 6.0675 Chs to Pt 2 Chs S of SW Cor of Lot 4, Blk 22, Th E Par'l to S Ln of said Lot 4 3.60 Chs to Beg, EX Com in Cen of Pontiac & Grand Riv Rd 2 Chs S & 3 Rds E & S21*45'E 6.56 Chs from SE Cor of Lot 4, Blk 22, N21*45"W 2 ½ Rds, W 12 Rds, S21*45'W 2 ½ Rds, Th E 12 Rds to Beg;

Block 3 of the Original Plat, EX the E 32' of Lots 9 & 10;

Block 16 of the Original Plat;

Block 21 of the Original Plat; EXCEPT the E 61' of Lot 12, the E 42' of the N 44' of Lot 11, and the N 1' of the S 22' of the E 26' of Lot 11; ALSO EXCEPT, Lots 1, 2 and 3; ALSO EXCEPT, the N ½ of Lot 4;

Lot B of Roberts, I.L. Addition;

Lots C, D & E of Roberts, I.L. Addition, EXCEPT the N 49.5' of Lots C & E;

The N 49.5' of Lots C & E, Roberts, I.L. Addition to the Village;

Sect 24, T5N, R4E, Part OF NW 1/4: Bounded on S By E Branch of Shia Riv on E By Byron Mill Pond, On N By Mill Race & on W By Pontiac & Grand River Rd;

Sect 14 T5N R4E, Pt of SE Frl 1/4 Desc As Beg On Sec Ln at Pt Wh Is 1225' W of SE Cor, N Alg Ln Run at Rt Angle With Sec Ln 330', N89*33'50"W 917.62' to Ln Wh is 476.84' E of & Par With N-S 1/4 Ln, TH N0*44'30"W Alg & Par to Shia Riv, E'ly & S'ly Alg Said Riv to S Ln of Sec, W 855' M/L to BEG;

Sect 23 T5N R4E, Com on N Sec Ln at Pt 900' W of NE Cor of SEC, S0*35'E 275.50' Par to E SEC Ln, W 62', S0*35' E 660', E 552 FT To W Bk of Shia Riv, NW'LY To N Ln of SEC, W 518' To BEG;

Sect 23, T5N-R4E, Com on N SEC Ln at Pt 900' W of NE Cor of SEC, Th S0*35'E 275.50', W 84', N To SEC Ln, Th E 84' To BEG, ALSO Com At Pt on SEC Ln W 984' From NE Cor of SEC, Th 0*39'E 275.5', E 22', S0*39'E 160.50', W 189.34', N25*27'03"W 73.09', W 15.50', TH on Curve to Right Radius of 44.45', Delta Angle of 89*25', Chord Bearing & Dist of N45*19'30"W 62.54', TH N0*39'W 95', E 198', N0*39'W 231' to N SEC Ln, TH E 59.5' TO BEG.

EXHIBIT B

Downtown Development Authority Public Act 197 of 1975, as amended.

Sections pertaining to the Development Plan and Tax Increment Financing Plan

1) SECTION 14:

125.1664 Tax increment financing plan; preparation and contents; limitation; public hearing; fiscal and economic implications; recommendations; agreements; modification of plan; catalyst development project.

Sec. 14.

(1) When the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in section 17, a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, and the duration of the program, and shall be in compliance with section 15. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan. The authority or municipality may exclude from captured assessed value growth in property value resulting solely from inflation. The plan shall set forth the method for excluding growth in property value resulting solely from inflation.

(2) The percentage of taxes levied for school operating purposes that is captured and used by the tax increment financing plan shall not be greater than the plan's percentage capture and use of taxes levied by a municipality or county for operating purposes. For purposes of the previous sentence, taxes levied by a county for operating purposes include only millage allocated for county or charter county purposes under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. For purposes of this subsection, tax increment revenues used to pay bonds issued by a municipality under section 16(1) shall be considered to be used by the tax increment financing plan rather than shared with the municipality. The limitation of this subsection does not apply to the portion of the captured assessed value shared pursuant to an agreement entered into before 1989 with a county or with a city in which an enterprise zone is approved under section 13 of the enterprise zone act, 1985 PA 224, MCL 125.2113.

(3) Approval of the tax increment financing plan shall be pursuant to the notice, hearing, and disclosure provisions of section 18. If the development plan is part of the tax increment financing plan, only 1 hearing and approval procedure is required for the 2 plans together.

(4) Before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to meet with the governing body. The authority shall fully inform the taxing jurisdictions of the fiscal and economic implications of the proposed development area.

The taxing jurisdictions may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the taxing jurisdictions and the governing body of the municipality in which the development area is located to share a portion of the captured assessed value of the district.

(5) A tax increment financing plan may be modified if the modification is approved by the governing body upon notice and after public hearings and agreements as are required for approval of the original plan.

(6) Under a tax increment financing plan that includes a catalyst development project, an authority may pledge available tax increment revenues of the authority as security for any bonds issued to develop and construct a catalyst development project.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975 ;-- Am. 1979, Act 26, Imd. Eff. June 6, 1979 ;-- Am. 1981, Act 34, Imd. Eff. May 11, 1981 ;-- Am. 1986, Act 229, Imd. Eff. Oct. 1, 1986 ;-- Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988 ;-- Am. 1989, Act 108, Imd. Eff. June 23, 1989 ;-- Am. 1993, Act 323, Eff. Mar. 15, 1994 ;-- Am. 2012, Act 396, Imd. Eff. Dec. 19, 2012

Compiler's Notes: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

SECTION 15:

125.1665 Transmitting and expending tax increments revenues; reversion of surplus funds; abolition of tax increment financing plan; conditions; annual report on status of tax increment financing account; contents; publication.

Sec. 15.

(1) The municipal and county treasurers shall transmit to the authority tax increment revenues.

(2) The authority shall expend the tax increment revenues received for the development program only pursuant to the tax increment financing plan. Surplus funds shall revert proportionately to the respective taxing bodies. These revenues shall not be used to circumvent existing property tax limitations. The governing body of the municipality may abolish the tax increment financing plan when it finds that the purposes for which it was established are accomplished. However, the tax increment financing plan shall not be abolished until the principal of, and interest on, bonds issued pursuant to section 16 have been paid or funds sufficient to make the payment have been segregated.

(3) Annually the authority shall submit to the governing body of the municipality and the state tax commission a report on the status of the tax increment financing account. The report shall be published in a newspaper of general circulation in the municipality and shall include the following:

(a) The amount and source of revenue in the account.

(b) The amount in any bond reserve account.

- (c) The amount and purpose of expenditures from the account.
- (d) The amount of principal and interest on any outstanding bonded indebtedness.
- (e) The initial assessed value of the project area.
- (f) The captured assessed value retained by the authority.
- (g) The tax increment revenues received.
- (h) The number of jobs created as a result of the implementation of the tax increment financing plan.
- (i) Any additional information the governing body or the state tax commission considers necessary.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975 ;-- Am. 1979, Act 26, Imd. Eff. June 6, 1979 ;-- Am. 1981, Act 34, Imd. Eff. May 11, 1981 ;-- Am. 1986, Act 229, Imd. Eff. Oct. 1, 1986 ;-- Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988 ;-- Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992 ;-- Am. 1993, Act 323, Eff. Mar. 15, 1994

Compiler's Notes: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

SECTION 17:

125.1667 Development plan; preparation; contents; improvements related to qualified facility.

Sec. 17.

(1) When a board decides to finance a project in the downtown district by the use of revenue bonds as authorized in section 13 or tax increment financing as authorized in sections 14, 15, and 16, it shall prepare a development plan.

(2) The development plan shall contain all of the following:

(a) The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.

(b) The location and extent of existing streets and other public facilities within the development area, shall designate the location, character, and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses, and shall include a legal description of the development area.

(c) A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.

- (d) The location, extent, character, and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion.
- (e) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.
- (f) A description of any parts of the development area to be left as open space and the use contemplated for the space.
- (g) A description of any portions of the development area that the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.
- (h) A description of desired zoning changes and changes in streets, street levels, intersections, or utilities.
- (i) An estimate of the cost of the development, a statement of the proposed method of financing the development, and the ability of the authority to arrange the financing.
- (j) Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority.
- (k) The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons.
- (l) Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those units in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.
- (m) A plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area.
- (n) Provision for the costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the federal uniform relocation assistance and real property acquisition policies act of 1970, being Public Law 91-646, 42 U.S.C. sections 4601, et seq.
- (o) A plan for compliance with Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

(p) Other material that the authority, local public agency, or governing body considers pertinent.

(3) A development plan may provide for improvements related to a qualified facility, as defined in the federal facility development act, Act No. 275 of the Public Acts of 1992, being sections 3.931 to 3.940 of the Michigan Compiled Laws, that is located outside of the boundaries of the development area but within the district, including the cost of construction, renovation, rehabilitation, or acquisition of that qualified facility or of public facilities and improvements related to that qualified facility.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975 ;-- Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992 ;-- Am. 1993, Act 122, Imd. Eff. July 20, 1993

SECTION 18:

125.1668 Ordinance approving development plan or tax increment financing plan; public hearing; notice; record.

Sec. 18.

(1) The governing body, before adoption of an ordinance approving or amending a development plan or approving or amending a tax increment financing plan, shall hold a public hearing on the development plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall be not less than 20 days before the date set for the hearing. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the downtown district not less than 20 days before the hearing. Notice shall also be mailed to all property taxpayers of record in the downtown district not less than 20 days before the hearing. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the development plan or the tax increment financing plan is approved or amended.

(2) Notice of the time and place of hearing on a development plan shall contain: a description of the proposed development area in relation to highways, streets, streams, or otherwise; a statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice, and that all aspects of the development plan will be open for discussion at the public hearing; and other information that the governing body considers appropriate. At the time set for hearing, the governing body shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the development plan. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the development plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975 ;-- Am. 2005, Act 13, Imd. Eff. May 4, 2005

SECTION 19:

125.1669 Development plan or tax increment financing plan as constituting public purpose; determination; ordinance; considerations; amendments; incorporation of catalyst development project plan.

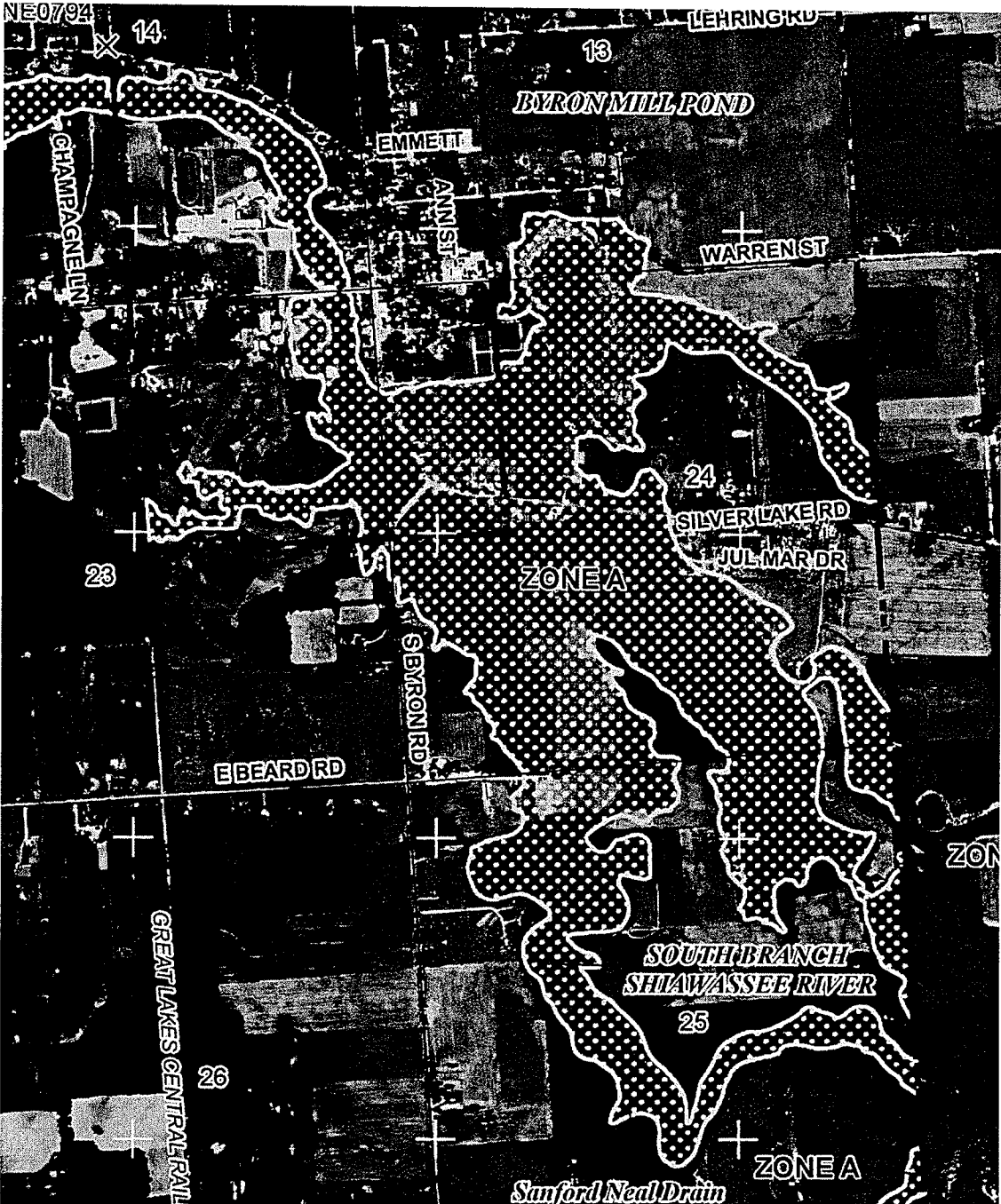
Sec. 19.

(1) The governing body after a public hearing on the development plan or the tax increment financing plan, or both, with notice of the hearing given in accordance with section 18, shall determine whether the development plan or tax increment financing plan constitutes a public purpose. If it determines that the development plan or tax increment financing plan constitutes a public purpose, it shall then approve or reject the plan, or approve it with modification, by ordinance based on the following considerations:

- (a) The findings and recommendations of a development area citizen's council, if a development area citizen's council was formed.
 - (b) The plan meets the requirements set forth in section 17 (2).
 - (c) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.
 - (d) The development is reasonable and necessary to carry out the purposes of this act.
 - (e) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this act in an efficient and economically satisfactory manner.
 - (f) The development plan is in reasonable accord with the master plan of the municipality.
 - (g) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
 - (h) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.
- (2) Amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection.
- (3) Proposed amendments made to an approved development plan to incorporate a catalyst development project plan shall be submitted by the authority to the Michigan strategic fund for approval or rejection of that part of the plan relating to the catalyst development project. Amendments not approved or rejected under this subsection by the Michigan strategic fund within 45 days of submission for approval shall be considered approved.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975 ;-- Am. 2012, Act 396, Imd. Eff. Dec. 19, 2012

APPENDIX C—MAP OF 100 YEAR FLOODPLAIN—VILLAGE OF BYRON/BURNS TWP.



APPENDIX D

**SEE ATTACHED ORDINANCE
DRAFTED BY: JOHN L. GORMLEY,
VILLAGE ATTORNEY FOR BYRON**