

Content

Title :	Industrial And Commercial Mixed-use Zoning Principles And Application Guidelines <b>Ch</b>
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Content :	<p>1.Ministry of Economic Affairs (hereinafter referred to as MOEA) prescribed these principles and guidelines to assist the private sector to invest in the development of industrial and commercial mixed-use zones,to facilitate industrial upgrading and implement economy revitalizing programs.</p> <p>2.Industrial and commercial mixed-use zones shall be developed with the purpose to achieve the following: (1)To facilitate modernization of commerce and service industry coordinating with overall economic development. (2)To integrate production to marketing channels and elevate people's living standards. (3)To realize fair and effective utilization of land resources catering to various living areas. (4)To enhance well balanced rural-urban development and metropolitan development in line with urban and regional planning.</p> <p>3.Principles for industrial and commercial mixed-use zoning: (1)Industrial and commercial mixed-use zoning shall take into account the development of major 20 common living areas based on populations and central city's characteristics of each and set in the outskirts of the central city of a common living area with convenient transportation. (2)The development of industrial and commercial mixed-use zones shall take into account environmental characteristics with equal consideration of environmental protection. (3)The development of industrial and commercial mixed-use zones shall be in accordance with a permit system to ensure implementation of overall development planning. (4)The development of industrial and commercial mixed-use zones shall match local populations and industries and integrate with urban and regional planning and general development plans of the county/city.</p> <p>4.The industrial and commercial mixed-use zones referred to in these principles and guidelines shall mean the land within certain area in city suburbs, with convenient transportation, to be planned and set based on locations and local development needs, to be demarcated as special-use zones pursuant to Article 32 of Urban Planning Law and Article 13 of Enforcement Rules for Regional Planning Act for one or more of the following purposes, and to be in two-dimensional or three-dimensional configurations: (1)General industries: Refer to users of experiments and research, assembly of parts with minor public nuisance, or light industries highly associated with commerce and the service industry. (2)Industrial and commercial services and exhibitions: Refer to users providing financial, industrial and commercial services, hotels, conference halls and exhibition halls. (3)Repair service: Refer to users providing auto services, appliance repair and pre-owned</p>

merchandise dealings.

(4)Wholesaling and warehouse retailing: Refer to operators of warehouse-like self-service retail stores together with small in-store shops.

(5)Shopping mall: Refer to operators of establishments with various functions of shopping, recreation, culture, entertainment, dining, and information display.

5. Terms used in these principles and guidelines are defined as follows:

(1)Business initiator: Refer to the ones who invest to develop and operate businesses in industrial and commercial mixed-use zones.

(2)Public/Private investment and development enterprises: Refer to public and private enterprises registered pursuant to law to conduct investment and development as principal business operations.

6. An overall approach shall be adopted in the planning of industrial and commercial mixed-use zones with faithful implementation of environmental protection and requirements for application are as follows:

(1)The grand total area recommended for all industrial and commercial mixed-use zones across the country shall, in principle, not exceed 900 hectares, refer to Annex 1 for details.

(2)The minimum area for application of an industrial and commercial mixed-use zone shall be, except for the following conditions, 5 hectares within the scope of an urban plan and 10 hectares outside such scopes.

When sitting astride in and out of the scope, twice of the area inside plus the area outside the scope shall exceed the minimum area as respectively required outside the scope.

a. With respect to a sole application for the use of wholesaling and warehouse retailing, the area within the scope of urban plan shall be 1 hectare.

b. With respect to applications in common living areas of Kimen or Matsu, the area within the scope of urban plan shall be 0.5 hectare.

c. With respect to applications in common living areas of Penghu, an area of 1 hectare within, and 2 hectares outside the scope.

(3)Where there is a balance in terms of each subtotal area, if a new application will exceed such subtotal by more than 10%, the area in the new application shall be reduced to less than 10% of that subtotal,

or below 6 hectares within the scope and below 12 hectares outside the scope of an urban plan.

(4)An industrial and commercial mixed-use zone shall include in its planning roads, parking facilities, greeneries, wastewater disposal, refuse disposal, utilities and other necessity services.

7. The competent authority of commerce, business initiators, public/private investment and development enterprises or land owners (hereinafter referred to as Developers) may survey and select appropriate lands, prepare relevant documents for recommendation and application, and file the application, after receipt of recommendation by MOEA, with government agencies of local municipalities, county (cities) in accordance with following procedure:

(1)Application for development permit

(2)Application for miscellaneous license

(3)Application for construction license

8. To make recommendation for applications of industrial and commercial mixed-use zones, MOEA may announce

periodically the acceptance of applications from Developers and invite government agencies from various

levels, scholars and experts to survey the necessity of applications in terms of economic development

and feasibility of the plan and notify Developers of the results.

9. Developers shall prepare Application Forms (as per Annex 2), with basic information (as per the form set by Ministry of Interior) and Business Plan attached, and submit to MOEA for recommendation. Contents

of Business Plan shall include:

(1) Content and financial planning of the business to be initiated:

a. Conformity with government plans and policies: In the event that the land to be used has been designated

a land use purpose as ordinary agricultural land, necessity of the business to be established, necessity,

reasonableness and non-substitutability of the location and area of the agricultural land proposed.

b. Projected development mode

c. Fund demands and fund-raising methods

d. Development schedule

(2) Assessment of necessity in economic development and feasibility of the plan:

a. Analysis of local industries, market assessment and impact analysis of the industries introduced.

b. Development benefits (including estimates of tax payable and employment opportunities created) and cost analysis.

c. Analysis of financial ratios (including financial structure, solvency, operation capacity, profitability, cash flow and analysis of degree of financial leverage).

d. General assessment of economic development needs and feasibility of the plan.

10. In the event of any of the following, the Recommendation Letter issued by MOEA shall become void:

(1) Failure of the developers to file application with government agencies of municipalities, counties (cities)

for development permit within six months starting the issuance date of Recommendation Letter.

(2) Application for development permit being rejected by government agencies of municipalities, counties (cities).

11. Industrial and commercial mixed-use zones recommended by MOEA to be developed shall be deemed as important construction projects accommodated to facilitate economic development as prescribed in Paragraph 1, Article 27 of Urban Planning Law, or initiation of important development or construction undertakings as prescribed in Subsection 2, Paragraph 1, Article 13 of Regional Planning Act, and land zoning change shall be conducted in a swift manner, while governments of municipalities, counties (cities), upon approval of the development, shall grant preference for construction of access roads and relevant public facilities.

12. The application for Development Permit, Miscellaneous License and Construction License shall be processed pursuant to applicable procedures as prescribed in Regional Planning Act, Urban Planning Law and Building Act.

13. In the event of dissolution of a developer of the development of an recommended industrial and commercial mixed-use zone as a result of death, being declared bankrupt or being the subject to an interdiction order, causes other than bankruptcy, or as required for actual business operation, may apply for a change of developer by the successive developer by submitting the following documents to MOEA. Where the application for such change is required for actual business operation, the successive developer shall be a corporate entity:

(1) Application form (as per Annex 3)

(2) A written consent for continuation with the development

(3) Land registration transcription, which may not be required if it can be duly accessible through online

inquiry. In the event that the successive developer is not the land owner, a new written consent for

use  
of the land or for joint development from the land owner shall be obtained.

14. Other matters requiring attention:

- (1) In the event that the land selected by the developer located astride administrative boundary of more than one municipality, county (city), the one with the larger area located shall accept the application for Development Permit and construction License.
- (2) Except as prescribed in these principles and guidelines, lands located at mountain slopes shall be subject to Regulations for Management of Development and Construction in Mountain Slopes; lands located at tidal flat shall be subject to Regulations for Tidal Land Construction Management.
- (3) Development Impact Fee as prescribed in Article 15-3 of Regional Planning Act shall be payable by the developer.
- (4) In the event that applications for development of industrial and commercial mixed-use zones involve agrarian lands, such applications shall be subject to provisions in Guidelines for Approval of Agrarian Land Usage Change by Agricultural Competent Authority, and feedback fee for the land use change as required by Regulations for the Feedback Fee Contribution and Allocation of Changing Agrarian Land Use prescribed pursuant to Article 12 of Agricultural Development Act shall be payable by the developer.
- (5) With respect to applications filed with government agencies of municipalities and counties (cities) or with MOEA pursuant to Regulations for Management of Industrial and Commercial Mixed-use Zoning or Guidelines for Review of Finance and Business Plans of Logistic Centers, Warehousing and Wholesaling Businesses and Software Industry prior to implementation of these principles and guidelines, such applications shall still be subject to such originally applicable regulations and guidelines, and the same shall apply in the event of any change in development plans.

15. The survey prescribed in Article 8 shall be conducted as follows:

- (1) Matters to be surveyed with respect to recommendation of industrial and commercial mixed-use zones shall be as follows:
  - a. Necessity of the business to be initiated in terms of economic development
  - b. Feasibility of the plan for the business to be initiated
  - c. Other matters or amendments to the plan for the business to be initiated
- (2) Matters to be surveyed with respect to the industrial and commercial mixed-use zones
  - a. Change in the developer of a industrial and commercial mixed-use zone
  - b. Application for loans pursuant to Guidelines for Preferential Loans Extended for Encouragement of Private Investments in Industrial and Commercial Mixed-use Zones.
- (3) Recognition of major construction investment plans.