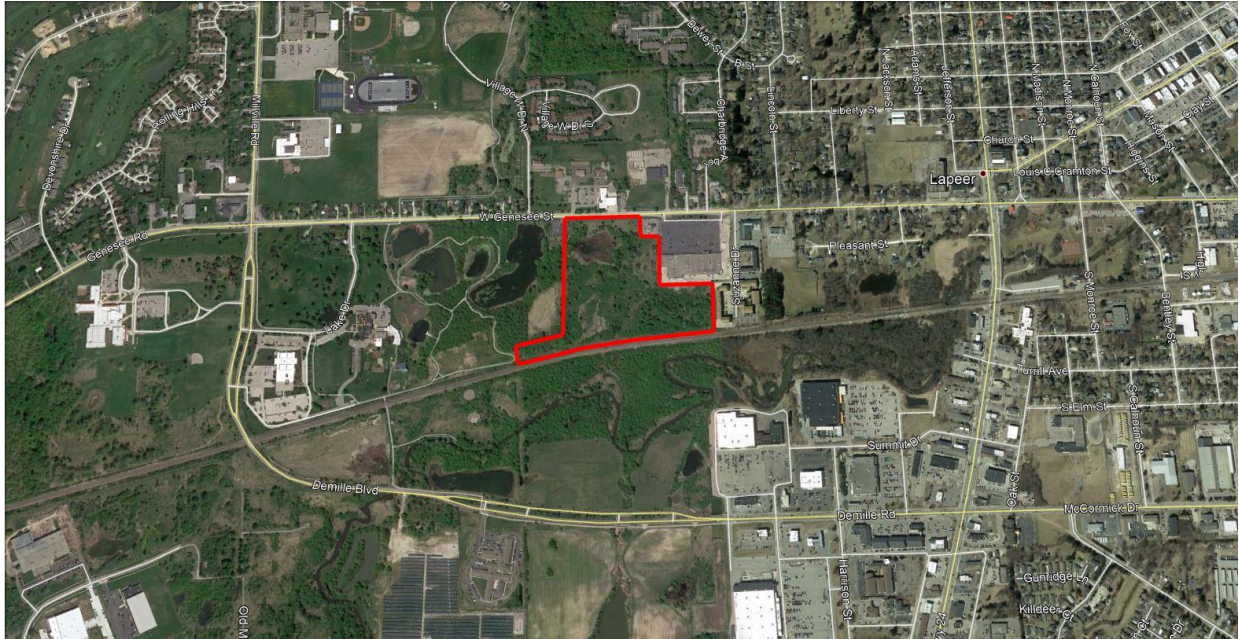


LAND FOR SALE



W. Genesee St., West of M-24

Lapeer, MI


Insite
COMMERCIAL

1111 W. Oakley Park Road
Suite 220

Commerce, Michigan 48390

(248) 359-9000 – Detroit Office

(616) 241-2200 – Grand Rapids Office

www.insitecommercial.com

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LAND FOR SALE

**W. Genesee St., West of M-24
Lapeer, MI**

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PROPERTY SUMMARY

Location: W. Genesee St., West of M-24, Lapeer, MI

Parcel ID: L20-94-300-040-00

Total Land Size: 24.5 Acres

Sale Price: Contact Randy Thomas at 248-359-9000 ext. 9

Utilities: All available

Zoning: Northern frontage is B-2 – General Commercial with the remaining majority R-2 – Single Family Residential (Township recommends a PUD for development)

School District: Lapeer Community Schools

Property Taxes: +/- \$5,423 Annually

Demographics within

a 5 mile radius: Population: 23,224 Persons
Households: 9,419 Homes
Avg. HH Income: \$72,010 Annually
Traffic Count: 12,598 VPD on W. Genesee St.

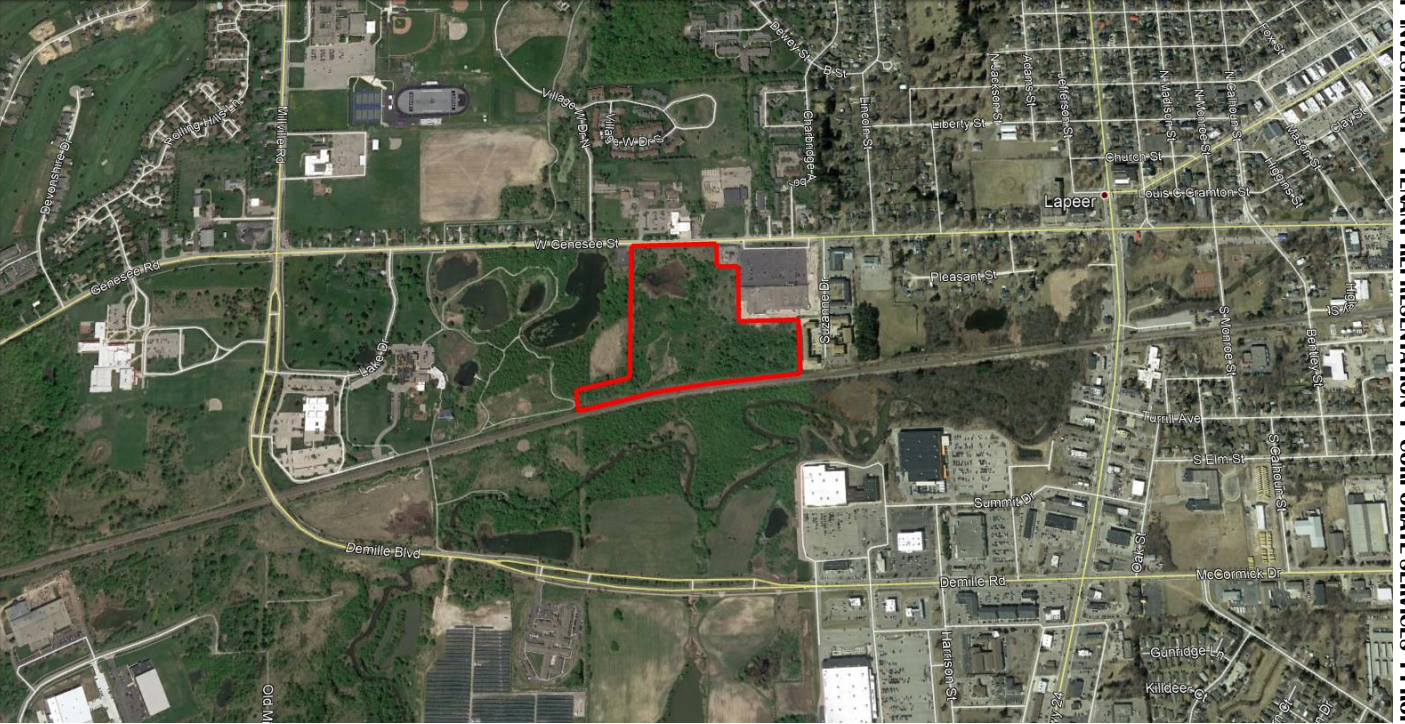
Comments: 24.5 Acres south off of W. Genesee St, between Milleville Road and M-24. The parcel is irregular in shape with the northern frontage on W. Genesee zoned commercial and the remaining majority of the property zoned residential, however the Township recommends a PUD for development. There are two areas of wetlands on the property, estimated at a total of 3.8 acres.

For Information Contact:

Randall Thomas

248-359-9000 ext. 9





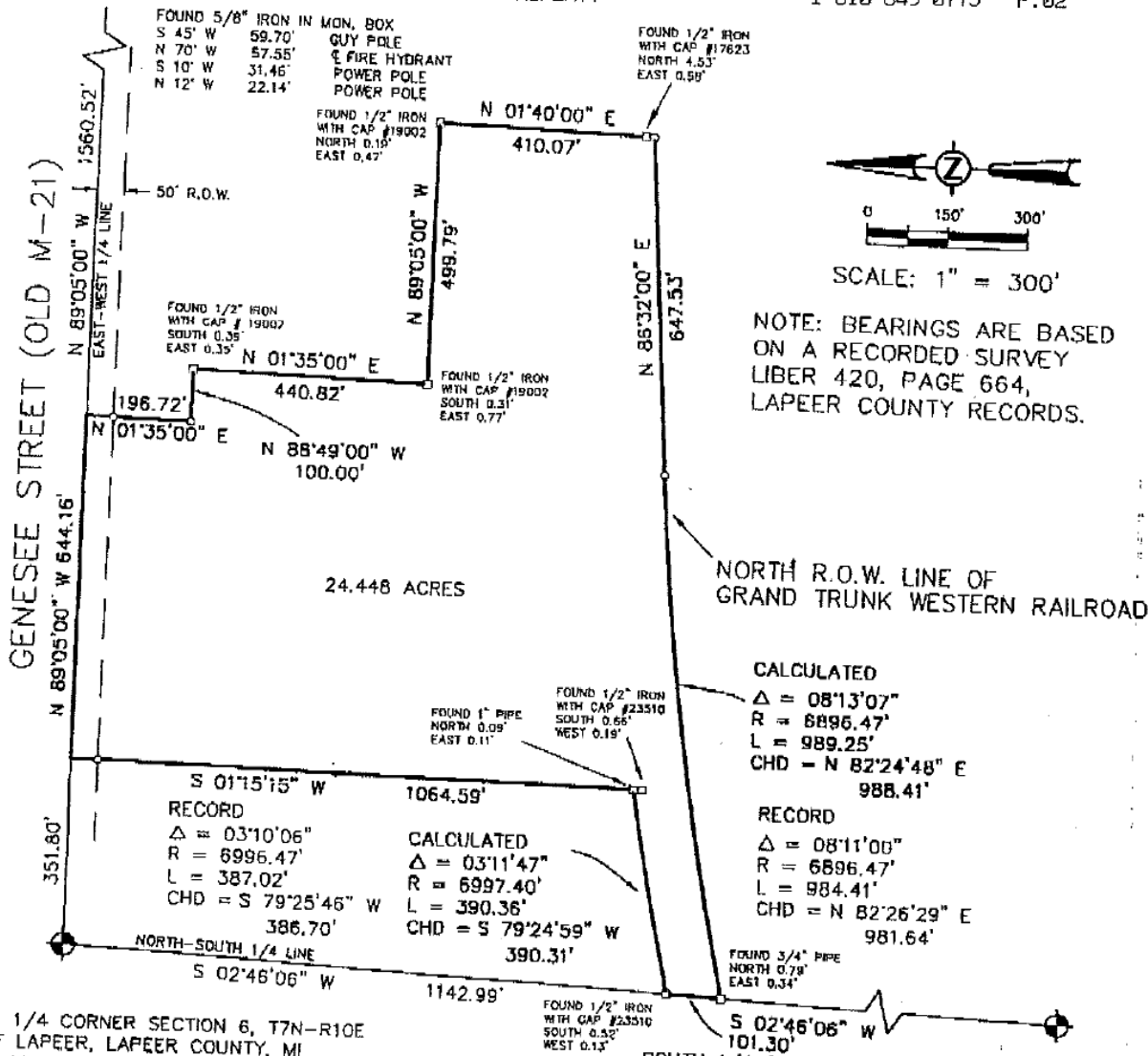
SURVEY

OCT-09-1997 11:23

PROFFESIONAL PROPERTY

1 810 649 0775 P.02

OFFICE | INDUSTRIAL | RETAIL | LAND | INVESTMENT | TENANT REPRESENTATION | CORPORATE SERVICES | PROPERTY MANAGEMENT | AVIATION SERVICES



CENTER 1/4 CORNER SECTION 6, T7N-R10E
 CITY OF LAPEER, LAPEER COUNTY, MI
 L.C.R.C. LIBER NO. 004, PAGE NO. 97

FOUND CHISELED "X" IN CURB
 S 06° W 5.97' POWER POLE (NAIL & BRASS TAG)
 N 45° W 92.75' 30" BOXELDER (P.K. NAIL & BRASS TAG)
 NORTH 51.63' POWER POLE (NAIL & BRASS TAG)
 WEST 115.38' POWER POLE (P.K. NAIL & BRASS TAG)

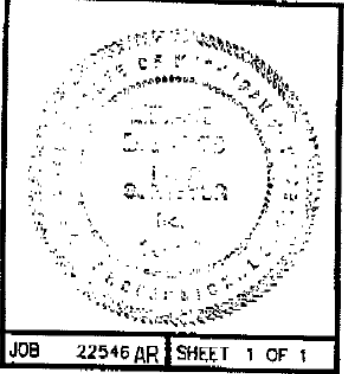
SOUTH 1/4 CORNER SECTION 6, T7N-R10E
 CITY OF LAPEER, LAPEER COUNTY, MI
 SET 1/2" IRON #18988
 N 15° E 35.25' 14" ELM (SET NAIL EAST FACE)
 N 80° E 84.16' 16" OAK (SET NAIL SOUTH FACE)
 S 10° W 27.36' 24" COTTONWOOD (SET NAIL WEST FACE)
 S 40° W 79.24' 18" SPRUCE (FOUND NAIL WEST FACE)
 SOUTH 10.20' NORTH FACE CONC. PILLAR
 NORTH 4.32' 1/2" IRON (BENT)

R. = RECORDED
 M. = MEASURED
 1/2" DIA. IRON STAKES SET AT POINTS MARKED-----
 IRON STAKES FOUND AT POINTS MARKED-----

henderson, bates & elrich, inc.
 a division of ROWE ENGINEERING, INC.
 SURVEYORS ENGINEERS
 462 W. GENESEE LAPEER, MICHIGAN 48446
 PHONE(810)664-9411 • FAX(810)664-3451

I hereby certify that I have surveyed and mapped the above or attached described parcel (s) of land, that the error of closure of the unadjusted field observations is 1 part in 23,700 and that said survey is in full compliance with Section No. 3, Act No. 132, P.A. 1970

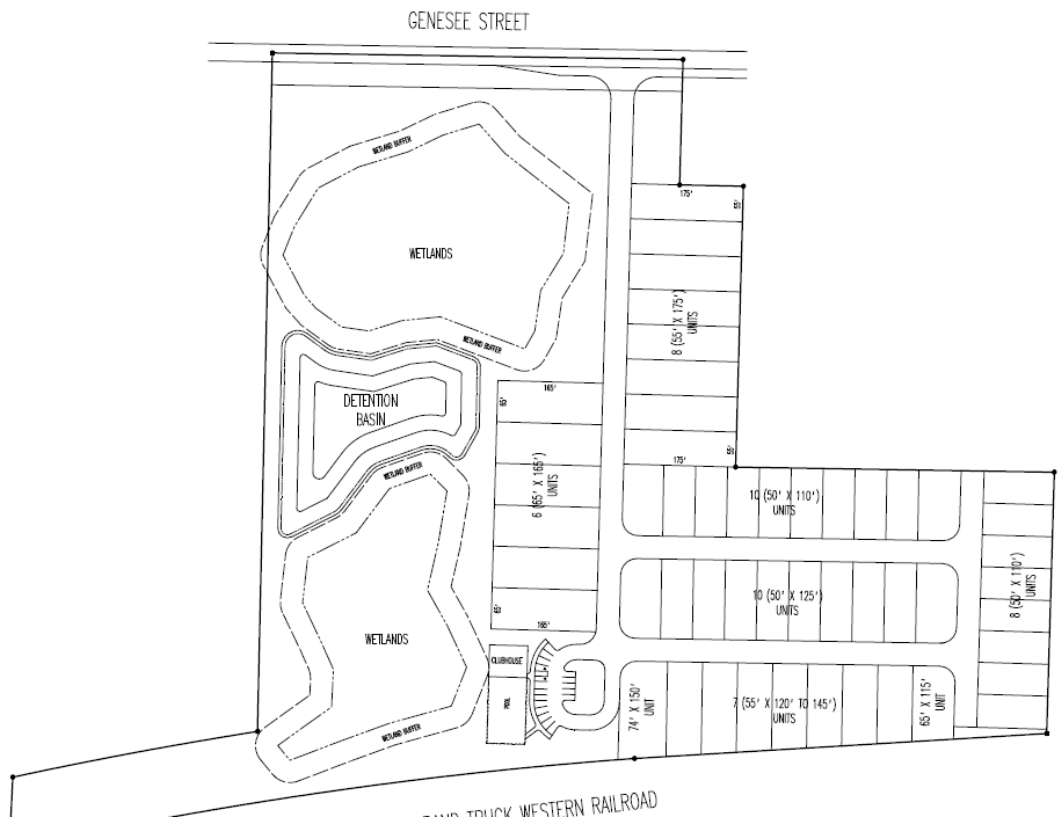
Leland D. Bates
 LELAND D. BATES P.S. #16699



CONCEPTUAL SITE PLAN MOBILE HOMES 4

51 UNITS

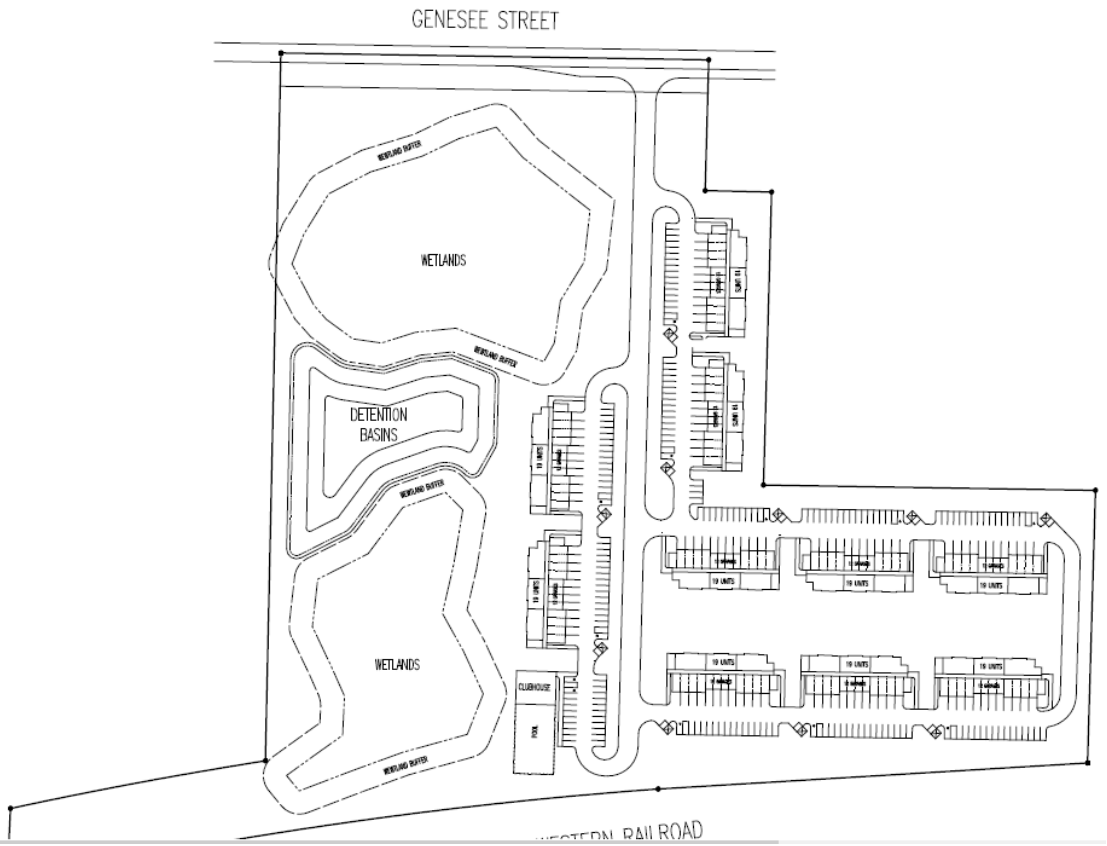
SCALE 1" = 100'



CONCEPTUAL SITE PLAN 3 STORY APTS.

190 UNITS

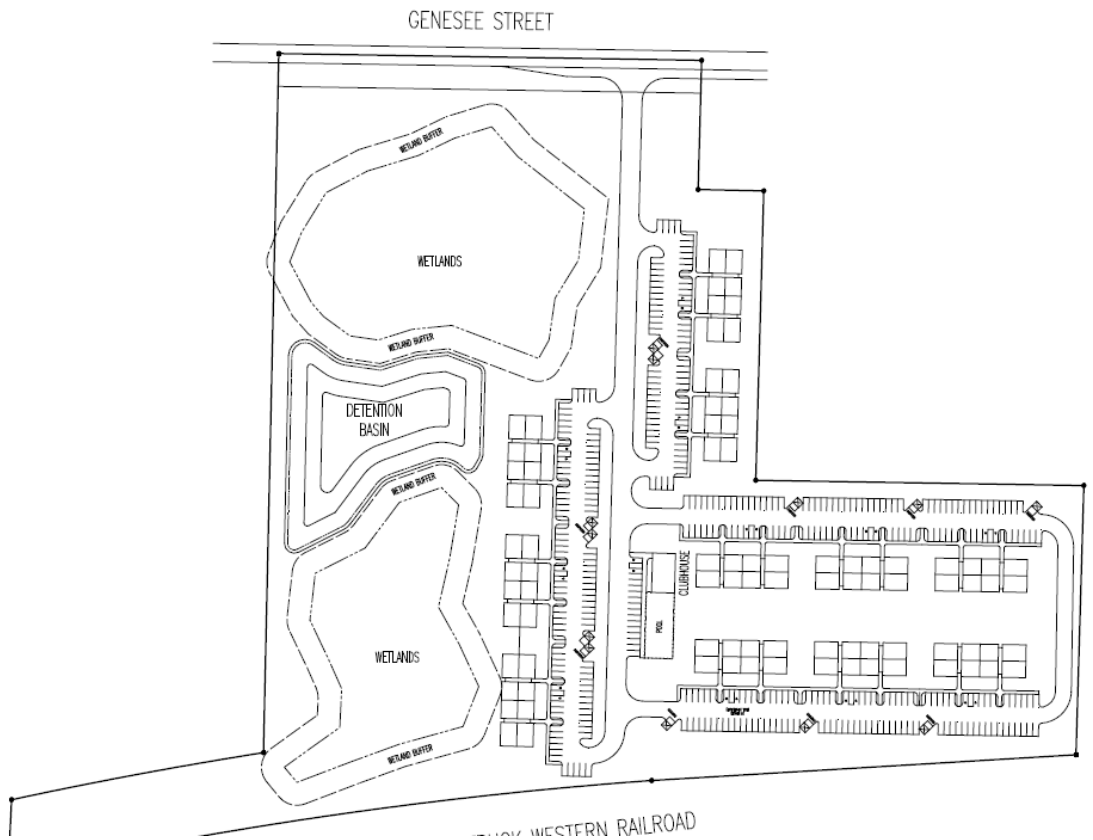
SCALE 1" = 100'



CONCEPTUAL SITE PLAN 2 STORY APTS.

176 UNITS

SCALE 1" = 100'



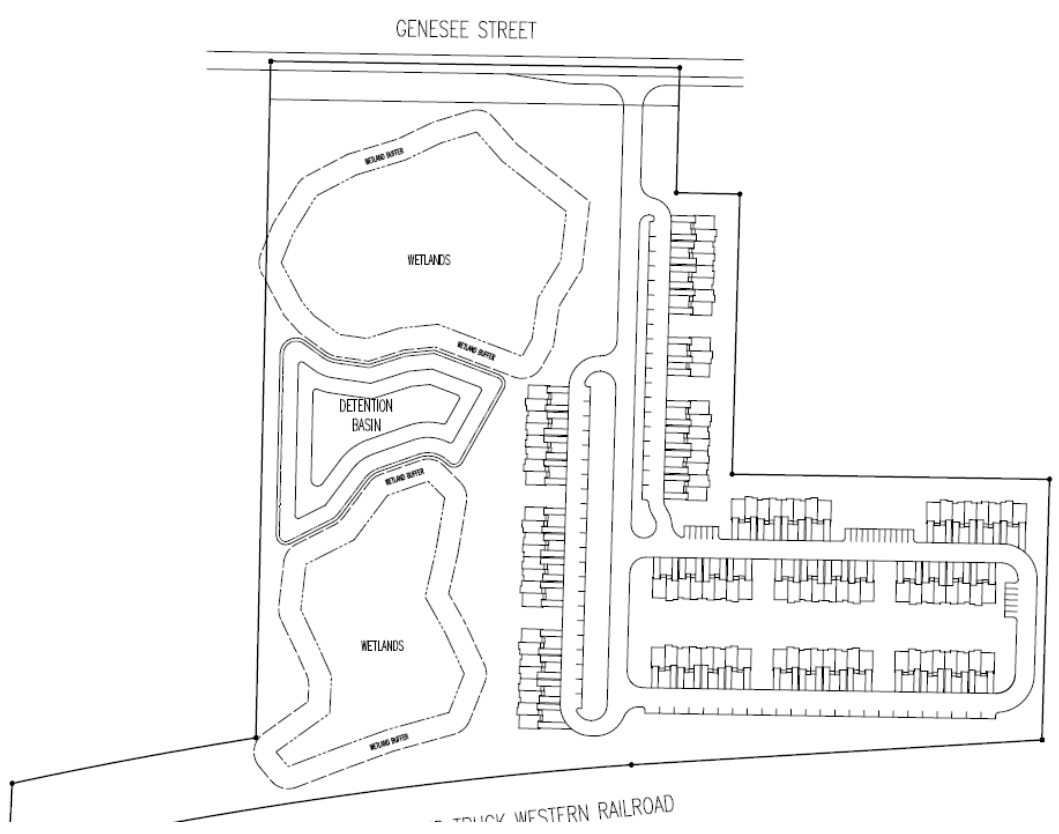
CONCEPTUAL SITE PLAN 3 STORY CONDOS 7

OFFICE | INDUSTRIAL | RETAIL | LAND | INVESTMENT | TENANT REPRESENTATION | CORPORATE SERVICES | PROPERTY MANAGEMENT | AVIATION SERVICES

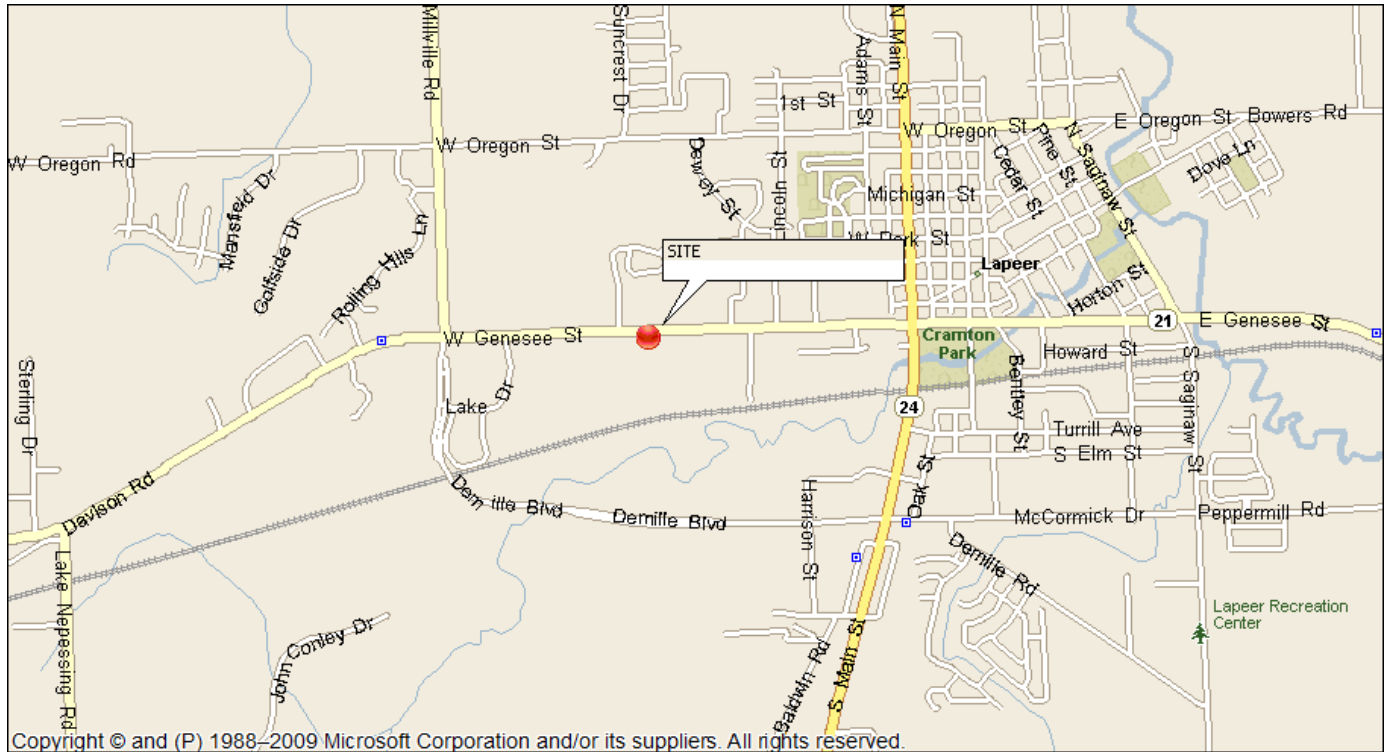
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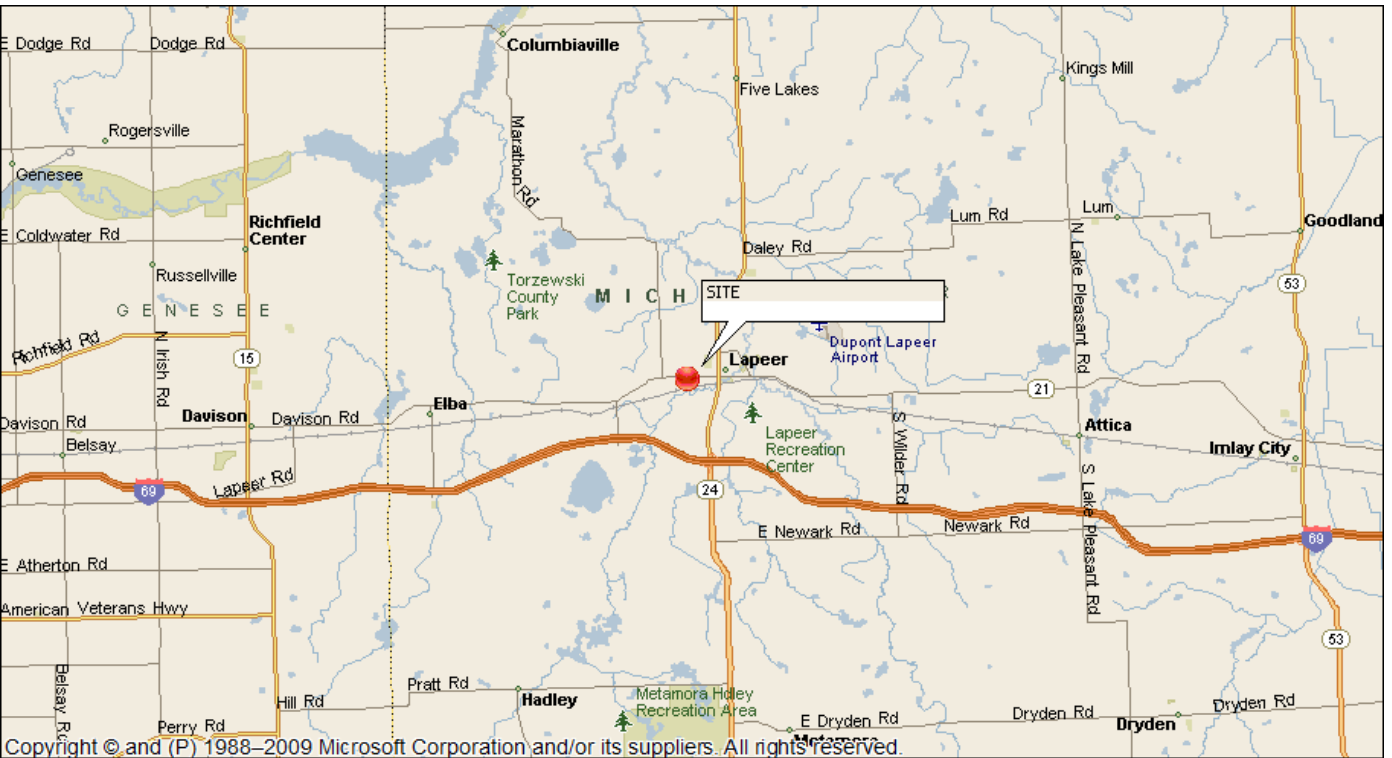
107 UNITS







Local Map



Regional Map

FULL PROFILE

2000-2010 Census, 2020 Estimates with 2025 Projections

Calculated using Weighted Block Centroid from Block Groups



Lat/Lon: 43.0503/-83.3315

RF1

Lapeer, MI 48446

1 mi radius 3 mi radius 5 mi radius

	1 mi radius	3 mi radius	5 mi radius	
POPULATION	2020 Estimated Population	5,180	15,123	23,224
	2025 Projected Population	5,103	14,845	22,711
	2010 Census Population	5,393	15,716	23,848
	2000 Census Population	6,354	15,885	24,030
	Projected Annual Growth 2020 to 2025	-0.3%	-0.4%	-0.4%
	Historical Annual Growth 2000 to 2020	-0.9%	-0.2%	-0.2%
HOUSEHOLDS	2020 Estimated Households	2,418	6,227	9,419
	2025 Projected Households	2,474	6,348	9,567
	2010 Census Households	2,368	6,073	9,098
	2000 Census Households	2,381	5,893	8,694
	Projected Annual Growth 2020 to 2025	0.5%	0.4%	0.3%
	Historical Annual Growth 2000 to 2020	-	0.3%	0.4%
AGE	2020 Est. Population Under 10 Years	11.3%	10.0%	9.5%
	2020 Est. Population 10 to 19 Years	10.9%	11.7%	11.8%
	2020 Est. Population 20 to 29 Years	15.2%	14.2%	12.9%
	2020 Est. Population 30 to 44 Years	16.4%	16.9%	16.4%
	2020 Est. Population 45 to 59 Years	16.2%	18.8%	20.4%
	2020 Est. Population 60 to 74 Years	16.6%	17.9%	19.6%
	2020 Est. Population 75 Years or Over	13.4%	10.5%	9.4%
	2020 Est. Median Age	40.4	41.7	43.4
MARITAL STATUS & GENDER	2020 Est. Male Population	45.9%	50.3%	50.4%
	2020 Est. Female Population	54.1%	49.7%	49.6%
	2020 Est. Never Married	29.3%	29.6%	27.4%
	2020 Est. Now Married	33.6%	38.9%	45.8%
	2020 Est. Separated or Divorced	22.0%	22.1%	18.9%
	2020 Est. Widowed	15.1%	9.4%	7.9%
INCOME	2020 Est. HH Income \$200,000 or More	2.1%	2.6%	3.2%
	2020 Est. HH Income \$150,000 to \$199,999	3.1%	3.2%	4.7%
	2020 Est. HH Income \$100,000 to \$149,999	7.1%	10.5%	13.9%
	2020 Est. HH Income \$75,000 to \$99,999	11.6%	13.2%	14.3%
	2020 Est. HH Income \$50,000 to \$74,999	20.2%	20.9%	21.6%
	2020 Est. HH Income \$35,000 to \$49,999	10.6%	12.6%	12.5%
	2020 Est. HH Income \$25,000 to \$34,999	12.7%	11.0%	9.5%
	2020 Est. HH Income \$15,000 to \$24,999	10.4%	9.7%	7.8%
	2020 Est. HH Income Under \$15,000	22.2%	16.3%	12.4%
	2020 Est. Average Household Income	\$58,005	\$63,427	\$72,010
2020 Est. Median Household Income	\$43,563	\$49,538	\$58,398	
2020 Est. Per Capita Income	\$27,579	\$27,403	\$30,065	
2020 Est. Total Businesses	254	899	1,056	
2020 Est. Total Employees	4,632	12,809	13,730	

This report was produced using data from private and government sources deemed to be reliable. The information herein is provided without representation or warranty.

FULL PROFILE

2000-2010 Census, 2020 Estimates with 2025 Projections

Calculated using Weighted Block Centroid from Block Groups



Lat/Lon: 43.0503/-83.3315

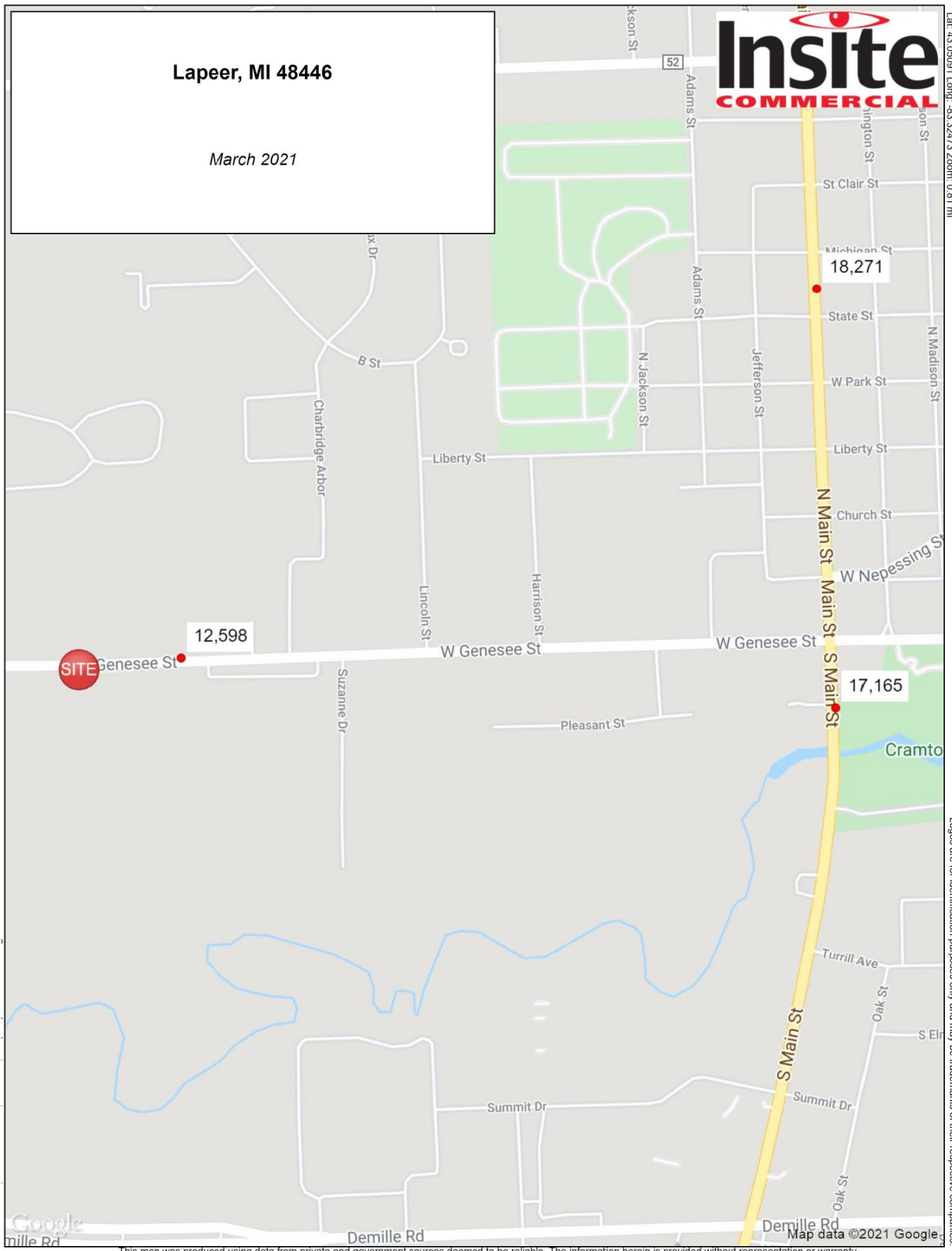
RF1

Lapeer, MI 48446		1 mi radius	3 mi radius	5 mi radius
RACE	2020 Est. White	93.5%	91.2%	92.6%
	2020 Est. Black	1.7%	4.5%	3.2%
	2020 Est. Asian or Pacific Islander	1.4%	1.2%	1.2%
	2020 Est. American Indian or Alaska Native	0.5%	0.6%	0.6%
	2020 Est. Other Races	2.8%	2.5%	2.5%
HISPANIC	2020 Est. Hispanic Population	239	606	857
	2020 Est. Hispanic Population	4.6%	4.0%	3.7%
	2025 Proj. Hispanic Population	4.9%	4.3%	3.9%
	2010 Hispanic Population	3.8%	3.3%	3.0%
EDUCATION (Adults 25 or Older)	2020 Est. Adult Population (25 Years or Over)	3,644	10,801	16,807
	2020 Est. Elementary (Grade Level 0 to 8)	2.3%	2.4%	2.1%
	2020 Est. Some High School (Grade Level 9 to 11)	7.5%	7.4%	6.1%
	2020 Est. High School Graduate	34.6%	36.6%	36.2%
	2020 Est. Some College	28.5%	25.3%	24.8%
	2020 Est. Associate Degree Only	9.5%	10.8%	12.0%
	2020 Est. Bachelor Degree Only	11.0%	11.3%	12.2%
	2020 Est. Graduate Degree	6.7%	6.2%	6.6%
HOUSING	2020 Est. Total Housing Units	2,556	6,616	10,050
	2020 Est. Owner-Occupied	42.8%	61.8%	69.4%
	2020 Est. Renter-Occupied	51.8%	32.3%	24.4%
	2020 Est. Vacant Housing	5.4%	5.9%	6.3%
HOMES BUILT BY YEAR	2020 Homes Built 2010 or later	1.2%	1.4%	1.6%
	2020 Homes Built 2000 to 2009	8.4%	9.5%	10.3%
	2020 Homes Built 1990 to 1999	14.4%	15.0%	16.4%
	2020 Homes Built 1980 to 1989	19.0%	15.7%	14.4%
	2020 Homes Built 1970 to 1979	19.8%	21.5%	21.7%
	2020 Homes Built 1960 to 1969	6.0%	6.0%	6.5%
	2020 Homes Built 1950 to 1959	6.9%	8.2%	8.2%
	2020 Homes Built Before 1949	19.0%	16.9%	14.7%
HOME VALUES	2020 Home Value \$1,000,000 or More	-	0.4%	0.3%
	2020 Home Value \$500,000 to \$999,999	2.9%	2.7%	2.3%
	2020 Home Value \$400,000 to \$499,999	1.2%	1.4%	2.3%
	2020 Home Value \$300,000 to \$399,999	5.2%	8.5%	10.3%
	2020 Home Value \$200,000 to \$299,999	19.8%	19.8%	23.2%
	2020 Home Value \$150,000 to \$199,999	17.3%	18.8%	18.9%
	2020 Home Value \$100,000 to \$149,999	31.5%	24.6%	23.2%
	2020 Home Value \$50,000 to \$99,999	15.4%	13.0%	12.1%
	2020 Home Value \$25,000 to \$49,999	4.6%	6.0%	4.2%
	2020 Home Value Under \$25,000	2.2%	4.8%	3.0%
	2020 Median Home Value	\$148,284	\$147,821	\$161,862
	2020 Median Rent	\$644	\$645	\$659

This report was produced using data from private and government sources deemed to be reliable. The information herein is provided without representation or warranty.


Lapeer, MI 48446

March 2021



Lat: 43.09091 Long: -83.32473 Zoom: 0.81 mi

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LAPEER TOWNSHIP ZONING ORDINANCE

ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

ARTICLE 11A

PUD -PLANNED UNIT DEVELOPMENT DISTRICT

STATEMENT OF PURPOSE

The intent of this district is to permit mixed use developments which may contain a combination of planned residential, commercial and office uses. Such a development may contain a variety of different housing types when undertaken on the basis of an approved overall development plan for the entire area. The Plan should be designed to provide for compatible land use relationships between all uses and various housing types and to minimize all negative impacts on the proposed residential areas from non-residential uses. A PUD may contain commercial and office uses which are intended to serve a market area extending beyond the Township, provided that the need for such facilities is properly documented.

By its nature, the PUD is intended to encourage the development of innovative site planning concepts to achieve the more economical use of existing land resources, the preservation of unique, important or fragile physical features, to promote the efficient delivery of public utilities and services, the provision of useful open space, and provide adequate housing. To achieve this purpose, certain specific bulk, density and area requirements included in this Ordinance may be varied, subject to the approval of a PUD plan by the Planning Commission and the Township Board and, further, subject to the requirements as set forth herein.

This district is intended to accommodate developers with mixed or varied uses, sites with unusual topography or unique settings within the community, or on land which exhibits difficult or costly development problems, and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve these stated purposes.

Section 11A.00 PERMITTED PRINCIPAL USES.

Residential uses, businesses, service and offices, and commercial uses, or any combination of residential and non-residential uses, may be permitted in a Planned Unit Development, as permitted and regulated by the following Sections of this Ordinance:

1. Single-Family Density Residential, Article 9.
2. Multiple-Family Residential, Article 11.
3. General Office, Article 12.
4. Local Business, Article 13.
5. Planned Shopping Center, Article 14.

Section 11A.01 SPECIAL LAND USES.

Any of the special land uses of the districts cited above may be granted approval by the Township as a special land use, if determined to be in accordance with the provisions of Article 6 of this Ordinance. Such uses shall be regulated by their respective Sections of this Ordinance.

Section 11A.02 PLANNED UNIT DEVELOPMENT REGULATIONS AND STANDARDS FOR APPROVAL.

The following provisions shall apply to all PUD zoning classifications:



LAPEER TOWNSHIP ZONING ORDINANCE

ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

1. **Ownership.** The entire parcel for which application is made must be made with the written authorization of all property owners.
2. **Establishment, Amendment Procedure.** A PUD zoning classification shall be established, amended or removed pursuant to the procedures set forth in Section 11A.03 of this Ordinance and the additional procedures set forth in this Section.
3. **Standards for Approval.** Based upon the following standards, the Planning Commission may recommend denial or approval and the Township Board may deny or approve the proposed Planned Unit Development:
 - a. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience, or any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties or the environment. This beneficial effect for the Township (not the developer) shall be one which could not be achieved under any other single zoning classification.
 - b. The uses proposed shall be consistent with the Master Plan adopted by the Township.
 - c. Not more than fifty (50) percent of the total project land area shall be used for non-residential purposes, provided, however, the outdoor recreational use and other open space use areas shall not be considered as part of the non-residential use area.
 - d. The PUD zoning shall be warranted by the design and amenities incorporated in the development proposal.
 - e. Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development. The Township may, if deemed appropriate, require for Planned Unit Developments more usable open space than that required by this Ordinance.
 - f. Off-street parking shall be provided sufficient to meet the minimum required by Article 3. The Township may, if deemed appropriate, require for Planned Unit Developments more or less parking than that required by this Ordinance.
 - g. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet at least the requirements of Article 4.
 - h. Vehicular and pedestrian circulation allowing safe, convenient, uncongested and well-defined circulation within and to the district shall be provided.
 - i. Major natural land and water, historical and architectural features of the district shall be preserved.

Section 11A.03 PROCEDURE FOR SUBMITTAL AND APPROVAL

A person or persons owning or controlling a minimum of one hundred (100) acres of contiguous land may make application to the Township Clerk or the Township Board for consideration under this district. The person or persons applying shall be required to make a preliminary and final submittal of material to the Planning Commission. The preliminary phase shall involve a review of the preliminary PUD development plan to determine its suitability for inclusion in the land use and zoning of the Township and adoption by the Township Board as part of the Zoning Ordinance. The final phase shall require detailed site plans for all or various parts of the preliminary PUD development plan prior to the issuance of building permits.

1. **Submission of Preliminary Plans.** A presentation shall be made to the Planning Commission for review and recommendation to the Township Board of the following:





LAPEER TOWNSHIP ZONING ORDINANCE

ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT


- a. A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1" = 200').
 - b. A topography map drawn as contours, with an interval of at least two (2) feet. This map shall indicate all stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (Scale: 1" = 200').
 - c. A recent aerial photograph of the area shall be provided (Scale: 1" = 200').
 - d. A preliminary development plan for the entire PUD area, carried out in such detail as to indicate the functional use areas, dwelling unit types and the character of non-residential development being requested; the densities being proposed; a generalized major thoroughfare, traffic and pedestrian circulation plan; sites being reserved for churches, schools and service activities; playgrounds, recreation areas, natural resource areas and other usable open spaces, and areas for the public or residents of the Planned Unit Development (Scale: 1" = 200').
 - e. A preliminary utility plan shall show each utility as a one-line diagram, with flow direction drawn on the proposed street layout. Preliminary estimates shall also be provided regarding contemplated total storm water flow, sanitary sewage flows and water requirements. The anticipated method of treating sanitary sewer flows and providing water shall be specified. This information shall be shown on the topographic map, as provided in subsection 1.b. above.
 - f. A written statement explaining in detail the full intent of the sponsor, indicating the type of dwelling units contemplated, resultant population, expected number of elementary school children, and providing supporting documentations, such as soil surveys showing the area to be suitable for the proposed development.
 - g. All supporting documentation and material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the Township; market needs; utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan. The Township may further require the applicant to provide additional information demonstrating the demand for this project and the applicant's capability of undertaking the project. Such information may include, but shall not be limited to, the following: market demand studies, relevant financial information, banking references, and examples of previously completed projects.
2. **Preliminary Approval.** Upon receipt of an application as a preliminary submittal, the Township Board shall refer such request to the Planning Commission for its report and recommendation. The Planning Commission shall hold a public hearing on the application. Proper notice, as required by the Michigan Zoning Enabling Act, shall be carried out at this time for both a Rezoning and a PUD.

Amended December 10, 2012

Following the public hearing and receipt of the Planning Commission's report and recommendation, the Board may approve said application and accompanying plan(s) only upon finding that:

- a. All applicable provisions of this district and this Ordinance have been met. (Insofar as any provision of this district shall be in conflict with the provisions of any other Section of this Ordinance, the provisions of this district shall apply to the lands included within a Planned Unit Development District.)






LAPEER TOWNSHIP ZONING ORDINANCE

ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

- b. Adequate areas have been provided for all utilities, churches, schools, walkways, playgrounds, recreation areas, parking areas and other open space, and areas to be used by the public or by residents of the community. Open spaces and areas shall not include structures or parking areas.
 - c. The applicant has provided adequate sanitary sewer, water supply and storm water drainage systems to serve the developments, and that all such proposed utility systems have received preliminary approval from appropriate County or State authorities. In the absence of a Township utility system, all public utilities to serve the site shall be constructed and maintained by the applicant and any successors.
 - d. There will be an adequate pedestrian and vehicular circulation system serving the site.
 - e. The plan provides for the preservation of natural resources and an efficient and desirable use of the open areas, and the plan is in keeping with the physical character of the Township and the area surrounding the development.
 - f. The applicant has made provision, satisfactory to the Board, to assure that those natural resource areas shown on the plan and those areas for use by the public or occupants of the development will be irrevocably committed for that purpose.
 - g. Provisions, satisfactory to the Board, have been made to provide for the preservation of natural resource areas and for the financing of any improvements shown on the plan for open space areas and common use areas which are to be included within the development, and that maintenance of such open space is assured by a means satisfactory to the Board.
3. **Approval of Rezoning and Preliminary Plan by Board.**
- a. If the Board shall determine to grant the application and approve the use areas within the preliminary development plan, it shall do so by adopting a resolution so stating and an ordinance amending the zoning map to provide for the mapped PUD Planned Unit Development District.
 - b. Any conditions of approval for the preliminary plan, which are required by the Township Board, shall be satisfied by the petitioner or owner prior to subsequent final site plan approval and prior to the issuance of any building permits. The Township Clerk shall keep a special record of all approved PUD development plans and approval conditions.
 - c. Once an area has been included within a preliminary development plan for Planned Unit Development and such plan has been approved by the Board, no development may take place in such area, nor may any use thereof be made, except in accordance with the preliminary development plan approved or in accordance with a Board approved amendment thereto.
 - d. Within a period of two (2) years following approval by the Board, final detailed site plans for the entire area embraced within the area approved for development under this district by the Board must be submitted as hereinafter provided. If such site plans have not been submitted and approved within the two (2) year period, the right to develop under the approved plan may be terminated by the Board and a new application must then be filed and processed in the same manner as in the original instance if the project is to be considered for continuation.
4. **Submission of Final Plans.**
- a. Before any building permits shall be issued for buildings and structures within the area of the Planned Unit Development District, a final detailed site plan for a project area of not less than fifty (50) acres shall be submitted to the Board for review and recommendation by the Planning Commission of the following:



LAPEER TOWNSHIP ZONING ORDINANCE

ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

- (1) A detailed site plan, fully dimensioned, showing a fully scaled plan view of all buildings, all public road rights-of-way and private streets, boundaries and acreage of each use area and the proposed ultimate density thereof, parking areas, utilities; and the detailed site plan shall indicate plans for natural resource preservation, the development of open space and any churches, schools or areas to be set aside for the use of the public or by residents within the development (Scale: 1" = 50').
- (2) The proposed topography, contour interval of at least two (2) feet, shall be superimposed on all site plans (Scale: 1" - 50').
- (3) Typical floor plans for all principal buildings and structures, including single-family detached dwellings, with a schedule of building types, shall be included in the final plan.
- (4) Approval of each functional use area within a project area shall be based on the area meeting the standards of this Ordinance as to density. To accomplish this standard, an open space of adequate size shall be shown with each project area being presented, said open area or common area not to include parking area. This total land area shall then be used to compute density. Subaqueous or submerged bottom land of lakes or streams shall be excluded in computing the area of a parcel, except that where the lands abutting said lakes or streams are developed in park or open space for the use of residents of the neighborhood, the surface area of said lakes or streams may be used to compute density.
- (5) All other provisions of Article 5, SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES.

5. Approval of Final Submittal by Planning Commission.

- a. Approval of each site plan shall be effective for a period of three (3) years. If development in compliance with a final site plan is not completed in this period, further development shall not be approved until the final site plan in question is completed or until completion is extended or waived by the Planning Commission. In reviewing and approving the final site plans, the following conditions shall be set forth.
 - (1) All final PUD site plans shall be subject to the review and approval of the Planning Commission.
 - (2) Where necessary, the provision of public roads shall be made so as to cause continuity of public access between any abutting thoroughfare and ingress and egress to all development within the plan.
 - (3) Before approving of any final, detailed site plan, the Planning Commission shall determine:
 - (a) That all use areas shown upon the development plan for the entire Planned Unit Development District for use by the public or the residents of land within the Planned Unit Development District have been irrevocably committed to such uses by dedication, restrictive covenants or in some other manner satisfactory to the Township.
 - (b) That the final detailed site plan is in conformity with the original preliminary plan previously approved.
 - (c) That the sanitary sewage, public water and storm water drainage requirements of the proposed development have been adequately provided for by the applicant.
 - (4) Provisions satisfactory to the Planning Commission shall be made to provide for the financing of any improvements shown on the site plan for open spaces and common areas which are to be provided by the applicant and that



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ARTICLE 11A – PUD PLANNED UNIT DEVELOPMENT

maintenance of such improvements is assured by a means satisfactory to the Planning Commission. The Planning Commission may require that conveyances or other documents be placed in escrow to accomplish this.

Section 11A.04 AREA REQUIREMENTS.

All proposed uses shall comply to the applicable lot area, width and yard requirements specified by the Zoning Ordinance for each respective district within which the use is permitted, unless otherwise modified by the Planning Commission as noted below.

The Township Board, upon a recommendation by the Planning Commission, may modify specific area, placement or height standards to provide some flexibility in the application of these standards. Any approved modification in standards shall be done in conjunction with an approved development plan for the site. Whenever a specific standard is modified, the extent of the change and the basis for it shall be documented as part of the approval.

Section 11A.05 OTHER APPLICABLE REQUIREMENTS.

1. A minimum of twenty (20) percent of the total project area shall be developed for outdoor recreational and open space uses, such as parks, tennis courts, gardens and ballparks; but such areas shall not include space devoted to streets and parking. In calculating open space acreage, the applicant may, at the discretion of the Township, include existing natural features that occur on the site, including wetlands, lakes or ponds, woodlands, etc., provided that facilities are made available as part of the PUD approval to use these areas for active or passive recreational purposes.
2. All residential structures shall be located not less than fifty (50) feet from all external PUD property lines and all non-residential structures shall be located not less than one hundred (100) feet from all such lines.
3. All structures shall be designed and located to assure the privacy of all residential uses.
4. The PUD shall be designed, constructed and landscaped to emphasize the basic aesthetic qualities of the project.
5. The proposed plan shall conform to the Township's requirements, and a schedule of development shall be presented demonstrating the feasibility of the proposed plans. Where designated, wetlands are to be encroached upon by the development; negotiations with the State shall be simultaneous with same information and various options being provided the Township. After approval of the plan and at any given time, the relationship of the land area of the residential approved for building permits and under construction shall be at least equal to the overall ratio of non-residential to residential land area for the total development. Land area once used in computing density for one project or use area shall not again be used to compute density in another.

Section 11A.06 SCHEDULING OF CONSTRUCTION.

The physical development of the area must start within three (3) years of the date of approval of the final site plans. The failure to start development shall invalidate the site plan and the sponsor shall then be required to resubmit his plan for review and approval as in the first instance. The entire PUD shall be fully developed and/or platted and recorded within a period not to exceed five (5) years from the date of approval of the initial preliminary plan, with the granting of subsequent one (1) year extensions of the Township Board being permissible.

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Section 11A.07 FEES.

All fees and costs for legal, engineering, planning or other services in review of the site plans and other elements of the Planned Unit Development incurred by the Township shall be paid by the petitioner/developer. Advance deposits shall be required by the Township. If fees and deposits are not made in a prompt and timely manner, all processing shall be halted.

Article 7.06 Business and Office Districts

7.06.01 Intent

- (a) The OS-1 Office Service Districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.
- (b) The B-1 Neighborhood Business Districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.
- (c) The B-2 General Business Districts are designed to furnish locations for a wide range of businesses including a variety of automotive services and goods incompatible with the uses and with the pedestrian movement in the city's traditional downtown (CBD Central Business Districts.) The B-2 Districts are characterized by more diversified business types and are often located so as to serve the passerby traffic.
- (d) The B-3 Regional Business Districts are designed to allow the development of retail establishments serving a wider regional trade area than would typically be found in the other zoning districts. The B-3 districts are characterized by intense traffic and traffic volumes generated by the wider trade area population. The B-3 District zoning designation is intended to restrict the location and number of regional retail establishments so as not to overload the City's thoroughfare system and further to limit the impact realized by the local commercial districts (B-1, B-2, CBD) that may result from saturation of the immediate trade area.

7.06.02 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 7.06.1 may be used for the purposes denoted by the following abbreviations:

- (a) **Permitted Use (P).** Land and/or buildings in this district may be used for the purposes listed by right.
- (b) **Special Land Use (SLU).** Uses which may be permitted by obtaining special land use approval when all applicable requirements in *Article 7.13 Use Requirements* and the standards of *Section 7.19.04 Review Standards* are met.
- (c) **Additional Requirements.** Indicates requirements or conditions applicable to the use.

7.06 Business and Office Districts

Table 7.06.1: Business and Office Districts Schedule of Uses

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Animal & Agricultural Uses					
Veterinary facilities and clinics	—	—	P	—	—
Public & Institutional Uses					
Business schools, or private schools, operated for profit	—	—	P	P	—
Institutional uses, places of public assembly & places of worship, including other facilities normally incidental thereto, excluding "large-scale churches"	P	P	P	P	Section 7.13.03(c)
Large-scale places of public assembly & places of worship with a seating capacity of 500 people or more or parking for 250 vehicles or more	—	—	SLU	SLU	Section 7.13.03(d)
Municipal buildings & post office	—	P	P	P	—
Private clubs or lodge halls	—	—	P	—	—
Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations & substations; gas regulator stations with service yards, but without storage yards; water & sewage pumping stations	SLU	SLU	P	—	—
Wireless Telecommunication Tower			SLU	SLU	Section 7.13.10(e)
Retail Uses					
Dry cleaning establishments, or pick-up stations, dealing directly with the consumer	—	P	P	—	—
Commercial establishments up to 80,000 square feet of gross floor area	—	P	P	P	
Commercial establishments consisting of one or more uses and a minimum of 80,000 square feet in total gross floor area	—	—	SLU	P	Section 7.13.04(a)
Funeral Homes and Mortuary Establishments	SLU	P	P	—	Section 7.13.04(d)
Greenhouses & plant nurseries	—	—	SLU	—	
Home centers & lumber yards	—	—	SLU	P	Section 7.13.04(c)
Newspaper offices & printing plants	—	—	P	—	—
Offices & showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise	—	—	P	—	—
Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe & etc), tailor shops, beauty parlors or barber shops, tattoo parlors, day spas, hair salons, photographic studios	P	P	P	—	—
Retail cold storage establishments	—	—	P		—
Self-service laundry	—	P	P		—

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Business and Office Districts

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OFFICE | INDUSTRIAL | RETAIL | LAND | INVESTMENT | TENANT REPRESENTATION | CORPORATE SERVICES | PROPERTY MANAGEMENT | AVIATION SERVICES

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Motor Vehicle Uses					
Automobile car wash, automatic or self-service	—	—	P	—	Section 7.13.05 (f)
Automobile service station for sale of gasoline, oil, & minor accessories only	—	—	SLU	SLU	Section 7.13.05 (a) and (b)
Minor automobile repair shops	—	—	P	—	Section 7.13.05(c)
Automobile sales or showroom	—	—	P	—	
Outdoor sales space for exclusive sale of second-hand automobiles	—	—	SLU	—	Section 7.13.05(e)
Lodging & Food Service Uses					
Drive-thru restaurants	—	—	SLU	SLU	Section 7.13.04(b)
Bed & breakfast	—	—	P	P	—
Motels & hotels	—	—	SLU	SLU	Section 7.13.06(a)
Standard restaurants, brewpubs & taverns where the patrons are served while seated within the building occupied by such establishment, & wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open front store	—	—	P	P	—
Sale & service of food & drink out of doors provided such use is incidental to a similar principal use indoors & conducted adjacent to said principal use	—	—	P	P	—
Entertainment & Recreation Uses					
Adult entertainment uses	—	—	SLU	—	Section 7.13.07(a)
Amusement arcades which provide space for patrons to engage in playing of electronic & mechanical video amusement devices or similar activities	—	—	SLU	—	Section 7.13.07(b)
Bowling alleys, pool or billiard parlor or clubs, indoor archery & indoor tennis clubs, fitness centers, athletic clubs, & other similar indoor commercial recreation establishments (Amd: Effective 05-17-12;-)	—	—	P	—	—
Commercial or institutional outdoor recreation facilities, including golf courses, water parks, tennis clubs and similar outdoor recreation establishments (Amd: Effective 05-17-12;-)	—	—	P	P	7.13.07(d)
Commercially used outdoor recreational space for children's amusement parks, miniature golf courses	—	—	SLU	—	Section 7.13.07(c)
Multi-screen movie theaters	—	—	—	SLU	Section 7.13.07(e)
Theaters when completely enclosed	—	—	P	—	
Finance, Insurance, Real Estate & Professional Uses					
Banks, credit unions, saving & loan association, & similar uses	P	P	P	P	Section 7.13.04(b)
drive-thru facilities as an accessory use only					
Stand-alone drive-thru ATM facilities	—	—	P	P	Section 7.13.04(b)

7.06 Business and Office Districts

Use	OS-1	B-1	B-2	B-3	Additional Requirements
Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting & sales	P	P	P	—	—
Business services such as mailing, copying, data processing and retail office supplies	P	P	P	—	—
Data processing and computer centers, including service and maintenance of electronic data processing equipment	P	P	P	—	—
Health & Human Care & Uses					
Adult day care centers	SLU	P	P	—	
Child care center, nursery schools & day nurseries	SLU	P	P	—	Section 7.13.09(a)
Convalescent homes, nursing homes & child care institutions	P	P	P	—	Section 7.13.09(b)
Hospices	—	—	P	P	
Hospitals (Amd: Effective 09-26-13;-)	SLU	—	P	P	Section 7.13.09(c)
Medical office and clinics	P	P	P	—	—
Transportation & Warehousing Uses					
Bus passenger stations	—	—	P	—	—
Off-street parking lots	P	P	P	—	—
Parking lots & parking structures			P	—	—
Warehouse & storage facilities when incident to & physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment	—	—	P	—	—
Accessory & Similar Uses					
Accessory building & uses, customarily incident to any of the above permitted uses	P	P	P	P	—
Drive-thru pharmacy as an accessory use only, when customarily incident to a principal use permitted in the district	SLU	SLU	P	SLU	Section 7.13.04(b)
Tent sales and sidewalk sales	P	P	P	P	Section 7.13.10(b)
Other uses similar to the above uses	SLU	SLU	SLU	SLU	Section 7.13.11
Wireless telecommunication antenna	P	P	P	P	Section 7.13.10(d)
Other Temporary Uses	P/ SLU	P/ SLU	P/ SLU	P/ SLU	Section 7.13.10(c)

7.06.03 Area, Height, and Placement Requirements

All lots and buildings shall meet the following dimensional requirements:

Table 7.06.2: Business and Office Districts Schedule of Area, Height, and Placement Requirements

Zoning District	Min. Lot		Max. Building Height	Max. % Lot	Min. Setbacks(ft.) (4)		
	Area	Width			Front	Side Yards (5, 6)	Rear (5)

		(ft.)(1)	(ft) (2)	Coverage	(3)	Least 1	Total 2	
OS-1	---	---	35 feet	---	30	---	---	---
B-1	---	---	25 feet	---	10	---	---	---
B-2	---	---	35 feet	---	30	---	---	---
B-3	10 acres	--	35 feet	---	30	---	---	---

(a) **Footnotes to Schedule of Area, Height, and Placement Requirements**

- (1) **Depth to Width Ratio.** All lots created after the adoption date of this ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.
- (2) **Building Height.** Exceptions to building height shall be as provided for in *Section 7.14.03(a) Height Limit.*
- (3) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.
- (4) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- (5) A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different a zoning district or use.
- (6) Side yards are not required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot line contain windows, or other openings, side yards of not less than ten (10) feet shall be provided. Where a lot borders on a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the street.



Article 7.03 Single-Family Residential Districts

7.03.01 Intent

The R-1 through R-3 Single-Family Residential Districts are intended to provide sites for single-family detached dwellings and residentially-related uses that serve the residents in the district. These districts provide a range of housing opportunities from larger suburban lots to more compact urban neighborhoods. These districts are intended to create walkable neighborhoods that are integrated into the character of the City. It is also the intent of these districts to protect natural areas and include recreational open space within neighborhoods and throughout the City. Further, it is the intent of the Single-Family Residential Districts to eliminate multiple-family residential uses in these districts.

7.03.02 Schedule of Uses

Buildings or land shall be not used and buildings shall not be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 7.03.1 may be used for the purposes denoted by the following abbreviations:

- (a) **Permitted Use (P).** Land and/or buildings in this district may be used for the purposes listed by right.
- (b) **Special Land Use (SLU).** Uses which may be permitted by obtaining special land use approval when all applicable requirements in *Article 7.13 Use Requirements* and the standards of *Section 7.19.04 Review Standards* are met.
- (c) **Additional Requirements.** Indicates requirements or conditions applicable to the use.

Table 7.03.1: Single-Family Residential Districts Schedule of Uses

Use	R-1 to R-3	Additional Requirements
Residential Uses		
Home occupation	P	Section 7.13.01(c)
Single-family detached dwellings	P	Section 7.13.01(b)
Animal & Agricultural Uses		
Farms	P	Section 7.13.02(b)
Public & Institutional Uses		
Cemeteries	SLU	Section 7.13.03(a)
Colleges, universities & other such institutions of higher learning, public & private, offering courses in general, technical or religious education & not operated for profit	SLU	Section 7.13.03(b)
Places of public assembly & places of worship, including other facilities normally incidental thereto, with a seating capacity of less than five hundred (500) people or parking for less than two hundred and fifty (250) vehicles	SLU	Section 7.13.03(c)

7.03 Single-Family Residential Districts

Use	R-1 to R-3	Additional Requirements
Private noncommercial recreational areas or community centers (Amnd: Effective 05-17-12;-)	SLU	7.13.07(f)
Public, parochial & other private elementary schools offering courses in general education, & not operated for profit	P	---
Public, parochial & private intermediate or secondary schools offering courses in general education, not operated for profit	SLU	
Publicly owned & operated libraries, parks, parkways & recreational facilities	P	---
Uses & buildings of the municipality (without storage yards)	SLU	
Utility & public service buildings & uses (without storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity	SLU	
Entertainment & Recreation Uses		
Golf courses, which may or may not be operated for profit	SLU	7.13.07(d)
Health & Human Care & Uses		
Adult foster care family home (6 or fewer adults)	P	---
Adult foster care small group home (1 to 12 adults)	SLU	---
Child care center, nursery schools & day nurseries	SLU	Section 7.13.09(a)
Child care institution	SLU	
Family day care home (6 or fewer children less than 24 hours per day)	SLU	---
Group day care home (7 to 12 children less than 24 hours per day)	SLU	---
Foster family home (4 or fewer children 24 hours per day)	P	---
Foster family group home (5 to 6 children 24 hours per day)	P	---
Accessory & Similar Uses		
Accessory building & uses, customarily incident to any of the above permitted uses	P	---
Garage sales	P	Section 7.13.10(a)
Other uses similar to the above uses	SLU	Section 7.13.11
Private pools shall be permitted as an accessory use within the rear yard only	P	---
Wireless telecommunication antenna	SLU	Section 7.13.10(d)
Other Temporary Uses	P/SLU	Section 7.13.10(c)

7.03.03 Area, Height, and Placement Requirements

All lots and buildings shall meet the following dimensional requirements:

Table 7.03.2: Single-Family Residential Districts Schedule of Area, Height, and Placement Requirements (5)

Zoning District (1)(5)	Min. Lot (4) (10)		Max. Building Height (ft.) (3)	Max. % Lot Coverage	Min. Setbacks(ft.)(6,7)			Min. Floor Area Per Dwelling Unit	
	Area (sq. ft.) (4)	Width (ft.)(2)			Front (8)	Side Yards (9)			Rear
						Least 1	Total 2		
R-1	6,000	50	25	30%	25	4	12	35	850
R-2	8,400	70	25	30%	25	5	15	35	1,000
R-3	12,000	90	35	30%	30	10	25	40	1,000

(a) **Footnotes to Schedule of Area, Height, and Placement Requirements**

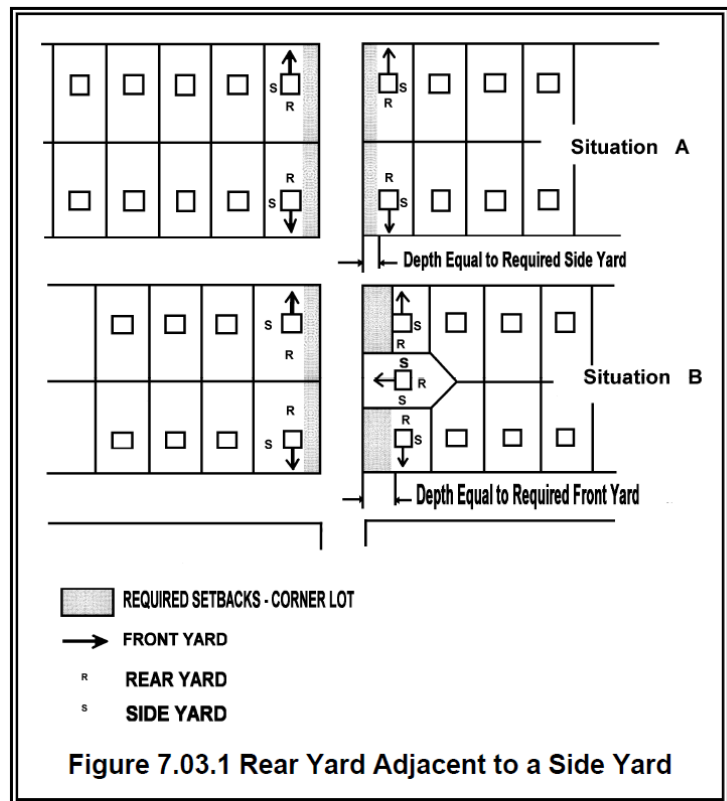
- (1) **Recreational Area.** All residential developments containing more than six (6) dwelling units shall provide a recreational area of at least one-thousand five hundred (1,500) square feet for each residential unit. The location of the area shall be approved by the City Commission, based upon a recommendation by the Planning Commission.
- (2) **Depth to Width Ratio.** All lots created after the adoption date of this ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.
- (3) **Building Height.** Exceptions to building height shall be as provided for in *Section 7.14.03 (a) Height Limit*.
- (4) **Averaged Lot Size.** The intent of this Section is to permit the subdivider or developer to vary lot sizes and lot widths so as to average the minimum size of lot per unit as required in Table 7.03.02 for each Single-Family Residential District. If this option is selected, the following conditions shall be met:
 - a. In meeting the average minimum lot size, the subdivision shall be so designed that lot areas and widths shall not be reduced by more than ten (10%) percent below that area or width required and shall not create an attendant increase in the number of lots.
 - b. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
 - c. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
- (5) **Flexibility.** See *Section 7.03.04 Subdivision Open Space Plan* and *Section 7.03.05 Single-Family Clustering Option* regarding flexibility allowances.
- (6) **Non-Residential Setbacks.** For all uses permitted other than single-family residential, the setback shall equal the height of the main building, unless otherwise specified in *Article 7.13 Use Requirements*. A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different zoning district or use.

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- (7) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- (8) **Front Yard Reduction.** The required front yard setback may be reduced to an average of the existing front yard setbacks of residences immediately adjacent on the same street. If no adjacent residences exist, then the front yard setback may be reduced to an average of the nearest two (2) residences on the same street.

- (9) **Rear Yards Abutting a Side Yard.** In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply. On corner lots where a lot width of sixty (60) feet or less exists, the side yard may be reduced to the front setback of the home to the rear of such corner lot.

- (10) **No Sanitary Sewer.** New lots in areas without sanitary sewer must be a minimum of 1 acre.



7.03.04 Subdivision Open Space Plan

- (a) The intent of the Subdivision Open Space Plan is to promote the following objectives:
 - (1) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - (2) Encourage developers to use a more creative approach in the development of residential areas.
 - (3) Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.

- (4) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- (b) Modification to the standards outlined in Table 7.03.2 may be made in the R-2 and R-3 Single-Family Residential Districts when the following conditions are met:
- (1) The lot area in R-2 Single-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to twenty (20%) percent. In the R-2 District, this reduction may be accomplished in part by reducing lot widths up to five (5) feet. In the R-3 Districts, this reduction may be accomplished in part by reducing lot widths up to ten (10) feet. These lot area reductions shall be permitted, provided that the dwelling unit gross density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each Single-Family District under Table 7.03.03. All calculations shall be predicated upon the Single-Family Districts having the following gross densities (including roads):
- R-2 = 3.9 dwelling units per acre
R-3 = 3.4 dwelling units per acre
- (2) Rear yards may be reduced to thirty (30) feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
- (3) Under the provisions of item (1) above of this Section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in Table 7.03.2, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the Municipality.
- (4) The area to be dedicated for subdivision open space purposes shall in no instance be less than three (3) acres and shall be in a location and shape approved by the Planning Commission.
- (5) The land area necessary to meet the minimum requirements of this Section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
- (6) This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and the subdivider or developer.
- (7) This plan for reduced lot sizes shall be started within twelve (12) months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.

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- (8) Under this subdivision open space approach, the proprietor shall dedicate sufficient park area for the common use of the lot owners so that each final plat is within maximum density requirements; provided, however, that any entire park within a single block shall be dedicated as a whole.
- (c) The application for approval of Subdivision Open Space Plan shall contain the following in addition to the information required by the Land Division Ordinance:
 - (1) A complete description of the land proposed to be dedicated to the City or to the common use of lot owners (herein called open land) including the following at a minimum:
 - a. Legal description of open land.
 - b. Topographical survey of open land.
 - c. Type of soil in open land.
 - d. Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc).
 - e. Other relevant factors.
 - (2) The proposed plan of development of the open land shall be contained in the application and shall include the following at a minimum:
 - a. The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision.
 - b. The proposed manner of collection of maintenance costs, financing costs or assessments so that non-payment will constitute a lien on the property, thus avoiding municipal responsibility in the future.
 - c. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to the property owners and cause for enforcement by the City.
 - d. The proposed method of notifying the City when any change is contemplated in plans that would affect the original specifications approved by the City.
 - e. The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.
 - f. The proposed use of open land and the proposed improvements which are to be constructed by the proprietor.
 - (3) The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the City by approval of the proposed Subdivision Open Space Plan with particular reference to the objectives stated in this Ordinance.
- (d) Subdivision Open Space Plans shall follow the review and approval procedures for subdivisions, including all public hearing requirements, as set forth in the Land Division Ordinance.

- (1) If the Planning Commission is satisfied that the proposed Subdivision Open Space Plan is in compliance with this Ordinance and should be approved, it shall recommend such approval to the City Commission with the conditions upon which such approval should be based. Thereafter, the City Commission shall take action upon such application in accordance with the procedures for subdivisions set forth in the Land Division Ordinance.
- (2) If the Planning Commission is not satisfied that the proposed Subdivision Open Space Plan is in compliance with this Ordinance or finds that the approval of said Subdivision Open Space Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the City Commission with the reasons therefor. The proprietor shall be entitled to a hearing upon said proposal before the City Commission upon written request filed with the Clerk.
- (3) If the City Commission gives approval to the proposed Subdivision Open Space Plan, it shall instruct its attorney to prepare a contract setting forth the conditions on which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the proprietor prior to the approval of a preliminary plat.

7.03.05 Single-Family Clustering Option

(a) Intent

- (1) The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will provide for an alternative means for development of single-family areas. To accomplish this, modifications to the Single-Family Residential standards, as outlined in Table 7.03.2, shall be permitted in the R-2 and R-3 Districts.
- (2) In R-2 and R-3 Single-Family Residential Districts, the requirements of Table 7.03.2 may be waived and the attaching of single-family dwelling units may be permitted subject to the standards of this Section.

(b) Conditions for Qualification

- (1) The Planning Commission may approve of the clustering or attaching of dwelling units on parcels of land under single ownership and control which, in the opinion of the Planning Commission, have characteristics which would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because the site is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving an area for cluster development, the Planning Commission shall find at least one of the following conditions to exist:

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Single-Family Residential Districts

- a. The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
- b. The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.
- c. The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thoroughfare.
- d. A substantial portion of the parcels perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
- e. A substantial portion of the parcels perimeter is bordered by land that is located in other than an R Single-Family Residential District or is developed for a use other than single-family detached homes.
- f. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
- g. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10%) percent between these elevations. These elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the City could be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.
- h. The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

- (2) In order to qualify a parcel for development under paragraphs f., g. or h. of paragraph (b)(1) above, the Planning Commission shall determine that the parcel has these characteristics and the request shall be supported by written and/or graphic documentation, prepared by a Landscape Architect, Engineer, Professional Community Planner, Registered Architect or Environmental Design Professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two (2) foot contour interval, inventory of natural assets.
- (3) This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.

(c) **Permitted Densities**

- (1) In a cluster development, the gross densities permitted may be increased to the following maximums (including streets):

- a. For those areas qualifying under paragraph (b)(1)a. through e.: 6 dwelling units/acre.
- b. For those areas qualifying under paragraph (b)(1)f., g. or h.: 5 dwelling units/acre.
- c. Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.
- d. In those instances where a parcel qualifies under both paragraphs a. and b. above, the densities permitted under a. may be permitted by the Planning Commission provided that the Commission finds that such density is reasonable in that it does not preclude the application of paragraph e. of subsection (d)(1) and does not result in the destruction or total removal of such natural assets as enumerated under paragraph (b)(1)f., g. or h. above.

(d) Development Standards and Requirements

- (1) In areas meeting the criteria of (b)(1) above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by Table 7.03.2, may be waived and the attaching of dwelling units may be accomplished subject to the following:
 - a. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one of the following:
 - 1. Through a common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling wall.
 - 2. By means of an architectural wall detail which does not form interior room space.
 - 3. Through a common party wall in only the garage portion of adjacent structures.
 - 4. No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed four (4).
 - b. Yard requirements shall be provided as follows:
 - 1. Spacing between groups of attached dwelling units or between groups of four (4) unattached units shall be equal to at least twenty (20) feet in an R-3 District, and fifteen (15) feet in an R-2 District, measured between the nearest points of adjacent buildings.
 - 2. Building setbacks from local streets shall be determined after consideration of potential vehicular traffic volume, site design and pedestrian safety. It is intended that setbacks for each dwelling shall be such that one (1) car length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from local streets, the Planning Commission may use the following guidelines:
 - (i) Garages or required off-street parking spaces shall not be located less than twenty (20) feet from the right-of-way of a public street unless such street (or portion thereof) is serving as access to not more than sixteen (16) residential units.

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- (ii) Where streets are private or the Planning Commission does not require the twenty (20) foot setback from a public right-of-way, garages or required off-street parking spaces shall not be located less than twenty (20) feet from the pavement edge of the street or the shoulder of a street.
- 3. That side of a cluster adjacent to an arterial or collector street shall not be nearer to said street than twenty-five (25) feet, except that in those areas where topography meets the topographic conditions set forth in 7.03.05(b)(1)g. above on lands immediately adjacent to said streets having slopes in excess of ten (10) percent, the front yard may be reduced by five (5) feet, but in no instance shall a structure be closer to the road right-of-way line than one-half (1/2) the front yard setback for the district in which it is located.
- 4. Any side of a cluster adjacent to a private road shall not be nearer to said road than ten (10) feet.
- c. In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten percent (10%) and when the unit is constructed on posts, the first ten (10) feet of height in the posts shall not be computed. Application of the definition of "Building Height" shall apply over and above the ten (10) feet of post height.
- d. The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least twenty percent (20%) of the horizontal development area of a one-family cluster development.
- e. In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:
 - 1. Single-family lots subject to the standards of Table 7.03.03.
 - 2. Detached buildings with setbacks as required by Table 7.03.03 for the applicable residential district.
 - 3. Open or recreation space.
 - 4. Changes in topography which provide an effective buffer.
 - 5. A major or secondary thoroughfare.
 - 6. Some other similar means of providing a transition as provided for in Section 7.15.02(f).

(e) Procedures

- (1) In making application for approval under this Section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option, and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.

(2) Qualification for Cluster Development

- a. Application to the Planning Commission for qualification of a parcel for cluster development shall include documentation substantiating one (1) or more of the characteristics outlined in paragraph (b) Conditions for Qualification.
- b. The Planning Commission shall make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one (1) of the provisions of (b) (1) above, based upon the documentation submitted.
- c. Preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not assure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

(3) Site Plan and Cluster Approval

- a. The Planning Commission shall hold a public hearing on the site plan after an initial review of a preliminary plan which shall not require a public hearing.
- b. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details which will assist in reviewing the proposed plan.
- c. For those parcels which qualified under the provisions of paragraphs (b) (1), f., g. or h., one (1) copy of the site plan superimposed on a recent aerial photograph of at least 1" = 200' scale, shall be submitted for review to show the relationship of the site plan to existing natural features and to adjacent developments.
- d. Site plans submitted under this option shall be accompanied by information as required in *Section 7.03.04(c) Subdivision Open Space Plan*, provided however, that:
 1. Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the sponsor.
 2. The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- e. The Planning Commission shall give notice of the public hearing in accordance with *Section 7.21.07 Public Hearings*.
- f. If the Planning Commission is satisfied that the proposal meets the letter and spirit of the Zoning Ordinance and should be approved, it shall give tentative approval with the conditions upon which such approval should be based. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of the Zoning Ordinance, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore, in the minutes of the Planning Commission meeting. Notice of approval or disapproval of the proposal together with copies of all layouts and other relevant information

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- shall be forwarded to the City Clerk. If the proposal has been approved by the Planning Commission, the Clerk shall place the matter upon the agenda of the City Commission. If disapproved, the applicant shall be entitled to a hearing before the City Commission, if he requests one in writing within thirty (30) days after action by the Planning Commission.
- g. The City Commission shall conduct a public hearing on the proposed open space plan and site plan for the Cluster Option and shall give notice in accordance with *Section 7.21.07 Public Hearings*. If the City Commission approves the plans, it shall instruct the City Attorney to prepare a contract, setting forth the conditions upon which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.
- h. As a condition for the approval of the site plan and open space plan by the City Commission, the applicant shall deposit a cash or irrevocable letter of credit in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the City Commission. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.