

LAPEER COMMUNITY SCHOOLS

REQUEST FOR PROPOSALS

**RENOVATION OR REDEVELOPMENT OF THE E.T. WHITE
BUILDING PROPERTY**

Up To 7.39 +/- Acres on Genesee Street which includes a 50,950+/-
Square Foot Building

City of Lapeer, Michigan

GREAT NORTHERN LAND COMPANY
REAL ESTATE SERVICES AND CONSULTING

1785 West Stadium
Ann Arbor, MI 48103

Phone (734) 996-9979
Mobile (586) 703-9882
Email greatcgroup@aol.com

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I. INTRODUCTION – PROPOSAL PROCESS
AND SUBMISSION REQUIREMENTS

GREAT NORTHERN LAND COMPANY
REAL ESTATE SERVICES AND CONSULTING

1785 West Stadium
Ann Arbor, MI 48103

Phone: (734) 996-9979
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April 11, 2008

To: Prospective Purchasers and Developers
From: Great Northern Land Company

Re: **Request For Proposals to Renovate/Redevelop up to 7.39+/- acres of property off of Genesee Street and West of N. Main Street, which includes a 50,950+/- square foot building formerly known as the E.T. White Building, City of Lapeer, Michigan**

The Lapeer Community Schools (the "District") is the owner of 7.39+/- acres of real property off of Genesee Street, just West of N. Main Street, in the City of Lapeer, Michigan (the "Property"). The Property contains a 50,950+/- square foot building formerly known as the E.T. White Building, 201 Jefferson Street (the "Building"), along with associated parking lots and athletic fields (vacant land) which were utilized while the District operated the Building as a school. The Building is approximately five (5) walking blocks to the Downtown Lapeer area and the post office. The Marguerite Deangeli Library is one (1) block away. Various denominations of churches are within four (4) blocks of the Property. The Lapeer County Museum and Genealogical Research Center are on the edge of Downtown Lapeer and near the Property. The Property is within the "Piety Hill District," which has several early churches and historic homes. Also, several retail shopping centers are close to the Property. The Property is currently zoned R-2 SINGLE FAMILY RESIDENTIAL (60-foot wide, 7,200 square foot lots). However, the potential may exist for a mixed use development under the Planned Unit Development (PUD) zoning ordinance. It is anticipated that the new Master Plan For Land Use under development by the City of Lapeer will identify this Property for PUD use.

The District has been cognizant of the potential overall utility of the Property for the District and the community at-large, including the potential renovation of the Building, which has been significant in the lives of many persons in the community. Recently, the District's Board of Education commissioned the formation of a community-based committee (the "Committee") to identify and analyze possible means by which the Building located on the Property could be renovated and

preserved for the benefit of the community. The underlying goal of the Committee was to identify ways in which the Building could be adapted, renovated and preserved; accordingly, the Committee was granted considerable latitude to identify various solutions for renovation and preservation of the Building.

Based upon the results of the analyses of the Committee and the District, the District is seeking proposals for the renovation/redevelopment of the Building (which may include development of the entire Property and renovation of the Building, or the renovation of the Building only) (a “Renovation Proposal”), as well as proposals for the complete redevelopment of the Property (which may or may not include the renovation of the Building) (a “Redevelopment Proposal”) (the Renovation Proposal and Redevelopment Proposal are hereinafter collectively referred to as a “Proposal”). Renovation Proposals must include a detailed concept plan for the adapted re-use and renovation of all or part of the Building, including detailed plans for the renovation and preservation of the Building according to applicable code requirements. Redevelopment Proposals must include a detailed concept plan for the redevelopment of the Property, and must include plans detailing how the Building will be memorialized if the redevelopment does not include renovation of the Building. The District is **not** accepting Proposals on the vacant (athletic field) portion of the Property only.

In addition to the Property, there may be an opportunity to include additional property, which is **not** owned by the District, in any redevelopment activities. The City of Lapeer has been analyzing the potential inclusion of the six residential home lots along Genesee Street (west of the Building) in the redevelopment plans of the Property (the “Residential Lots”). Moreover, the owner of the approximately 5.24 acres of real property to the North/Northwest of the Property, which is currently used for commercial greenhouse activities (a legally existing non-conforming use), has expressed a potential interest in including its property in the redevelopment of the Property (the “Perkins Property”) and the City of Lapeer has been analyzing the inclusion of the Perkins Property in the redevelopment plans of the Property. However, any inclusion of the Residential Lots and/or the Perkins Property would require negotiations with those owners, separate from negotiations with the District, and approval by the City of Lapeer. If the Residential Lots and the Perkins Property were included with the Property, then there would be approximately 14 acres for redevelopment.

The City of Lapeer Planning Commission has created concept plans for the re-use of the Property, as well as the Perkins Property. The concept plans are included in the Site Details Section and the proposed uses this combined parcel include office, neo-traditional condominiums and retail uses. Please note that the enclosed concept plans reflecting any inclusion of the Perkins Property have **not** been approved by the City Planning Commission or the City Commission and are provided herein for informational purposes only.

The District recently sold the adjacent parcel of land that contained the former Administration Building of the District, located on the corner of N. Main and Genesee Streets, to the Rite Aid Corporation (the “Ride Aid Parcel”). The Ride Aid Parcel has been re-zoned for commercial use, is currently under redevelopment and will be the future home of a Ride Aid facility. In connection with the sale of the Rite Aid Parcel, a non-exclusive easement for ingress and egress was granted in favor of the Rite Aid Parcel along the portion of the Property running between the Building and Genesee Street. Further, a non-exclusive easement over a portion of the Northwest corner of the Rite Aid Parcel was granted in favor of the Property. *See* Site Details Section herein.

Proposals may be submitted to the District for the Building only, the Property including the Building, or the entire Property. Proposals will **not** be accepted on the vacant portion (athletic fields) of the Property only. The District will accept Proposals until July 1, 2008. The District contemplates making a decision regarding the Proposals received as of that date in July of 2008. Notwithstanding the foregoing, the District reserves the right to accept or reject any Proposal at any time, including prior to July 1, 2008. Consideration of Proposals will include review of the proposed adaptation and renovation/preservation of the Building, proposed redevelopment of the Property and financial ability of the individual/entity submitting the Proposal to complete the proposed renovation and/or redevelopment. However, each Proposal will be considered on its own merit, in light of the overall utility of the proposed renovation and/or redevelopment of the Building and Property in the best interests of the District and the community at large.

Great Northern Land Company is marketing the Property (and not the Residential Lots or the Perkins Property) for the District on a fee basis, as consultants. We are soliciting Proposals that must be submitted to **Mr. Kevin Rose, Assistant Superintendent, Business and Finance, Lapeer Community Schools, 250 Second Street, Lapeer, Michigan, 48446 no later than 2:00 P.M. on July 1, 2008. No phone, fax or electronic transmission Proposals will be accepted. If mailed, no responsibility is assumed for postal delays.**

The attached package includes the following information: (1) Introduction – Proposal Process and Submission Requirements; (2) Building and Property Information, including operational costs; (3) City Contact Information; (4) Site Details; (5) Zoning Information and Concept Plans; and (6) Legal Highlights

Please note that all Proposals must contain all of the information set forth below. Proposals that do not include this information may not be considered on that basis. **Prospective Purchasers/Developers submitting a Proposal must include an earnest money deposit of Fifty Thousand and 00/100 Dollars (\$50,000.00) with their Proposal.**

REQUIRED INFORMATION FOR PROPOSALS

- **Outline of proposed purchase terms/price**
- **Detailed outline of proposed uses and/or redevelopment**
- **Background information on individual or development group submitting the Proposal**
- **Financial references/ Ability to perform**
- **Detailed Renovation/Redevelopment Plans, including all required code upgrades**
- **Budget for renovation and cost of code upgrades**
- **Budget for ongoing operational expenses of Building, if renovated**
- **Financing sources**
- **Details on any grant financing**
- **Detailed Timeline of development/phasing of redevelopment**
- **Earnest Money Deposit**

THE DISTRICT IS CONTEMPLATING MAKING A DECISION ON THE RENOVATION AND/OR REDEVELOPMENT OF THE PROPERTY IN JULY OF 2008. NOTWITHSTANDING THE FOREGOING, THE DISTRICT RESERVES THE RIGHT TO ACCEPT OR REJECT ANY PROPOSAL IN WHOLE OR IN PART AT ANY TIME,

INCLUDING PRIOR TO JULY 1, 2008. THE DISTRICT ALSO RESERVES THE RIGHT TO WAIVE ANY IRREGULARITIES CONTAINED IN ANY PROPOSAL OR REQUIREMENTS OF THIS REQUEST FOR PROPOSALS.

A number of finalists may be selected and asked to provide additional information, including specific financial qualifications and more detailed concept plans for the renovation and/or redevelopment of the Property. The additional information will facilitate the final selection of the successful purchaser(s)/developer(s). Further, the additional information will allow the District to select a purchaser(s)/developer(s) financially able to perform on the contract and proceed with a development perceived to be positive for the District, as well as the community at large. It is important to note that the highest price may not necessarily represent the Proposal that the District determines to be, in its sole discretion, in the best interest of the District.

The finalist or finalists will be notified by the District. The District may request the finalist(s) to make clarifications to their Proposals that the District deems necessary to select a successful purchaser(s)/developer(s).

Upon final selection of a Proposal, Clark Hill PLC (the School District's legal counsel) will negotiate and prepare all necessary legal documentation to memorialize the transaction with the selected purchaser/developer. The overall transaction will include many standard contingencies so that the purchaser/developer may satisfy itself as to the Property's suitability for development. Provisions that must be included in any legal documentation may be found in the Legal Highlights section of this RFP, however the District reserves the right to modify these terms as necessitated by any intricacies of a particular redevelopment plan.

Please note that we are making no representations regarding the suitability of the Property for any particular purpose. It is the purchaser/developer's sole responsibility to determine any suitability during the due diligence period. Within the constraints of this limitation, please address all questions regarding the Property to Great Northern Land Company.

Great Northern Land Company is representing Lapeer Community Schools as a fee based consultant in this matter. As a result, there is no real estate commission to be paid. Brokers must look to their purchaser for compensation.

Please note again that signed Proposals, together with the earnest money deposit, must be submitted to Mr. Kevin Rose, Assistant Superintendent, Business and Finance, Lapeer Community Schools, 250 Second Street, Lapeer, Michigan, 48446 no later than 2 p.m. on July 1, 2008. No phone, fax or electronic transmission Proposals will be accepted. If mailed, no responsibility is assumed for postal delays.

Thank you again for your interest in the Property. If you have any questions, please contact Bill Bowman at (586) 703-9882. We are looking forward to receiving your Proposal.

Respectfully,
Great Northern Land Company

William W. Bowman, IV
President

II. BUILDING AND PROPERTY INFORMATION

RFP FACT SHEET

OPERATIONAL COSTS

ANTICIPATED CODE UPGRADES

BUILDING FLOOR PLANS

Lapeer Community Schools

RFP FACT SHEET

PROPERTY DESCRIPTION: 7.39 +/- ACRES - SIDWELL NUMBER L20-72-500-040-00, ALSO KNOWN AS 201 JEFFERSON STREET, LAPEER, MICHIGAN. CERTAIN AREAS OF THE PROPERTY ARE SUBJECT TO EASEMENT AGREEMENTS IN CONJUNCTION WITH THE RITE AID PARCEL DEVELOPMENT.

LOCATION: THE PROPERTY (INCLUDING THE BUILDING AND THE ASSOCIATED PARKING LOTS AND ATHLETIC FIELD) IS SITUATED NORTH OF GENESEE STREET AND WEST OF MAIN STREET. ACCESS TO THE PROPERTY/BUILDING IS ON JEFFERSON STREET, ONE BLOCK WEST OF NORTH MAIN STREET AND OFF OF GENESEE STREET. THE BUILDING IS APPROXIMATELY FIVE (5) WALKING BLOCKS TO THE DOWNTOWN AREA AND THE POST OFFICE. THE MARGUERITE DEANGELI LIBRARY, THE MAIN LIBRARY FOR THE LAPEER LIBRARY DISTRICT, IS ONE BLOCK AWAY. THREE DENOMINATIONS OF CHURCHES (PRESBYTERIAN, EPISCOPALIAN AND ROMAN CATHOLIC) ARE WITHIN FOUR BLOCKS. THE LAPEER COUNTY MUSEUM AND GENEALOGICAL RESEARCH CENTER ARE ON THE EDGE OF THE DOWNTOWN. THE PROPERTY IS WITHIN AN AREA KNOWN AS THE "PIETY HILL DISTRICT," WHICH HAS SEVERAL EARLY CHURCHES AND HISTORIC HOMES. SEVERAL RETAIL SHOPPING CENTERS ARE NEARBY ON GENESEE STREET OR IN THE SOUTH MAIN STREET AREA.

MUNICIPALITY: CITY OF LAPEER, MI

BUILDING SIZE: APPROXIMATELY 50,950 SQUARE FEET (2 STORY)

UTILITIES: ALL UTILITIES AVAILABLE (SEE UTILITY SECTION)

ZONING: R-2 SINGLE FAMILY RESIDENTIAL (60-FOOT WIDE, 7,200 SQUARE FOOT LOTS). POTENTIAL FOR MIXED USE DEVELOPMENT OR REZONING TO RM MULTIPLE FAMILIES OR COMMERCIAL.

OPERATIONAL COSTS: FOR THE FISCAL YEAR ENDING JUNE 30, 2007, THE ELECTRICAL COSTS FOR THE BUILDING WERE APPROXIMATELY \$10,600.00; THE WATER/SEWER COSTS WERE APPROXIMATELY \$876.00; THE WATER HEATER GAS COSTS WERE APPROXIMATELY \$887.00; AND THE ESTIMATED COSTS OF HEAT FOR THE BUILDING WERE \$56,300.00. IN THE PAST, THE FORMER ADMINISTRATION BUILDING AND THE E.T. WHITE BUILDING WERE ON THE SAME BOILER, WHICH WAS LOCATED ON THE RITE AID PARCEL. FOR THE PURPOSE OF THIS RFP, THE TOTAL BILL FOR HEATING COSTS WAS SPLIT BY THE SQUARE FOOTAGE OF EACH BUILDING. FURTHERMORE, DURING

THE FISCAL YEAR ENDING JUNE 30, 2007, THE DISTRICT USED ONLY THE LOWER LEVEL AND FIRST FLOOR OF THE E.T. WHITE BUILDING. DUE TO THE BOILER BEING LOCATED ON THE RITE AID PARCEL, THE E.T. WHITE BUILDING, WHEN RENOVATED, WILL NEED A NEW BOILER. IF THE PROPERTY/BUILDING ULTIMATELY IS SUBJECT TO PROPERTY TAXES, THE TOTAL 2007 NON-HOMESTEAD PROPERTY TAX RATE WAS 44.8476 MILLS.

ANTICIPATED CODE
UPGRADES:

GIVEN THE AGE OF THE BUILDING, IT IS ANTICIPATED THAT A NUMBER OF UPGRADES WILL BE REQUIRED TO BRING THE BUILDING UP TO CODE. SOME OF THE EXPECTED REQUIREMENTS ARE, WITHOUT LIMITATION, ASBESTOS ABATEMENT, LEAD PAINT REMOVAL, A FIRE SUPPRESSION SYSTEM AND AN ELEVATOR. AS PART OF ANY PROPOSAL, IT IS EXPECTED AND REQUIRED THAT THESE AND ANY OTHER CODE ISSUES FOR YOUR PARTICULAR USE BE ADDRESSED.

PRICE:

NO MINIMUM PRICE HAS BEEN SET

TERMS:

CASH/LAND CONTRACT/DEVELOPMENT AGREEMENT

RIGHTS OF OWNER:

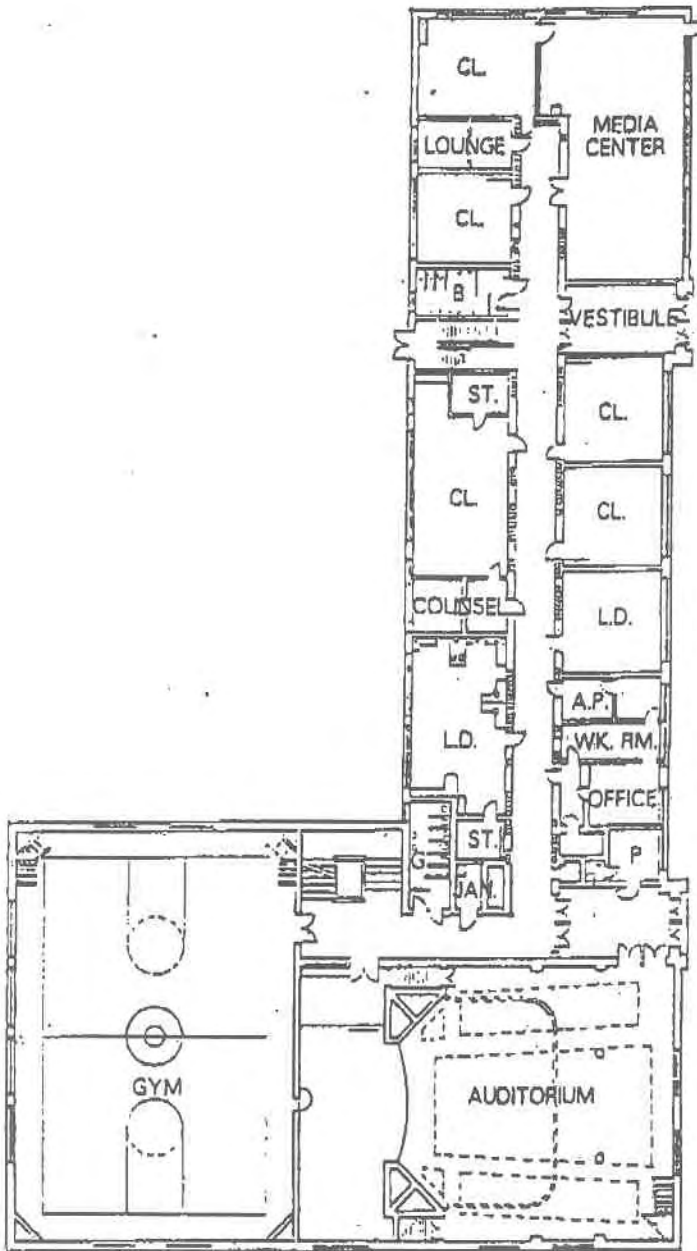
THE DISTRICT IS CONTEMPLATING MAKING A DECISION ON THE RENOVATION AND/OR REDEVELOPMENT OF THE PROPERTY IN JULY OF 2008. NOTWITHSTANDING THE FOREGOING, THE DISTRICT RESERVES THE RIGHT TO ACCEPT OR REJECT ANY PROPOSAL IN WHOLE OR IN PART AT ANY TIME, INCLUDING PRIOR TO JULY 1, 2008, AND THE RIGHT TO WAIVE ANY IRREGULARITIES CONTAINED IN ANY PROPOSAL OR REQUIREMENTS OF THIS REQUEST FOR PROPOSALS.

BID DEADLINE:

PROPOSALS MUST BE SUBMITTED TO MR. KEVIN ROSE, ASSISTANT SUPERINTENDENT, BUSINESS AND FINANCE, LAPEER COMMUNITY SCHOOLS, 250 SECOND STREET, LAPEER, MICHIGAN, 48446 NO LATER THAN 2:00 P.M. ON JULY 1, 2008. NO PHONE, FAX OR ELECTRONIC TRANSMISSION PROPOSALS WILL BE ACCEPTED. IF MAILED, NO RESPONSIBILITY IS ASSUMED FOR POSTAL DELAYS.

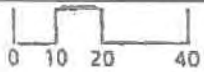
COMMISSION:

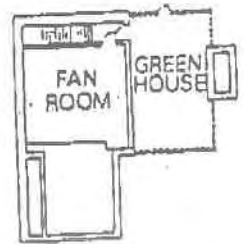
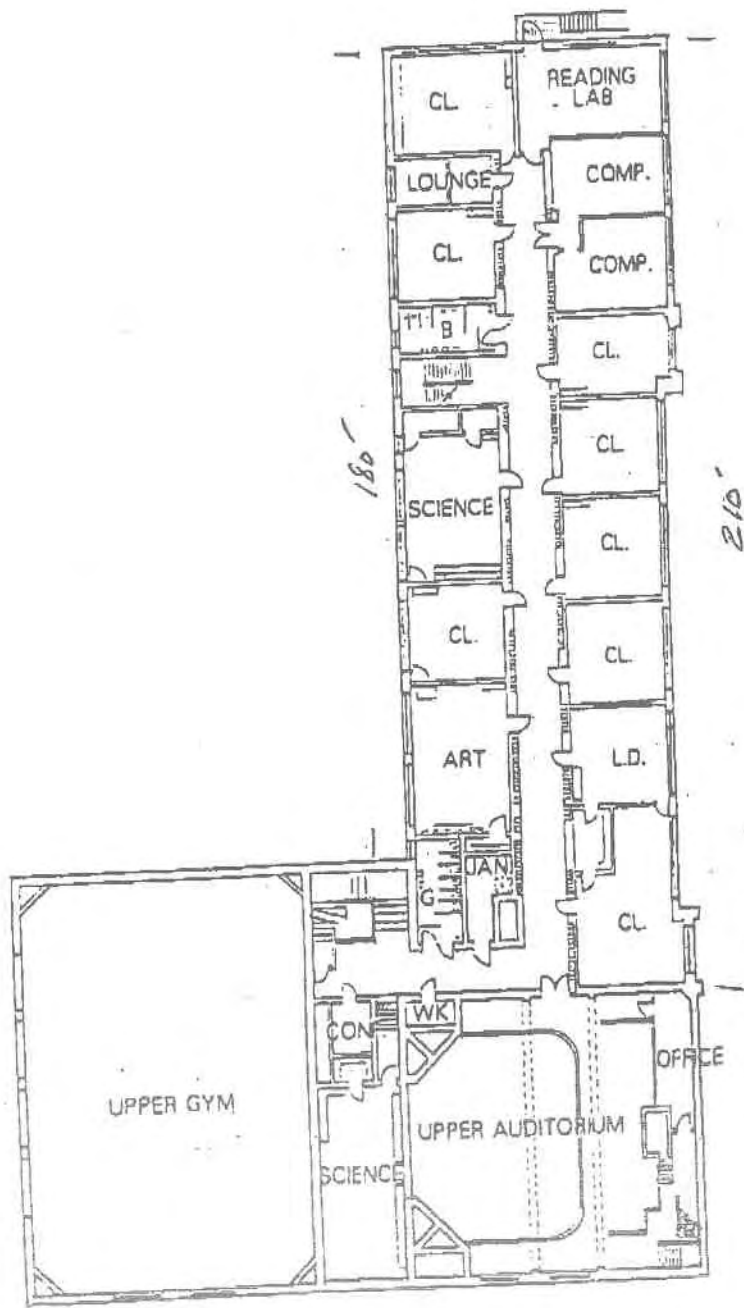
NO REAL ESTATE COMMISSION TO BE PAID BY LAPEER COMMUNITY SCHOOLS. GREAT NORTHERN IS A FEE-BASED ADVISOR TO THE SCHOOL BOARD. BROKERS MUST LOOK TO PURCHASER FOR COMPENSATION.



EXISTING
WHITE JR. HIGH SCHOOL

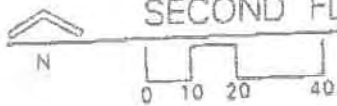
FIRST FLOOR PLAN



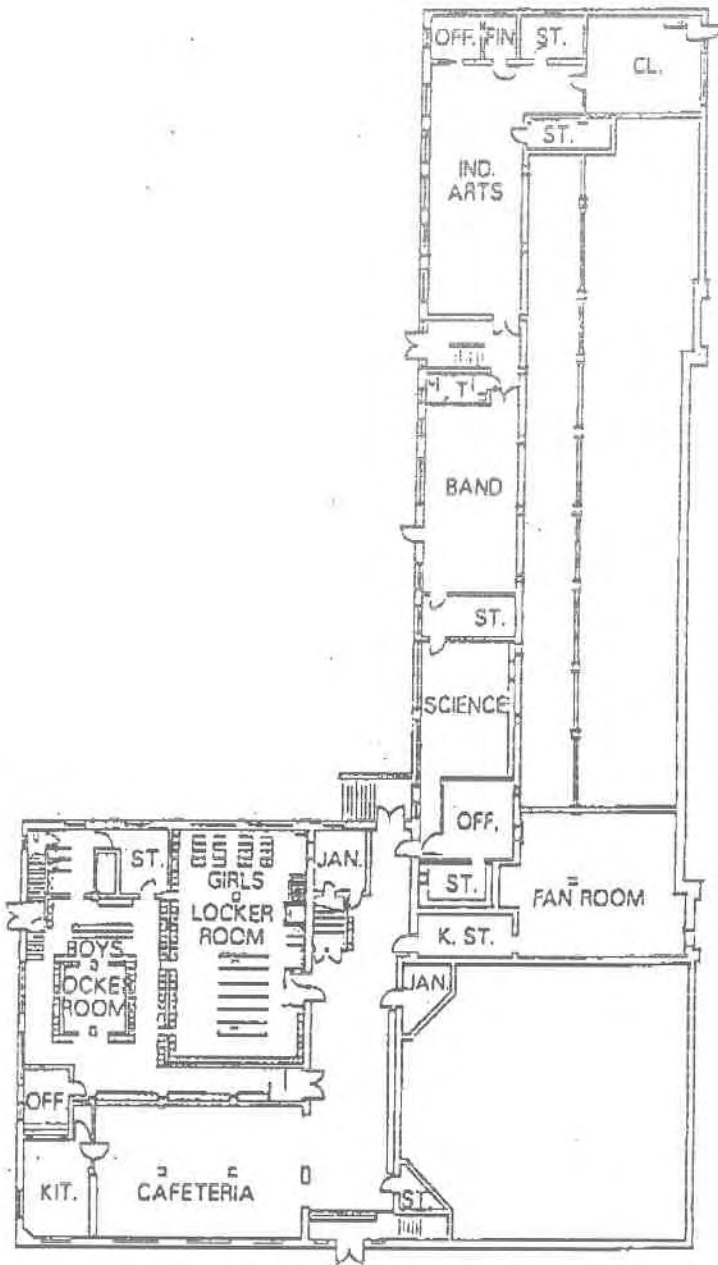


PENTHOUSE PLAN

EXISTING
 WHITE JR. HIGH SCHOOL
 SECOND FLOOR PLAN



1" = 40'

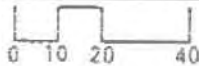


EXISTING
WHITE JR. HIGH SCHOOL

BASEMENT FLOOR PLAN



N



III. CITY CONTACT INFORMATION

CITY OF LAPEER

ELECTED OFFICIALS CONTACTS

Mayor: William Sprague

City Commissioners

Member: A. Wayne Bennett

Member: Deborah Marquardt

Member: Thomas (Mike) Robinet

Member: Daniel Farrington

Member: Tim Turkelson

The City Council can be contacted at Lapeer City Hall by telephone (810)664-2902 or by e-mail at info@ci.lapeer.mi.us.

City Council meetings are held every 1st and 3rd Monday of the month at 6:30 at Lapeer City Hall, 576 Liberty Park.

Department Phone Directory

Assessing

Thomas Hubbell, Assessor

(810)245-4206
thubbell@ci.lapeer.mi.us

City Manager

Dale L. Kerbyson, City Manager
Donna Cronce, City Clerk

(810) 664-5231
dkerbyson@ci.lapeer.mi.us
dcronce@ci.lapeer.mi.us

Finance

Paul Boucher, Finance Director

(810) 664-2902
pboucher@ci.lapeer.mi.us

Fire Department

Terry Kluge, Fire Chief

(810) 664-0833
tkluge@ci.lapeer.mi.us

Parks, Recreation & Cemetery

Ray Turczyn, Director

(810) 664-4431
rturczyn@ci.lapeer.mi.us

Planning and Zoning

Linda Jackman, Director

(810) 664-4553
ljackman@ci.lapeer.mi.us

Police

Todd Alexander, Chief of Police

(810) 664-0833
talexander@ci.lapeer.mi.us

Public Works

John Lyons, Director
Pam Reid, Water Superintendent

(810) 664-4711
jlyons@ci.lapeer.mi.us
pried@ci.lapeer.mi.us

Waste Water Treatment Plant

Charles Mann, Treatment Plant Supervisor

(810) 664-6887
cmann@ci.lapeer.mi.us

Review Fee Information

Site Plan:	<u>Use</u>	<u>Fee</u>
	Office, Commercial, Industrial	\$450.+ \$50 acre
	Single family site condominium	\$500 + 5.00/lot
	One family cluster housing	\$300 + 3.25/dwelling unit
	Multiple Family Residential	\$450 + \$20/unit
	Preliminary Plat	\$500 + \$5/lot
	Final Plat	\$500 + \$2.50/lot

Rezoning Request: \$450 base fee + \$50 per acre
Variance Requests: R-1 through R-7 districts: \$100; All other districts: \$250

Tap Fee Information

Water/Sewer Tap Permit: \$350 initial fee/deposit (\$250 refund upon completion of final inspection)

Water Tap-in Fees (per meter):	1” meter	\$833
	1 1/2” meter	\$1667
	2” meter	\$2667
	3 “ meter	\$5333
	4” meter	\$8333
	6” meter	\$16,667
Private Fire Protection – Annual Charge	4”	\$125
	6”	\$175
	8”	\$225
	10”	\$275
	12”	\$325
	Fire Hydrants	\$60 each
Sewer Tap-in Fees:	Office & Commercial Uses	\$1.00 per sq. ft. of building, minimum fee of \$4,000
	Single-Family Residential	New Construction - \$4,000 1 st dwelling unit - \$4,000 2 nd through 10 th unit - \$500 each
	Multiple-Family Residential	11 th through 25 th unit - \$400 each
		26 th through 50 th unit - \$300 each 51 st and up unit - \$200 each

Source: <http://www.ci.lapeer.mi.us/documents/200706-28ch21> and 22.pdf

Tax Information

Total Homestead Taxes for 2007: 26.8476 mills
Total Non-Homestead Taxes for 2007: 44.8476 mills

Source: Telephone interview with City of Lapeer Assessing Department

IV. SITE DETAILS

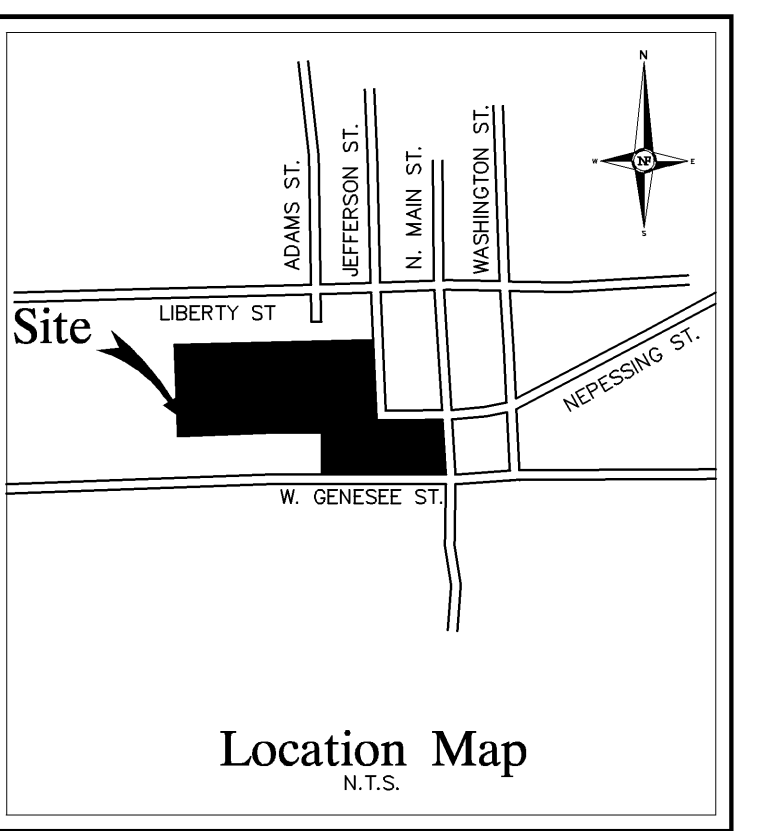
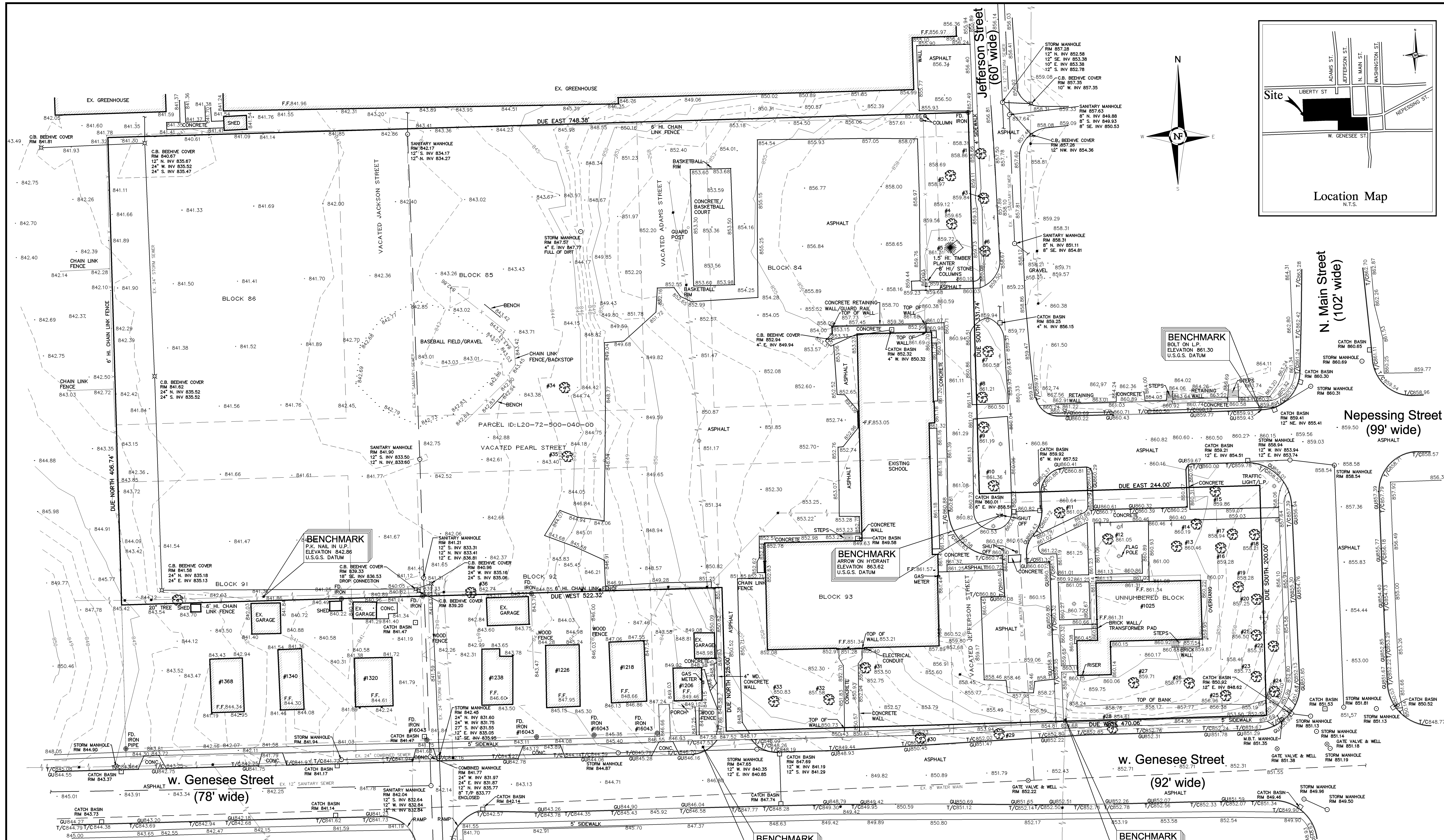
PROPERTY SURVEY

RITE AID SURVEY

SITE PLAN (WITH RITE AID)

LOCATION MAPS

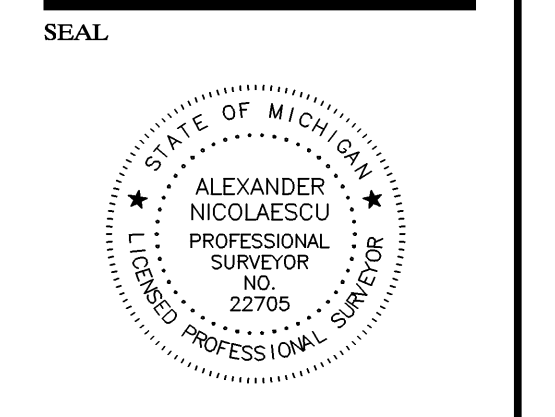
AERIAL PHOTOS



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Stephenson Highway
Royal Oak, MI 48067-1508
Tel. (248) 399-0886
Fax. (248) 399-0805



PROJECT
Lapeer Community Schools Property #1

CLIENT
Great Northern Consulting Group
343 S. Main Street
Ann Arbor, Michigan
48104
Contact: Bill Bowman
734-996-9979; Phone
734-996-9242; Fax

PROJECT LOCATION
1025 West Nepesing St.
City of Lapeer, Lapeer County, Michigan

SHEET
Boundary / Topographic / Tree Survey



DATE: REVISION:

DRAWN BY:
D. McConkey

DESIGNED BY:

APPROVED BY:
A. Nicolaescu

DATE:
07.21.06

SCALE:
1"=40'

NF JOB NO. SHEET NO.
E564 1 of 1

Condition Description Notes:
 "Good" - no observed structural defects*
 "Fair" - minor structural defects, marginal form, some insect activity noted*
 "Poor" - major structural defects, poor form, insect infested*
 *Structural defects may include decayed wood, cracks, root problems, weak branch unions, cankers, poor tree architecture, dead/failed branches due to various causes.

Master Tree List

Tree #	Botanical Name	Common Name	Dia.	Type	Other Dia.	Condition	Comments
1	Acer platanoides	Norway Maple	19	Fair			Some small & intermediate size branch deadwood
2	Acer platanoides	Norway Maple	9	Good			
3	Acer saccharinum	Silver Maple	28	Good			
4	Acer platanoides	Norway Maple	12	Good			
5	Pinus strobus	Eastern White Pine	5	Good			
6	Acer platanoides	Norway Maple	24	Good			Girdling roots
7	Acer platanoides	Norway Maple	13	Good			
8	Acer platanoides	Norway Maple	20	Good			Some small & intermediate size branch deadwood
9	Acer platanoides	Norway Maple	18	Poor			50% dead
10	Acer platanoides	Norway Maple	17	Good			Some small & intermediate size branch deadwood
11	Euonymus alatus	Winged Euonymous	5	Multiple			Good
12	Acer rubrum	Red Maple	8	Fair			Iron chlorosis
13	Acer platanoides	Norway Maple	11	Good			
14	Acer saccharum	Sugar Maple	22	Fair			Scaldfail branch deadwood, declining
15	Sorbus americana	American Mountain-ash	9	Multiple	6 trunks		25% crown dead, trunk injury with wood exposed
16	Acer platanoides	Norway Maple	13	Good			
17	Acer saccharum	Sugar Maple	22	Good			
18	Acer saccharum	Sugar Maple	26	Good			
19	Acer platanoides	Norway Maple	6	Good			
20	Acer saccharum	Sugar Maple	32	Good			Some large branch deadwood
21	Acer platanoides	Norway Maple	9	Good			
22	Acer saccharum	Sugar Maple	28	Good			
23	Malus spp.	Flowering Crabapple	7	Twin	7	Good	Some small & intermediate size branch deadwood
24	Acer saccharum	Sugar Maple	22	Good			
25	Acer platanoides	Norway Maple	9	Good			Some small & intermediate size branch deadwood
26	Acer platanoides	Norway Maple	12	Good			variety 'Schwedleri'
27	Acer platanoides	Norway Maple	12	Good			variety 'Schwedleri'
28	Pyrus calleryana	Bradford Pear	4	Good			
29	Pyrus calleryana	Bradford Pear	2.5	Good			
30	Pyrus calleryana	Bradford Pear	3.5	Good			
31	Acer saccharum	Sugar Maple	20	Good			
32	Acer platanoides	Norway Maple	12	Good			
33	Acer platanoides	Norway Maple	20	Good			
34	Acer saccharum	Silver Maple	8	Good			
35	Acer saccharum	Silver Maple	7	Good			
36	Morus alba	White Mulberry	18	Twin	12	Good	Weak trunk union developing

ANTHONY J. DOMBROWSKI
Registered Forester
State of Michigan ID #330100089

LEGAL DESCRIPTION
 LAND IN THE CITY OF LAPEER, LAPEER COUNTY MICHIGAN, CITY OF LAPEER ORIGINAL PLAT NW 1/4 BLOCKS 84, 85, 86, 93 AND THE EASTERLY 184 FEET OF UNNUMBERED BLOCK LYING EAST OF BLOCK 93 AND NORTH 1/2 OF BLOCKS 91 AND 92 AND VACATED STREETS LYING BETWEEN SAME.

FLOOD HAZARD NOTE
 THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA INDICATED BY FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 26012 0001D DATED: 01-02-92

CERTIFICATE OF SURVEY
 WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED AND THAT WE HAVE PLACED MARKER IRONS AT THE CORNERS OF THE PARCEL OR AS INDICATED IN THE ABOVE SKETCH.

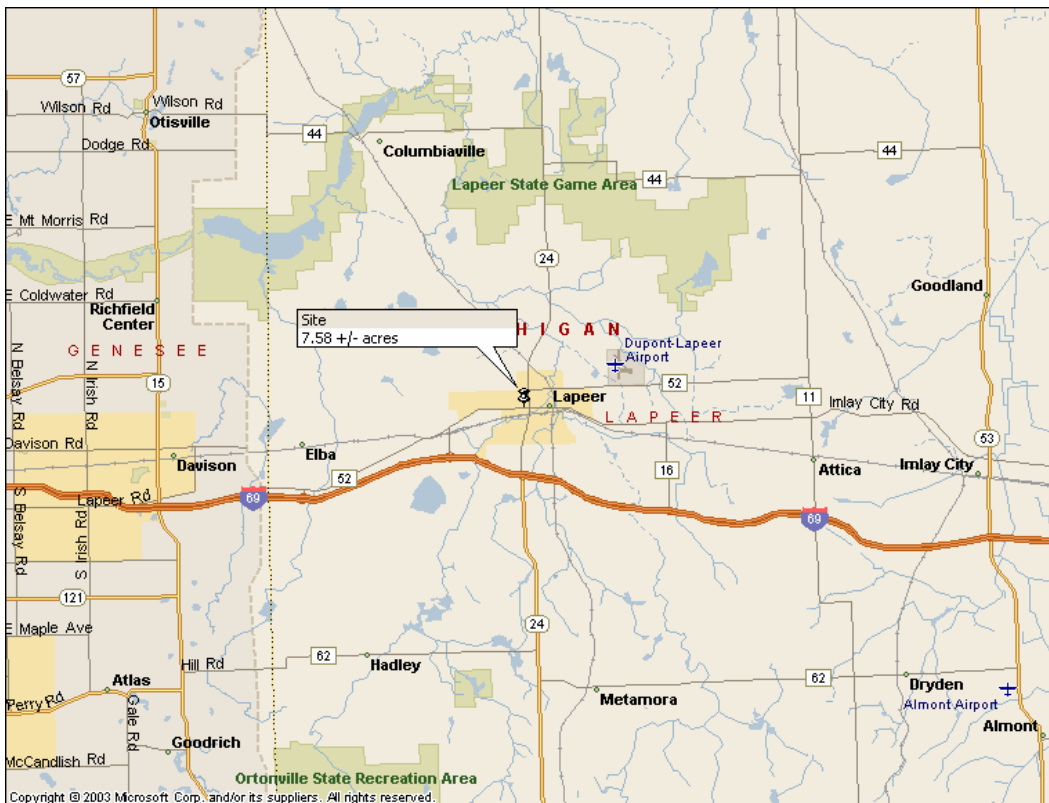
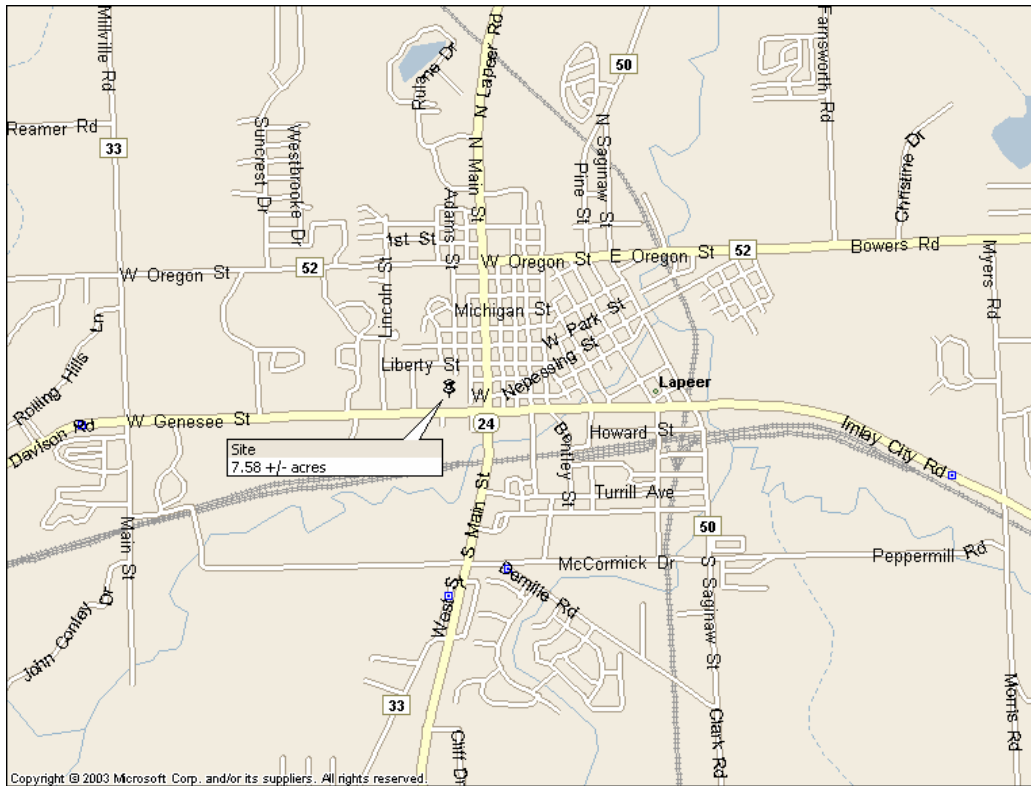
ALEX NICOLAESCU, PLS DATE: 07-21-06
NO: 22705

TOPOGRAPHIC SURVEY NOTES
 ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.
 UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.
 THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	EXISTING SAN. CLEAN OUT
MANHOLE	EXISTING WATER MAIN
CATCH BASIN	EXISTING STORM SEWER
EX. R.Y. CATCH BASIN	EXISTING BURIED CABLES
UTILITY POLE	OVERHEAD LINES
QUY POLE	LIGHT POLE
QUY WIRE	SIGN
	EXISTING GAS MAIN

LOCATION



AERIAL PHOTOGRAPH



V. ZONING INFORMATION AND CONCEPT PLANS

**ARTICLE 7.04 - R-1 THROUGH R-7
ONE-FAMILY RESIDENTIAL DISTRICTS**

A. INTENT:

The R-1 through R-7 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

EFFECTIVE DATE: JANUARY 12, 1994

B. PRINCIPAL USES PERMITTED:

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the ordinance:

1. One-family detached dwellings.
2. Farms on those parcels of land separately owned outside the boundaries of either a proprietary or assessor's plat, having an area of not less than twenty (20) acres, all subject to the health and sanitation provisions of the City of Lapeer and provided further that no farms shall be operated as garbage fed piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.
3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
4. Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
5. Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
6. Accessory building and uses, customarily incident to any of the above permitted uses.
7. Garage sales in accord with the provisions of ARTICLE 7.17, Section S.
8. Home occupation subject to the following:
 - a. No home occupation shall be permitted that:
 - (1) Changes the outside appearance of the dwelling or is visible from the street;

- (2) Generates traffic, parking, sewerage or water use in excess of what is customary in the residential neighborhood;
 - (3) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
 - (4) Results in outside storage or display of anything including signs;
 - (5) Requires the employment of anyone in the home other than the dwelling occupant;
 - (6) Requires exterior building alterations to accommodate the occupation;
 - (7) Occupies more than twenty-five (25) percent of the ground floor area of the dwelling, or fifty (50) percent of a detached garage;
 - (8) Requires parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curb side on the street;
 - (9) Requires the delivery of goods or the visit of customers before 8:00 a.m. and after 8:00 p.m.
- b. The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
- (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering;
 - (4) Home crafts, such as model making, rug weaving and lapidary work;
 - (5) Tutoring, limited to four students at a time;
 - (6) Home cooking and preserving;
 - (7) Computer programming;
 - (8) Salespersons office or home office of a professional person;
 - (9) Laundering and ironing;
 - (10) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference.

- c. The following are prohibited as home occupations:
 - (1) Barber shops and beauty parlors;
 - (2) Dance studios;
 - (3) Private clubs;
 - (4) Repair shops which may create a nuisance due to noise, vibrations, glare, fumes, odors or electrical interference;
 - (5) Restaurants;
 - (6) Stables or kennels;
 - (7) Tourist homes;
 - (8) Automobile repair or paint shops.
- d. Any proposed home occupation that is neither specifically permitted by paragraph b. nor specifically prohibited by paragraph c. shall be considered a use permitted subject to special conditions and be granted or denied upon consideration of those standards contained in paragraph a. above and under the procedures specified in Section 7.04 C.

C. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the Planning Commission, and subject further to public notification and hearing held in accord with ARTICLE 7.18, Section 1:

- 1. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in ARTICLE 7.15 SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - b. All access to the site shall be in accordance with 7.17, R.
 - c. Adequate site space to allow for expansion shall be provided in order to allow for growth of facilities without causing an impact on the residential neighborhood.

2. Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with 7.17, R.
3. Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Uses and buildings of the municipality (without storage yards).
5. Day care homes subject to the following conditions:
 - a. Not less than twenty-five hundred (2,500) square feet of outdoor play area shall be provided on the site.
 - b. Screening and fencing of outdoor play area shall be provided as required by the Planning Commission.
 - c. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross public streets.
6. Nursery schools and day care centers: (not including dormitories) providing the following conditions are met:
 - a. Provided that for each child so cared for there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
7. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan and the site shall be so planned as to provide all access in accordance with 7.17, R.
 - b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than one-half (2) of the member families and/or individual members. The Planning Commission may recommend the modification of the off-street parking

requirements to the Board of Appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off street parking requirement shall be determined by the Planning Commission on the basis of usage.

- d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence in accord with the City of Lapeer Swimming Pool Ordinance.
8. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all access in accordance with 7.17, R.
 - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may recommend to the Board of Appeals the modification of this requirement.
 - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence in accord with the City of Lapeer Swimming Pool Ordinance.
 9. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. All access to said site shall be in accordance with 7.17, R.
 - c. No building shall be closer than eighty (80) feet to any property line.

10. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the requirements of the City of Lapeer Ordinance known as "The Swimming Pool Ordinance" and such pools shall not require Planning Commission review and approval.
11. Cemeteries provided that:
 - a. Not more than fifty-one (51) percent of the land in the Residential Unit in which the cemetery is to be located is in recorded plats.
 - b. All access to said site shall be in accordance with 7.17, R.
12. Accessory buildings and uses customarily incident to any of the above permitted uses.

D. REQUIRED CONDITIONS:

All newly constructed dwellings for which a building permit is required shall be reviewed by the Building Inspector and shall be subject to the following conditions:

1. Dwelling units shall conform to all applicable City codes and ordinances. Any such local requirements are not intended to abridge applicable State or Federal requirements with respect to the construction of the dwelling.
2. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
3. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
4. Dwelling units shall be provided with roof designs with a minimum pitch of 4:12. Roofing materials shall be similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
5. Dwelling units shall be provided with attached garages in areas where 75 percent of the dwelling units located within 300 feet of the subject premises have attached garages.
6. Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three (3) to one (1), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. Each such dwelling

unit shall provide a minimum width and depth of at least twenty (20) feet over eighty (80) percent of any such width or depth dimension.

7. The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
8. Any such home shall be anchored by an anchoring system approved by the City.
9. The foregoing conditions 1-8 shall not apply to existing dwellings or existing accessory structures.

The Building Inspector may request a review by the Planning Commission of any dwelling unit with respect to Items 3, 4, and 6 above. The Building Inspector or, Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Building Inspector may require the applicant to furnish such plans, elevations, and similar documentation reasonably necessary to permit a complete review and evaluation of the proposal. The surrounding residential area shall mean those dwellings within three hundred (300) feet of the subject premises. If the area within three hundred (300) feet does not contain twenty (20) homes, then the nearest twenty (20) similar type dwellings shall be considered.

EFFECTIVE DATE OF AMENDMENT: May 29, 1991

E. AREA AND BULK REQUIREMENTS:

See 7.15, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE 7.14.5 Planned Unit Development (PUD)

A. INTENT:

The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon his/her initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other local commercial facilities in a manner consistent with the preservation of property values within established areas. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of uses and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which exhibits difficulty or costly development problems or sites that contain natural features such as wetlands or woodlots that are important for the City to retain in order to protect its character 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 the stated purposes herein set forth. The following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

B. ELIGIBILITY REQUIREMENTS

In order to be eligible for consideration of rezoning to PUD, a parcel must comply with the following:

1. The parcel must be at least 1 acre in area.
2. The parcel must have access to a major street.
3. The parcel must have access to municipal water and sewer.

C. PRINCIPAL USES PERMITTED

All permitted principal uses by right or by special conditions in any of the zoning districts in this ordinance may be permitted in the PUD district based on the standards outlined in 7.14.5.D below, subject to the discretion of the City Commission. Uses permitted by special condition in another zoning district may be authorized as a use by right by the City Commission in granting PUD approval.

D. STANDARDS FOR APPROVAL

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed planned unit development.

1. The proposed mix of uses and density of residential uses shall be found to be consistent with the City Master Plan.
2. Off-street parking shall be sufficient to meet the minimum required by the

ordinances of the City. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax parking requirements during site plan review.

3. All streets within the planned unit development shall meet the minimum requirements of the City's Land Division Ordinance and Construction Specifications, unless modified by the Planning Commission.
4. 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.
5. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
6. Surface water shall be retained on the site unless the applicant can demonstrate that to do so would be harmful to the environment, or is not practical. In any case, storm water shall not flow off the site at a rate greater than the rate of flow prior to development and storm water shall not be directly discharged into a lake, river or stream.
7. The setbacks, building height, open space, maximum density and other dimensional requirements for a proposed use in the concept plan shall be based on the dimensional requirements for that use listed in the applicable zoning district in this ordinance. Where a proposed use or range of uses is permitted in more than one zoning district, the PUD concept plan as approved will identify which zoning district dimensional requirements will apply. However, if it is deemed necessary in order to achieve the purposes of this section, the City Commission may modify the dimensional requirements for a given use or range of uses. Non-contiguous property may be used in calculating open space and the open space may be located on non-contiguous property.
8. The following standards concerning traffic and accessory conditions shall be met:
 - a. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the zoning district shall be provided.
 - b. Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
 - c. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

E. APPROVAL PROCEDURE

1. The PUD zoning approval shall follow procedural requirements of Section 7.22 of this ordinance for amending the zoning ordinance. An applicant for PUD zoning approval shall submit a rezoning application, a proposed concept plan as outlined in 7.14.5 F. below, and any proposed language for the PUD zoning district. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan based on the standards described in Section 7.14.5 D to determine its suitability.
2. The Planning Commission shall then submit the proposed amendatory ordinance to the City Commission together with its recommendation and a summary of

- comments received at the public hearing.
3. The City Commission, prior to the first reading of the amendatory ordinance, shall hold a public hearing meeting the notice requirements in Section 7.18 I. Following that public hearing, it may amend or place additional conditions on the zoning ordinance amendment. The City Commission may, at its discretion, send a revised PUD back to the Planning Commission for their recommendation regarding the changes.
 4. PUD site plan approval procedure may commence only after the acceptance by the City Commission of the conceptual PUD development plan and the rezoning of the property as required.
 5. PUD site plan approval process shall follow the procedures for site plan approval outlined in Section 7.17 P

F. CONCEPTUAL PUD PLAN REQUIREMENTS

The conceptual PUD development plan that is required to be reviewed and approved as part of the PUD rezoning process outlined above shall comply with the following requirements

1. The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
2. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual characteristics of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required to determine compliance with approval of the conceptual plan.
3. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
 - a. Define the location of the areas to be devoted to particular uses.
 - b. State the acreage to be devoted to the particular uses.
 - c. Set forth the proposed density of the dwelling units by use type and of the entire project.
 - d. Show the location of parks, open recreation areas, other open space and all public and community uses.
 - e. The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City; market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.
 - f. Any additional graphics or written materials reasonably requested by Planning Commission or City Commission to assist the City in visualizing and understanding the proposal shall be submitted.

- g. Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment.
- h. Approval of the conceptual PUD plan shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed three (3) years from date of approval. If so requested by the petitioner, an extension of a two (2) year period may be granted by the Planning Commission.

G. SITE PLAN APPROVAL

Following approval of the conceptual plan by the City Commission, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform to the approved conceptual plan. The site plans shall be reviewed and approved by the Planning Commission following the procedures outlined in Section 7.17 P.

H. DEVIATIONS FROM APPROVED PUD SITE PLAN

Deviations from the approved plan may occur only under the following circumstances:

Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Commission action if the Planning Director certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission and the City Commission. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Planning Director decision regarding the need for formal review by the Planning Commission and City Commission is appealable to the Zoning Board of Appeals

I. DESIGN STANDARDS

Design of the proposed improvements within a PUD shall comply with the design requirements established by the City under this ordinance as well as those established under the City Land Division Ordinance (if applicable) and other ordinances or guidelines adopted by the City.”

EFFECTIVE DATE OF ORDINANCE: January 25, 2007.

ARTICLE 7.15 – SCHEDULE OF REGULATIONS

A. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICTS:

Zoning District	Min. Zoning Lot Size Per Unit		Max. Height of Structures	Minimum Yard Setback (Per Lot in Feet) Side				Min. Floor Area	Max. % of Lot Area Covered
	Area in Sq. Ft.	Width In Ft	In Feet	Front	Least One	Total of Two	Rear	Per Unit (Sq. Ft.)	(By All Bldgs)
R-1 One-Family Res.	6,000 (a)	50	25 feet	25 (s)	4(b,c)	12(b,c)	35	850	30%
R-2 One-Family Res.	7,200(a)	60(a)	25 feet	25	4(b,c)	12(b,c)	35	850	30%
R-3 One-Family Res.	8,400(a)	70(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
R-4 One-Family Res.	9,600(a)	80(a)	25 feet	25	5(b,c)	15(b,c)	35	1,000	30%
RT Two-Family Res.	3,500	35	25 feet	25	5(b,c)	10(b,c)	35	400	30%
RM Multiple Family	(d)	(d)	25 feet	30(f)	10(f)	20(f)	35(f)	(e)	35%
RM-1 Multiple Family	(d)	(d)	25 feet	30(f)	10(f,g)	20(f,g)	35(f)	(e)	35%
RM-2 Multiple Family	(d)	(d)	---	30(f)	10(f,h)	20(f,h)	35(f,h)	(e)	---
MHP Mobile Home Park	5,500(r)	50(r)	(r)	(r)	(r)	(r)	(r)	---	---
OS-1 Office Service	---	---	35 feet	30(i,m)	(k,m)	(k,m)	(l,m)	---	---
B-1 Neighborhood Business	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
CBD-1 Central Business	---	---	(j)	---	(k)	(k)	(l)	---	---
CBD-2 Central Business	---	---	25 feet	10	(k,m)	(k,m)	(l,m)	---	---
B-2 General Business	---	---	35 feet	(m)	(k,m)	(k,m)	(l,m)	---	---
I-1 Industrial	---	---	---	40(m,o,p)	10(m,n,p)	20(m,n,p)	10(l,m,p)	---	---
I-2 Planned Industrial	---	---	40 feet	50(m,n,p)	10(m,n,p)	20(m,n,p)	10(l,m,p,q)	---	---
R-5 One-Family Res. Effective 6-12-91	12,000(a)	90(a)	25 feet	30	10(b,c)	25(b,c)	40	1,000	30%
R-6 One-Family Res.	20,000(a)	100	3 stories/35 ft.	40	15(b,c)	35(b,c)	50	1,600 * inc. basement	30%
R-7 One-Family Res.	1 acre	150	3 stories/35 ft.	40	20(b,c)	40(b,c)	50	1,800 ** inc. basement	25%

* 1,800 sq. ft. w/o basement

** 2,000 sq. ft. w/basement

See NOTES on following pages

Effective Date: January 12, 1994

A. NOTES TO SCHEDULE OF REGULATIONS:

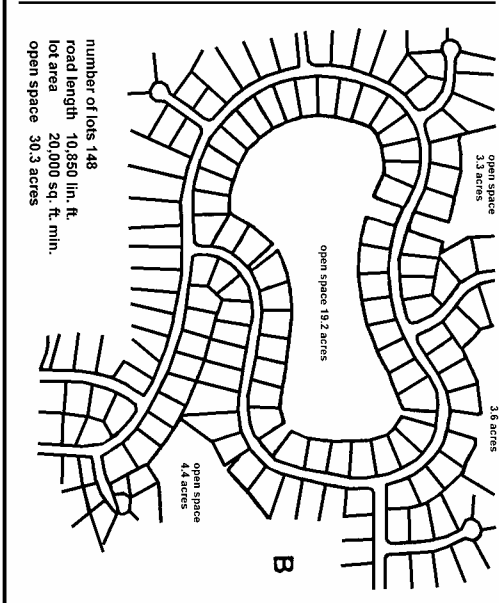
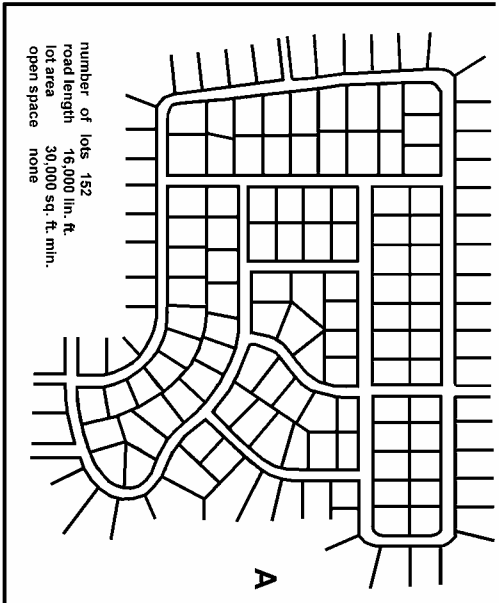
- (a) See B. AVERAGED LOT SIZE and C. SUBDIVISION OPEN SPACE PLAN regarding flexibility allowances. See D. ONE-FAMILY CLUSTERING OPTION. (See illustration)
- (b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in 7.04, C. or in 7.15 A.
- (c) 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. (See illustration) 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.
- (d) The total number of rooms in a multiple dwelling structure in RM Districts shall not be more than the area of the parcel in square feet divided by eight hundred (800). The total number of rooms in a multiple dwelling structure in RM-1 Districts shall not be more than the area of the parcel in square feet divided by fourteen hundred (1,400). The total number of rooms in a multiple dwelling structure in RM-2 Districts shall not be more than the area of the parcel, in square feet, divided by five hundred (500). All units shall have at least one (1) living room and (1) bedroom with the exception of those units designed as efficiency apartments. For the purpose of computing rooms, the following shall control:

Efficiency	=	1 room	Plans presented showing 1, 2 or 3 bedroom units and including a “den”, “library” or other extra room shall count such extra room as a bedroom for the purpose of computing density.
One Bedroom	=	2 rooms	
Two Bedroom	=	3 rooms	
Three Bedroom	=	4 rooms	
Four Bedroom	=	5 rooms	

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding road.

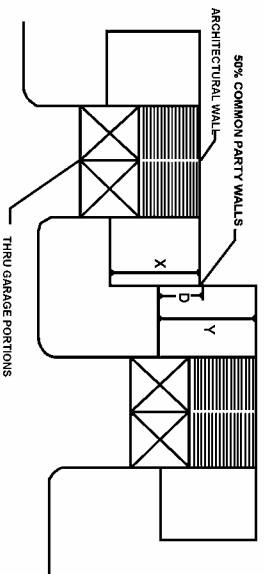
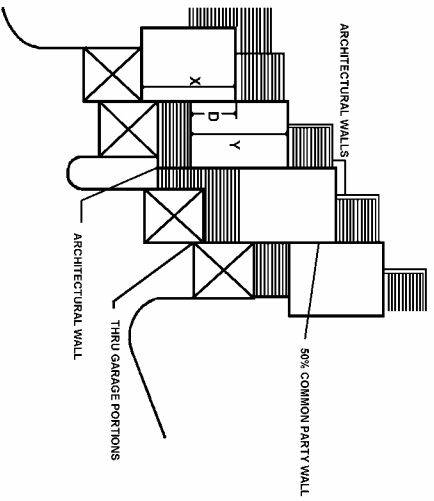
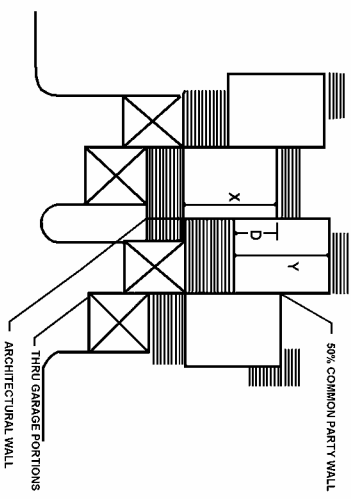
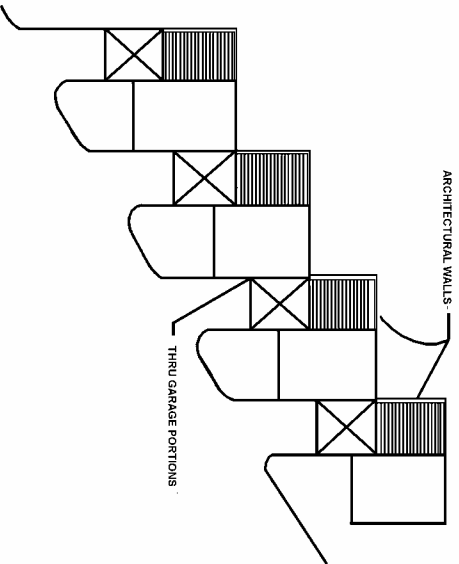
- (e) Minimum floor areas for units shall be as follows:

Efficiency Unit	=	300 sq. ft.
One Bedroom Unit	=	500 sq. ft.
Two Bedroom Unit	=	700 sq. ft.
Three Bedroom Unit	=	900 sq. ft.
Four Bedroom Unit	=	1,100 sq. ft.



CONVENTIONAL

OPEN SPACE



NOTE: 50% common party wall attachment to be determined as follows:
 $(\frac{X+Y}{2}) \times 50\% = D$
 (Maximum amount of common wall permitted)

CLUSTER EXAMPLE

A. NOTES TO SCHEDULE OF REGULATIONS (continued):

- (f) In all RM Multiple-Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. Parking may be permitted within a required side or rear yard but shall not cover more than thirty (30) percent of the area of any required yard, or any minimum distance between buildings. The formula regulating the required minimum distance between two buildings in all RM Districts is as follows (see illustration):

$$S = \frac{L A + L B + 2(H A + H B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

L A = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

L B = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

H A = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of

the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

A. NOTES TO SCHEDULE OF REGULATIONS (continued):

- (g) The side yards of a multiple-family dwelling building or development shall provide side yards of not less than thirty (30) feet on those sides which border on districts other than a multiple-family district.
- (h) In all RM-2 Multiple-Family Residential Districts, buildings in excess of three (3) stories or thirty-five (35) feet in height shall provide front, side and rear yards as herein required and shall provide additional yard setbacks for all yards equal to at least one-half (1/2) the height of the building above the thirty-five (35) foot height level.
- (i) Off-street parking shall be permitted to occupy a portion of the required front yard provided that three 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 Thorofare Plan.
- (j) There shall be no specific height limitation in a CBD District; provided, however, that prior to the issuance of a building permit for any structure over thirty-five (35) feet in height, the Board of Appeals shall make a finding that such a height will not be detrimental to the light, air or privacy of any other structure or use currently existing or approved for construction.
- (k) No side yards are 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.

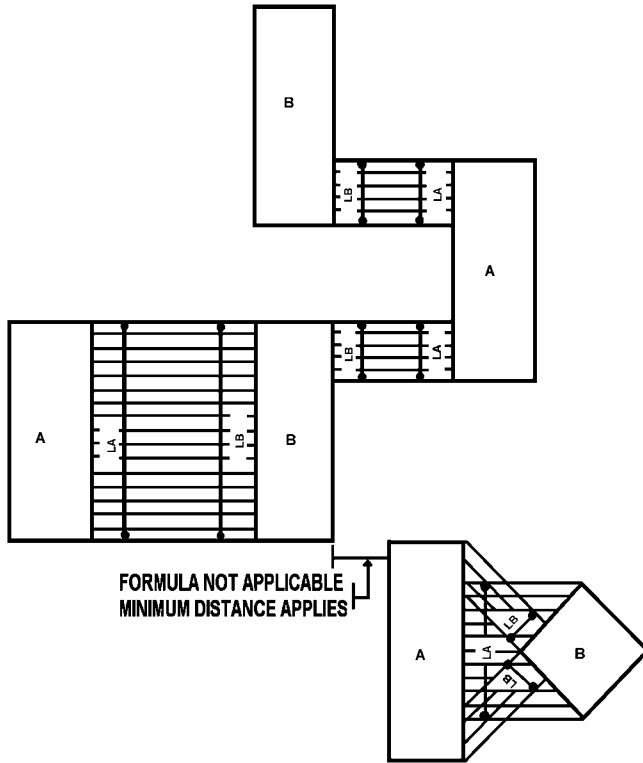
Where a lot borders on a residential district or a street, there shall be provided a setback of not less than ten (10) feet on the side bordering the residential district or street.

- (l) Loading space shall be provided in the rear yard or in an interior side yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of OS-1 Districts loading space shall be provided in the ratio of five (5) square feet per front foot of building and may be provided in an interior side yard or rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley. Loading space for I Districts shall be provided in accordance with Article 7.17, Section G.

A. NOTES TO SCHEDULE OF REGULATIONS (continued):

- (m) A four (4) foot, six (6) inch high obscuring wall or fence or a twenty (20) foot wide greenbelt or a four (4) foot, six (6) inch high berm with a 3:1 slope and landscaped in accordance with Section 7.17 M shall be provided on those sides of property abutting land zoned for residential use. The transition plan shall be reviewed and approved by the Planning Commission in accordance with the requirements of this ordinance. In no instance shall an obscuring wall be located in the front yard of an industrial site.
(EFFECTIVE DATE OF AMENDED FOOTNOTE (M): July 24, 1991)
- (n) Off-street parking shall be permitted in a required side yard setback.
- (o) Off-street parking for visitors, over and above the number of spaces required under 7.17 E may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- (p) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- (q) A rear building setback of not less than eighty (80) feet shall be provided where a I-2 District abuts a residential area.
- (r) See ARTICLE 7.07, Section E and F for modifications allowed and additional requirements.
- (s) 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 residences on the same street.

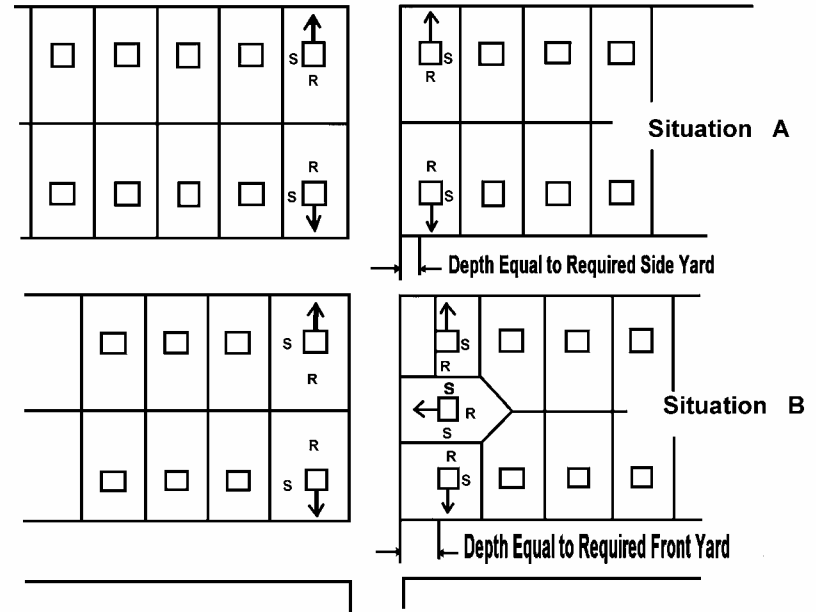
EFFECTIVE DATE OF AMENDMENT: March 17, 2003



MIN. DISTANCE BETWEEN BUILDINGS

$$\frac{L_A + L_B + 2(H_A + H_B)}{6}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS



□ REQUIRED SETBACKS - CORNER LOT

→ FRONT YARD

R REAR YARD

S SIDE YARD

SIDE YARDS ABUTTING A STREET

B. AVERAGED LOT SIZE:

The intent of this Section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in ARTICLE 7.15, SCHEDULE OF REGULATIONS for each One-Family Residential District. If this option is selected, the following conditions shall be met:

1. 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 in the SCHEDULE OF REGULATIONS and shall not create an attendant increase in the number of lots.
2. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
3. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

C. SUBDIVISION OPEN SPACE PLAN (PLANNED UNIT DEVELOPMENT):

1. The intent of the Subdivision Open Space Plan is to promote the following objectives:
 - a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - b. Encourage developers to use a more creative approach in the development of residential areas.
 - c. 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.
 - d. 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.
2. Modification to the standards outlined in ARTICLE 7.15 SCHEDULE OF REGULATIONS may be made in the One-Family Residential Districts when the following conditions are met:
 - a. The lot area in R-2, R-3 and R-4 One-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 and R-4 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 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 One-Family District under ARTICLE 7.15 SCHEDULE OF REGULATIONS. All calculations shall be predicated upon the One-Family Districts having the following gross densities (including roads):

R-2	=	4.5 dwelling units per acre
R-3	=	3.9 dwelling units per acre
R-4	=	3.4 dwelling units per acre

- b. 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.
- c. Under the provisions of item (a) 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 ARTICLE 7.15 SCHEDULE OF REGULATIONS, 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.
- d. 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.
- e. 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.
- f. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body and the subdivider or developer.
- g. This plan for reduced lot sizes shall be started within six (6) 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.
- h. 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.

3. The application for approval of Subdivision Open Space Plan shall contain the following in addition to the information required by the Land Division Ordinance:
 - a. 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:
 - 1) Legal description of open land.
 - 2) Topographical survey of open land.
 - 3) Type of soil in open land.
 - 4) Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc).
 - 5) Other relevant factors.
 - b. The proposed plan of development of the open land shall be contained in the application and shall include the following at a minimum:
 - 1) The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision.
 - 2) 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.
 - 3) 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.
 - 4) The proposed method of notifying the City when any change is contemplated in plans that would affect the original specifications approved by the City.
 - 5) The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.

6) The proposed use of open land and the proposed improvements which are to be constructed by the proprietor.

c. 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.

EFFECTIVE DATE OF AMENDMENT: October 15, 2003

4. 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.

a. 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.

b. 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.

c. 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.”

EFFECTIVE DATE OF AMENDMENT: October 15, 2003

D. ONE-FAMILY CLUSTERING OPTION:

1. Intent:

- a. The intent of this Section is to permit the development of one 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 One-Family Residential standards, as outlined in the SCHEDULE OF REGULATIONS, shall be permitted in the R-2, R-3 and R-4 Districts.
- b. In R-2, R-3 and R-4 One-Family Residential Districts, the requirements of ARTICLE 7.15 - SCHEDULE OF REGULATIONS may be waived and the attaching of one-family dwelling units may be permitted subject to the standards of this Section.

2. Conditions for Qualification:

- a. The Planning Commission may approve of the clustering or attaching of buildings 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:
 - (1) The parcel to be developed has frontage on a major or secondary thorofare and is generally parallel to said thorofare and is of shallow depth as measured from the thorofare.
 - (2) The parcel has frontage on a major or secondary thorofare and is of a narrow width, as measured along the thorofare, which makes platting difficult.
 - (3) 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 thorofare.
 - (4) A substantial portion of the parcels perimeter is bordered by a major thorofare which would result in a substantial proportion of the lots of the development abutting the major thorofare.
 - (5) A substantial portion of the parcels perimeter is bordered by land that is located in other than an R One-Family Residential District or is developed for a use other than single-family detached homes.

- (6) The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
 - (7) 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 one-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.
 - (8) 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.
- b. In order to qualify a parcel for development under paragraphs (6), (7) or (8) of paragraph 2.a 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,
 - c. 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.

3. Permitted Densities:

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

- (1) For those areas qualifying under paragraph 2.a. (1), (2), (3), (4) or (5):

R-2 District	-	7	dwelling units/acre
R-3 District	-	6	dwelling units/acre
R-4 District	-	6	dwelling units/acre

(2) For those areas qualifying under paragraph 2.a. (6), (7) or (8):

R-2 District	-	6	dwelling units/acre
R-3 District	-	5	dwelling units/acre
R-4 District	-	5	dwelling units/acre

(3) 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.

(4) In those instances where a parcel qualifies under both paragraphs (1) and (2) above, the densities permitted under (1) 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 (5) of subsection 4.a. and does not result in the destruction or total removal of such natural assets as enumerated under paragraph 2.a. (6), (7) or (8) above.

4. Development Standards and Requirements:

a. In areas meeting the criteria of 2.a. above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by ARTICLE 7.15 - SCHEDULE OF REGULATIONS, may be waived and the attaching of dwelling units may be accomplished subject to the following:

(1) The attaching of one-family dwelling units, one to another, may be permitted when said homes are attached by means of one of the following:

(a) Through a common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling wall.

(b) By means of an architectural wall detail which does not form interior room space.

(c) Through a common party wall in only the garage portion of adjacent structures.

(d) No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed four (4).

- (2) Yard requirements shall be provided as follows:
- (a) Spacing between groups of attached buildings or between groups of four (4) unattached buildings shall be equal to at least twenty (20) feet in an R-3 and R-4 District, and fifteen (15) feet in an R-2 District, measured between the nearest points of adjacent buildings.
 - (b) Building setbacks from minor residential 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 minor residential 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.
 - (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.
 - (c) That side of a cluster adjacent to a major or secondary thorofare 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 2.a. (7) 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 (2) the front yard setback for the district in which it is located.
 - (d) Any side of a cluster adjacent to a private road shall not be nearer to said road than ten (10) feet.
- (3) In computing the height of any individual dwelling unit in a cluster on a slope in excess of ten (10) percent 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 this ten (10) feet of post height.
- (4) The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least fifteen (15) percent of the horizontal development area of a one-family cluster development.

- (5) 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:
- (a) Single-family lots subject to the standards of the SCHEDULE OF REGULATIONS.
 - (b) Detached buildings with setbacks as required by the SCHEDULE OF REGULATIONS for the applicable residential district.
 - (c) Open or recreation space.
 - (d) Changes in topography which provide an effective buffer.
 - (e) A major or secondary thoroughfare.
 - (f) Some other similar means of providing a transition.

5. Procedures:

- a. 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.
- b. Qualification for Cluster Development:
 - (1) Application to the Planning Commission for qualification of a parcel for cluster development shall include documentation substantiating one or more of the characteristics outlined in paragraph 2. Conditions for Qualification.
 - (2) The Planning Commission shall make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one of the provisions of 2.a. above, based upon the documentation submitted.
 - (3) 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.

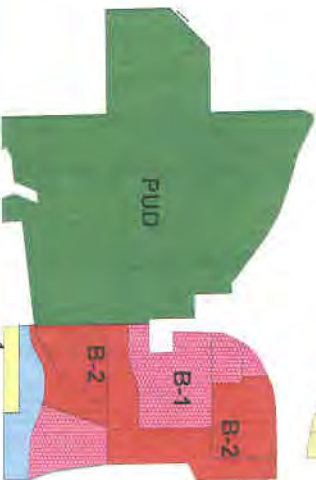
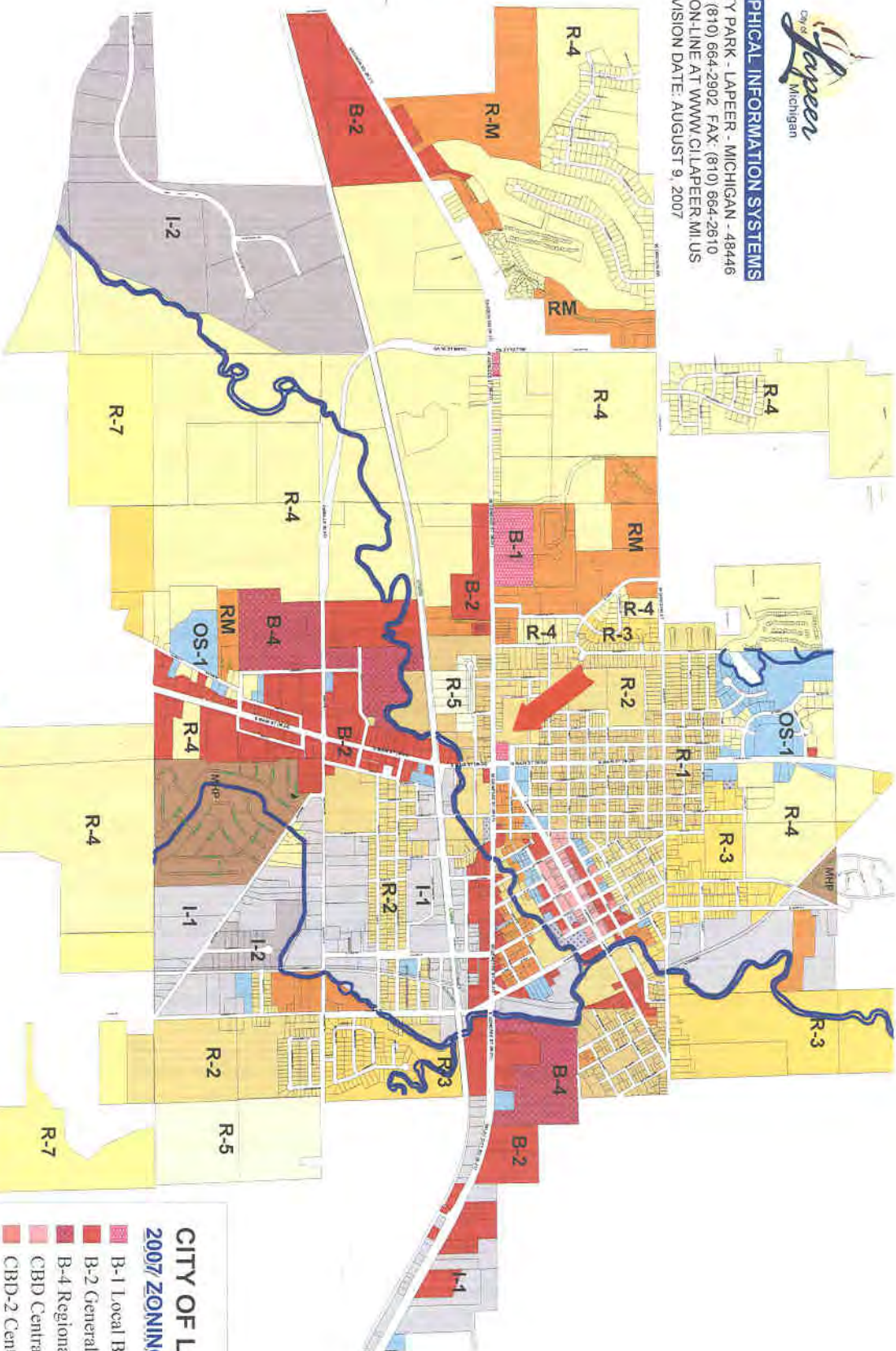
c. Site Plan and Cluster Approval:

- (1) 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.
- (2) 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.
- (3) For those parcels which qualified under the provisions of paragraphs 2.a., (6), (7) or (8), 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.
- (4) Site plans submitted under this option shall be accompanied by information as required in paragraphs (b) and (e), Section 6.2 Subdivision Open Space Plan (Planned Unit Development) of Chapter 6 - Subdivision Regulations of the City Code, provided however, that:
 - (a) Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the sponsor.
 - (b) The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- (5) The Planning Commission shall give notice of the public hearing in accordance with ARTICLE 7.18, Section 1.
- (6) 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 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.

- (7) 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 ARTICLE 7.18, Section I. 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.
- (8) 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.



GEOGRAPHICAL INFORMATION SYSTEMS
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 REVISION DATE: AUGUST 9, 2007

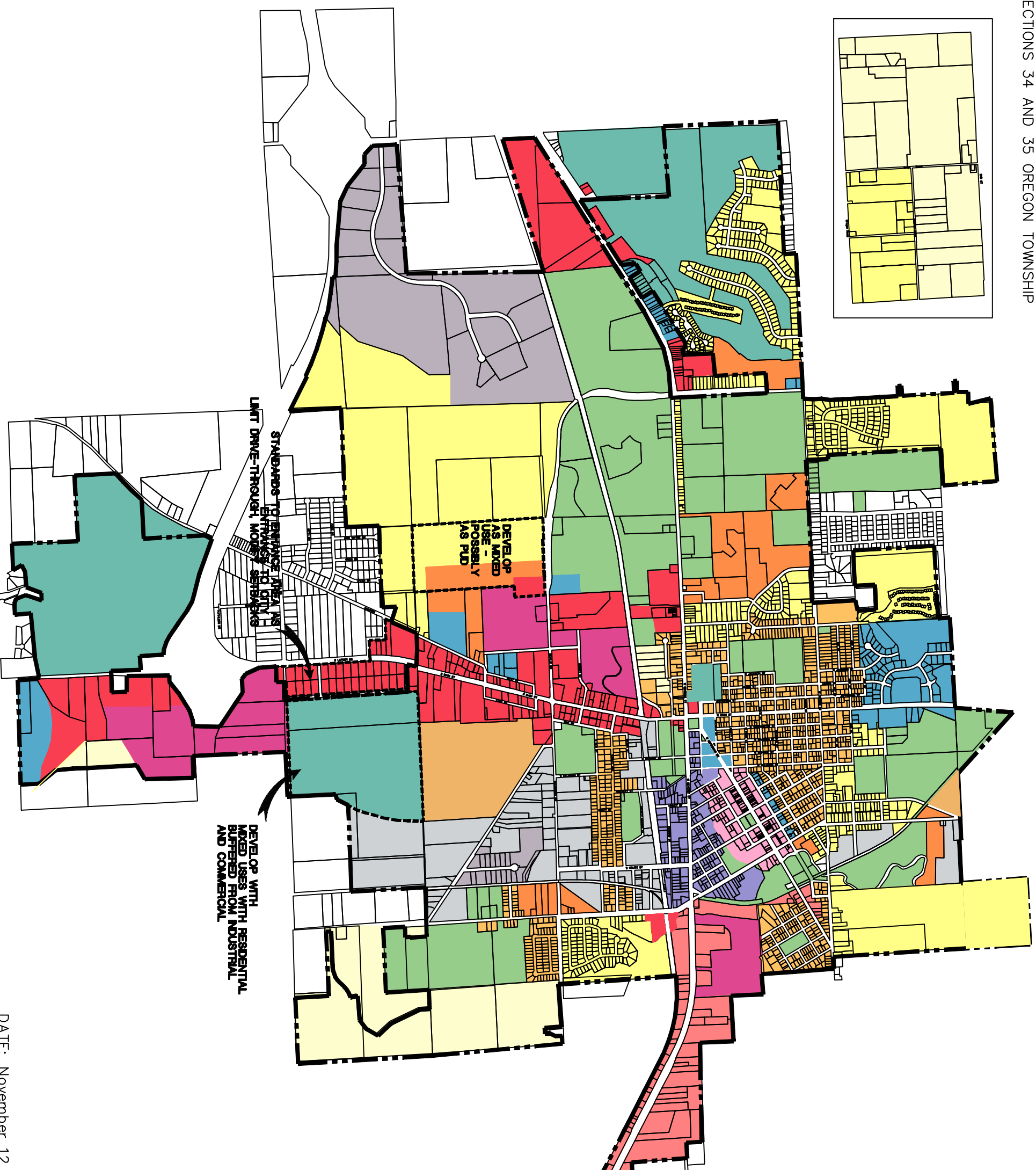
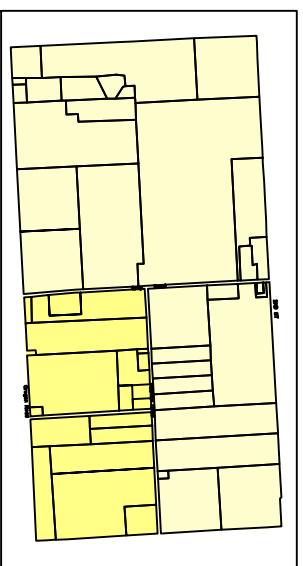


**CITY OF LAPEER
 2007 ZONING MAP**

- B-1 Local Business
- B-2 General Business
- B-4 Regional Business
- CBD Central Business District
- CBD-2 Central Business District
- I-1 Industrial
- I-2 Planned Industrial
- MPH Mobile Home Park
- OS-1 Office-Service
- P-1 Parking
- R-1 1 Fm Res 50' width 6000 sf
- R-2 1 Fm Res 60' width 7200 sf
- R-3 1 Fm Res 70' width 8400 sf
- R-4 1 Fm Res 80' width 9600 sf
- R-5 1 Fm Res 90' width 20,000 sf
- R-7 1 Fm Res 150' width 1 acre
- RM Multiple Residential
- PUD Planned Unit Development

DISCLAIMER
 THE INFORMATION
 PRESENTED ON THIS
 MAP HAS BEEN
 COMPILED USING
 SOURCES THAT ARE
 BELIEVED TO BE
 ACCURATE. THE
 CITY OF LAPEER
 ASSUMES NO LEGAL
 LIABILITY FOR
 INFORMATION SHOWN
 ON THIS MAP.





DRAFT

City of Lapeer

FUTURE LAND USE

- LOW DENSITY SINGLE FAMILY
- MEDIUM DENSITY SINGLE FAMILY
- HIGH DENSITY SINGLE FAMILY
- MULTIPLE FAMILY
- MANUFACTURED HOUSING COMMUNITY
- COMMERCIAL – DOWNTOWN
- COMMERCIAL – GENERAL BUSINESS
- COMMERCIAL – REGIONAL
- COMMERCIAL – AUTO
- OFFICE
- PUD
- MIXED USE
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- INSTITUTIONAL/RECREATIONAL



ROWE INCORPORATED

CORPORATE OFFICE
6211 Taylor Drive
810-341-7500

LAPEER
128 N. Saginaw
810-644-9411

MI. PLEASANT
127 S. Main
517-772-2198

DATE: November 12, 2007

VI. LEGAL HIGHLIGHTS

TO: Prospective Purchasers of White Building Property

DATE: February 25, 2008

SUBJECT: *Lapeer Community Schools* – Sale of White Building Property - Terms and Conditions for Legal Documents

The Lapeer Community Schools (the “District”) is in the process of procuring proposals from prospective purchasers for the purchase and development of the White Building property (the “Property”). The Request For Proposals (the “RFP”) issued by the District seeks a development of the Property, including the preservation of the White Building located on the Property (the “White Building”), but maintains flexibility for the specific end-use(s) for the Property (hereinafter the “Intended Purpose”). Although the specific aspects for the development of the Property are necessary to finalize any documentation memorializing the transaction for and development of the Property, below are various provisions that the District will require to be included in any Offer To Purchase and related legal documents between the District and the Purchaser regarding the sale, purchase and development of the Property.¹

PRE-DEVELOPMENT PERIOD:

There will be a _____ (____) day period (the “Pre-Development Period”), during which the Purchaser, at its sole cost and expense, shall perform all evaluation, inspection, testing, analysis and initiate zoning, site plan and permitting approval activities (collectively the “Pre-Development Activities”) on or to the Property to permit development of the Property for the Intended Purpose. Purchaser’s Pre-Development Activities may include, but shall not be limited to:

- (i) a physical inspection of all aspects of the Property;
- (ii) an environmental analysis and investigation of the Property;
- (iii) an analysis of the availability of any federal, state or local tax abatements or property tax reductions for the Property;
- (iv) a verification that there are no existing special assessments affecting the Property;

¹ These are sample provisions which may have to be slightly modified to reflect the type of development proposed.

- (v) investigating the availability and condition of utility and sewage services and systems including, but not limited to, gas, water, electricity, sanitary sewer, storm sewer and telephone services and systems;
- (vi) review of all applicable laws, rules, regulations and codes which must be complied with to renovate the White Building for its Intended Purpose, including cost analyses for the same;
- (vii) securing any change in zoning or other land use regulation from the City of Lapeer Zoning Board of Appeals, as authorized by the District;
- (viii) making soil tests, borings and other engineering, environmental and architectural tests and evaluations;
- (ix) reviewing and analyzing all applicable building and use restrictions, building codes and all other federal, state and local statutes, codes, ordinances, rules and regulations relating to the ownership, development or use of the Property; and
- (x) analyzing the results of any survey.

Upon completion of the Pre-Development Activities, Purchaser shall, at its sole cost and expense, restore the Property to a condition as good as its condition prior to such Pre-Development Activities, and this covenant shall survive termination of any agreement(s) between the District and Purchaser. Purchaser shall deliver to the District, free of charge, a copy of any and all reports, surveys, etc. prepared in the course of the Pre-Development Activities. Furthermore, the Purchaser shall submit proposed zoning changes or site plans or permit applications to the District for its approval. The Purchaser shall not submit any applications to the City of Lapeer for zoning changes, site plans or permits, etc. without the prior written approval of the District. The Purchaser shall keep the District regularly and promptly informed of all submittals to governmental entities and other Pre-Development Activities, and to notify the District of all meetings and hearings, in which representatives of the District shall have the right to participate. The Purchaser may not engage in litigation with any person in connection with any Pre-Development Activities without the express written consent of the District. In the event that Purchaser is dissatisfied with the results of the Pre-Development Activities, or is unable to secure the above-mentioned zoning approvals, if necessary, for the Property within the Pre-Development Period, Purchaser shall have the option to terminate the agreement between the District and Purchaser without penalty or liability by giving the District notice in writing within the Pre-Development Period. In such case, the District shall return all of Purchaser's deposit paid as of that time, provided that Purchaser shall deliver to the District, free of charge, a copy of any and all reports or surveys prepared during this Pre-Development Period. Unless the Purchaser terminates the agreement between the District and Purchaser during the Pre-

Development Period, the Purchaser agrees to obtain all site plan approvals and permits necessary for the development of the Property for the Intended Purpose during the Development Period

During the term of the Pre-Development Period and at all times prior to closing, Purchaser, its employees, agents, representatives, engineers, inspectors and surveyors (collectively "Representatives"), shall have the right of access to the Property at all times for the purposes of performing Purchaser's Pre-Development Activities provided Purchaser has executed a Release with the District and obtained such a Release from its Representatives. Purchaser shall indemnify, defend and hold the District free and harmless from and against any liability arising from any such Pre-Development Activities.

AS-IS CONDITION OF PROPERTY

Once the Purchaser accepts the Property after the completion of the Pre-Development Period, Purchaser will take the Property "AS IS," with the understanding that the District has disclosed to Purchaser the possible existence of asbestos and possible lead based paint at the Property. The Purchaser will assume all liability for damages caused by matters pertaining to, without limitation, soil conditions, land use issues, building and use restrictions, easements or assessments, availability of utilities, or any other matter. Upon closing, Purchaser will waive and release the District from any and all claims or causes of action that the Purchaser may now or thereafter have against the District relating to the Property.

ENVIRONMENTAL ISSUES

The District will represent and warrant, and those representations shall survive the closing for a period of six (6) months only, that, to the best of its present knowledge, without any independent inquiry, investigation or testing for Hazardous Materials or any other matter, except for the potential presence of asbestos-containing materials and the potential presence of lead-based paint:

- A. The Property are free of Hazardous Materials to the extent that any such presence of Hazardous Materials would have a material adverse effect on the Property, Purchaser understands and acknowledges that Seller has not conducted, nor shall Seller be obligated to conduct, Phase I or Phase II investigations of the Property. "Hazardous Materials" means any toxic or hazardous substance, waste, chemical or material, or any pollutant or contaminant, defined, regulated or subject to liability under any Environmental Law, including, without limitation, petroleum, petroleum products, radioactive materials, polychlorinated biphenyls, asbestos-containing material, flammables, and explosives. "Environmental Laws" mean federal, state and local laws, ordinances, rules, orders and common law requirements relating to Hazard Materials or the protection of health, safety or the environment, now or hereafter in effect, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*), the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et*

seq.), the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*), the Occupational Safety and Health Act (29 U.S.C. 651 *et seq.*), and the Natural Resource and Environmental Protection Act (M.C.L. 324.101 *et seq.*); and

B. Seller has not used the Property for the purpose of using, generating, manufacturing, transporting, treating, storing, processing, disposing, discharging, emitting or releasing Hazardous Materials, except for Hazardous Materials which are used in the ordinary course of the Seller's business in a manner which is in material compliance with Environmental Laws.

Upon closing, Purchaser will waive and release the District from any and all claims or causes of action that the Purchaser may now or thereafter have against the District arising under any Environmental Laws.

TITLE INSURANCE

As evidence of title, the District will furnish Purchaser a Commitment for Title Insurance, through the William T. Sheahan Title Company, and accompanied by copies of all instruments referenced in Schedule B-2 of the Title Commitment, in an amount not less than the agreed upon purchase price. Upon closing, the District will pay for and order a title insurance policy consistent with the Commitment which the District will have updated to the date of closing.

OBJECTION TO TITLE

The Purchaser will have ten (10) days from the delivery of the Commitment for Title Insurance to make any objections to the Title and the District will have thirty (30) days from the date it receives notice in writing of the particular defects claimed to either (1) to remedy the title defects set forth in said written notice or (2) to refund the Earnest Money Deposit in full termination of any agreement(s) between the District and the Purchaser.

DEFAULT BY PURCHASER

In the event of default by the Purchaser, the District may, at its option, elect to enforce the terms of any agreement(s) or to terminate the agreement(s) and retain the Earnest Money Deposit as liquidated damages.

DEFAULT BY DISTRICT

In the event of default by the District, the Purchaser may, at its option, elect to enforce the terms of any agreement(s), or demand, and be entitled to, an immediate refund of its entire Earnest Money Deposit in full termination of any agreement(s).

ASSESSMENTS AND FEES

All special assessments which have been assessed upon the Property as of the date of any agreement between the District and the Purchaser shall be paid by the District. All special assessments which arise after the date of the agreement shall be paid by the Purchaser. All real property taxes on the Property shall be prorated and adjusted as of the date of closing in accordance with DUE DATE basis of the municipality or taxing unit in which the property is located, under the assumptions that taxes are paid in advance and that summer and winter taxes are due and payable July 1 and December 1 respectively. The District shall be responsible for the payment of any applicable transfer taxes associated with this transaction and the Purchaser shall be responsible for all recording fees.

ASSIGNMENT

Any agreement(s) between the District and the Purchaser may not be assigned by the Purchaser.

INDEMNIFICATION

Purchaser agrees to indemnify, defend and hold the District harmless from any claims, suits, damages, costs, losses and any expenses (including reasonable attorney's fees and reasonable expert witness fees) resulting and/or arising from and/or out of any acts or omissions of Purchaser, Purchaser's Representatives, any contractor engaged by the Purchaser, and/or its officers, directors, agents and/or employees' with respect to the Property herein during the time any agreement(s) between the District and Purchaser are in existence.

EARNEST MONEY DEPOSIT

The Purchaser will be required to supply an Earnest Money Deposit to the District in an amount required by the District. The District will not be responsible to the Purchaser for any interest earned upon the Earnest Money Deposit, which interest shall be solely the property of the District.

DISTRICT CONSULTANT

The District has retained the services of Great Northern Land Company to negotiate the sale of the Property and acknowledges its responsibility to pay Great Northern Land Company any fees associated with Great Northern Land Company's participation in the transaction. The District will further represent and warrant that no other broker or real estate agency is involved in the negotiation or consummation of this transaction. However, Purchaser must warrant and represent to Seller that it is not obligated to pay any fee or commission to any broker or real estate agency in the negotiation or consummation of this transaction. To the extent permitted by law, each party will agree to indemnify and defend the other and hold the other harmless from any expense, claim or cause of action arising out of the breach of the foregoing warranties.

RESTORATION OF WHITE BUILDING IN COMPLIANCE WITH ALL LAWS

The Purchaser will be required to complete any restoration of the White Building in compliance with all applicable federal, state and local laws, rules, regulations and ordinances.

OBLIGATION TO DEVELOP PROPERTY FOR INTENDED PURPOSE

The Purchaser must develop the Property for the mutually agreed upon Intended Purpose. Any change in scope of the development from the Intended Purpose shall require District approval.

GOVERNING LAW

The governing law of any agreement(s) between the District and the Purchaser shall be Michigan law.

In addition to the above provisions, the following issues, without limitation, will be subject to negotiation between the District and the Purchaser:

1. Financial Terms and Conditions;
2. Termination Rights, if any;
3. The conditions upon which the Purchaser may develop the vacant land on the Property; and
4. Requirements of Purchaser during any development of the Property (i.e., insurance and construction liens).