



**NOTICE OF PUBLIC MEETING
CITY OF WALLED LAKE
PLANNING COMMISSION
Tuesday, September 8, 2026 | 7:30 P.M.**

This meeting will be held via in-person hybrid phone in conference. For those who want to participate in person, the meeting will be held in Council Chambers located at 1499 E. West Maple Rd, MI 48390. For those that will attend virtually please review the credentials below. The following items are on the agenda for your consideration:

PLEDGE TO FLAG & INVOCATION

ROLL CALL & DETERMINATION OF
A QUORUM

REQUESTS FOR AGENDA CHANGES

APPROVAL OF THE MINUTES	1. August 11, 2026	Pg.3
-------------------------	--------------------	------

AUDIENCE PARTICIPATION	Audience members will be able to speak via electronic means as instructed below.
------------------------	--

COMMUNICATIONS

UNFINISHED BUSINESS	1. C-377-26 Amendment to Chapter 51, Article 16.00 Planned Unit Development	Pg.11
	2. Commercial Design Standards	Pg.17

NEW BUSINESS

DISCUSSION

COMMISSIONERS' COMMENTS

ADJOURNMENT

Electronic Meeting Platform

The city will be utilizing the audio-conferencing tool ZOOM. Members of the Walled Lake public body will be able to hear and speak to each other for the entire meeting. Except for closed session portions of the meeting, members of the audience/public will be able to hear members of the Walled Lake public body during the entire meeting but will **only be able to speak** during Audience Participation or Public Hearing.

To connect to the meeting through ZOOM using a laptop PC or Smart Phone, a member of the public may need to do the following:

- Install Zoom App on mobile device.
- Or download Zoom Client at <https://zoom.us/download> and install on a PC or Mac

When: Sep 8, 2026 07:30 PM Eastern Time (US and Canada)

Topic: September 8, 2026 Planning Commission

Join from PC, Mac, iPad, or Android:
<https://us02web.zoom.us/j/85704811349>
Passcode:810048

Phone one-tap:
+13052241968,,85704811349#,,, *810048# US
+13092053325,,85704811349#,,, *810048# US

Join via audio:
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 669 900 9128 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
Webinar ID: 857 0481 1349
Passcode: 810048
International numbers available: <https://us02web.zoom.us/j/85704811349>

Procedures for participation by persons with disabilities.

The City will be following its normal procedures for accommodation of persons with disabilities. Those individuals needing accommodations for effective participation in this meeting should contact the City Clerk (248) 624- 4847 in advance of the meeting. An attempt will be made to make reasonable accommodations.

Individuals with Hearing or Speech-Impairments.

Users that are hearing persons and deaf, hard of hearing, or speech-impaired persons can communicate by telephone by dialing 7-1-1.

- Individuals who call will be paired with a Communications Assistant
- Make sure to give the Communications Assistant the proper teleconference phone number and meeting ID with password.

For more information please visit:

https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94041---,00.html

Members of the public may also view the broadcast meeting on the City of Walled Lake's YouTube channel:
<https://www.youtube.com/channel/UCDwQJiyMCqMbm9Ru-sKMEw/featured>



**CITY OF WALLED LAKE
PLANNING COMMISSION
TUESDAY, AUGUST 11, 2026**

The Meeting was called to order at 7:30 p.m.

Pledge of Allegiance led by Commissioner Martin.

ROLL CALL: Amin, Bashi, Martin, Schinzing, Swiatek, Whitt

ABSENT:

OTHERS PRESENT: Planning Consultant Ortega, City Attorney Vanerian, Council Member Woods, and City Clerk Stuart

REQUESTS FOR AGENDA CHANGES: None

APPROVAL OF MINUTES:

**PC 08-01-26 APPROVAL OF THE JUNE 9, 2026 PLANNING COMMISSION
MEETING MINUTES**

Motion by Swiatek, seconded by Bashi, CARRIED UNANIMOUSLY: To approve the June 9, 2026 Planning Commission minutes.

AUDIENCE PARTICIPATION: None

COMMUNICATION: None

UNFINISHED BUSINESS:

1. C-377-26 Amendment to Chapter 51, Article 16 Planned Unit Development

Chairman Schinzing asked the commission if they have had time to review.

Commissioner Amin said there is intent, but she has issues with implementation. She said she went through the ordinance revisions and the issue, as she sees it, is the variance option allows applicants to slip through without a vote. She said if a plan approves a project with no identified variances, the variance must show hardships and show it separately. She said City Council also has ability to approve, nobody knows what the city council may waive. She said the purpose of these amendments is to fix loopholes. She explained combining the PUD and CPD ordinances into one new ordinance. She said then the city council can modify it up to 10 percent. She said

the master plan right now requires the developer to spend heavily creating full plans, traffic studies, etc. even before eligibility is determined. She said they have already spent money and time even before eligibility is determined. She said spot zoning is problematic. She said if coming in for a PUD and already zoned for PUD, does master plan say single family homes. She explained if yes, then the planning commission could say yes, waiving lot requirements, and density issues. She said if the applicant wants multi story apartments and the underlying is not zoned for this; we can be taken to court. She said we need to remove the inconsistencies. She said we already have the ordinances in place; there are already allowances but the language density is not clear; things need to be excluded so numbers and density cannot be manipulated. She said if the applicant can list every departure, the city council can modify how they feel.

Chairman Schinzing asked City Attorney Vanerian and City Planner Ortega if what Commissioner Amin said made sense.

City Attorney Vanerian explained regarding a variance, we have an administrative process already in place with city planner, fire, engineering, etc. to review plans to ensure they are complete with required data by city ordinances. He said there is a process in place before plans even come before the planning commission or city council. He explained the process already in place provides that if zoning necessities are not satisfied, in terms of information and requirements of submittals applicants must revise and resubmit.

Commissioner Swiatek asked if the current process requires applicants to spend a bunch of money on plans prior to official submittal.

Commissioner Amin explained the way the ordinance is written is wrong and she has no problem rewriting it.

City Planner Ortega explained the distinction between a standard site plan and a Planned Unit Development (PUD) or Conditional Planned Development (CPD). He explained that, with a standard site plan, the applicant is required to demonstrate full compliance with the City's current ordinances and development standards before the project is presented to the Planning Commission. In contrast, a PUD or CPD allows the applicant to specifically identify and request modifications to otherwise applicable standards. Mr. Ortega explained that the key purpose of the PUD/CPD process is to clearly identify the modifications being requested so that the Planning Commission and City Council are aware of the proposed deviations in advance. He explained that the requested modifications would be incorporated into the development agreement. For example, if the applicable district has a maximum height of 35 feet and the applicant is requesting a height of 43 feet, that modification would be specifically identified in the development agreement. Mr. Ortega explained that a PUD or CPD modification is not the same as a variance. A variance involves relief from a zoning requirement based upon specific physical or dimensional circumstances and is subject to the Zoning Board of Appeals (ZBA) process. He noted that PUDs and CPDs may restrict or eliminate the ability to seek a variance; however, an applicant may instead request a modification through the PUD or CPD process. He said he would like to have the agreements reviewed by the planning commission and as well Mr. Ortega said that PUDs are generally more restrictive than by-right development because

specific standards and conditions are established as part of the approval process. Planning staff make recommendations, with final approval resting with the City Council. He further explained that, for the right use, certain requirements, such as the quantity of required trees and other applicable standards, may be addressed administratively when the proposal complies with the ordinance.

Commissioner Swiatek clarified that the definition of modification does not include rezoning.

Mr. Ortega replied yes.

Chairman Schinzing asked how the 615 N Pontiac Trail PUD project got so far down the path if the applicant did not clear the hurdle.

City Planner Ortega explained that, as noted in his initial review letter, the proposed use was not consistent with the existing zoning designation or with the City's Master Plan. He explained that because the application had been formally submitted and received, it was required to undergo review. His initial recommendation was that the applicant address the zoning and Master Plan inconsistencies before proceeding. Mr. Ortega explained that the applicant was also requesting a modification to the permitted density that exceeded the applicable quantitative standard. He stated that he identified this issue in his review and questioned the need for the additional density modification, particularly because the current ordinance already allows for additional density under certain circumstances. Mr. Ortega explained to the commission, if they do not believe the existing ordinance provision is appropriate, the City could consider removing or revising that provision.

Commissioner Amin said things don't work. She said she has her own team of lawyers and she reviewed with them. She said the city treats the master plan as a suggestion. She said developers are still spending \$30-\$40,000 dollars before they can even be considered. She said overstepping and going being the authority is how the city operates right now with the city council having the option to override. She said we should not allow a PUD to go around the ordinances. She said they use a PUD to get what they want. She said the developer if they wanted to do it properly, there is nothing in place to do so. She said the way the ordinances are written; the developer does not have a clear path. She said the PUD asks for a modification not a variance. She is asking for a modification to the PUD, to be specific and anything else after would require a variance from the ZBA. She said the applicant must show hardship before the ZBA. She said this way the applicant has shown the hardship and was approved by the ZBA. She said our master plan is way over with apartments and commercial. She said we don't have enough residential. She asked if the PUD and CPD can be combined. She asked how many commercial spots the city does have left for development. She said there are ways to close loopholes, that is why the commission is here discussing them; it does not work. She said from her personal experience with developing things and when Mayor Gunther approached her to review this because this is messed up. She said it is really hard to distinguish between variance versus modification. She asked how much one board can review and can that board deny items.

City Attorney Vanerian addressed the provisions regarding modifications and deviations under the PUD ordinance. He explained that, under the applicable provision, City Council may approve or conditionally approve a requested modification or deviation only upon recommendation from the Planning Commission. Therefore, the Planning Commission must first make a recommendation regarding any requested modification or deviation before the matter can be considered for approval by City Council. Mr. Vanerian explained that the ordinance limits modifications and deviations to zoning standards or regulations that are expressly identified in the PUD ordinance as being subject to modification or deviation. He provided building height as an example. The ordinance requires buildings within a PUD to comply with the height requirements of the underlying zoning district; however, it expressly authorizes City Council, upon recommendation from the Planning Commission, to modify the building height requirement. Therefore, building height is a standard that may be modified through the PUD process. Mr. Vanerian explained parking and loading requirements require a PUD to comply with the parking and loading requirements contained in Article 19, but does not expressly authorize the Planning Commission or City Council to modify or deviate from those requirements. Accordingly, the PUD process does not provide the authority to grant a modification or deviation where the ordinance does not expressly permit one. Mr. Vanerian explained that the modification and deviation provisions are therefore not intended to create an unrestricted process for applicants to obtain relief from zoning requirements. The requested modification or deviation must first be expressly authorized by the PUD ordinance. He explained that the applicant may provide corresponding improvements that enhance the quality of the development, including improvements to aesthetics, architectural features, utilities, infrastructure, facilities, or roads, beyond the quality or extent of improvements that would otherwise be obtained through conventional zoning review and approval. Mr. Vanerian explained that the provisions require the applicant to provide something of corresponding value in exchange for the requested modification or deviation. He acknowledged that the Planning Commission and City Council retain discretion in determining whether the proposed improvements are sufficient to justify the requested modification. Mr. Vanerian further explained that if the PUD ordinance does not expressly authorize a particular modification or deviation, the applicant would need to pursue a variance through the Zoning Board of Appeals (ZBA) and satisfy the applicable stringent standards for obtaining a variance under conventional zoning. Mr. Vanerian agreed with Planner Ortega that involving the ZBA in the PUD process is somewhat unusual. He explained that, historically, the City's PUD ordinance expressly excluded the ZBA from involvement in the PUD process, which he noted is typical in many communities. However, the ordinance was subsequently revised to include ZBA involvement based upon direction from City Council.

Chairman Schinzing asked City Planner Ortega about the possibility of combining the current CPD and PUD ordinances into one.

Commissioner Amin said making the process more efficient, simplifying the process, not fall into spot zoning. She said if it is not already zoned or in master plan, it stops right there.

City Planner Ortega asked Commissioner Amin what her definition of spot zoning was.

Commissioner Amin responded that the state has a description.

City Planner Ortega explained the concept of spot zoning and its distinction from the PUD process. He stated that spot zoning is a consideration for the Planning Commission when an applicant requests that a property's zoning district be changed from its existing classification to a different zoning district that is inconsistent with the City's Master Plan. Mr. Ortega explained that if the Planning Commission recommended such a rezoning and City Council subsequently approved the change, the action could constitute spot zoning. He emphasized that this involves an actual change to the property's zoning district. Mr. Ortega clarified that the PUD process is different because the underlying zoning designation remains unchanged. Instead, the PUD functions as an overlay or development mechanism applied to the existing zoning, allowing certain standards to be modified where expressly authorized by the ordinance. Accordingly, he stated that the PUD process itself does not constitute spot zoning. Mr. Ortega explained that even in communities where a PUD is established as a separate zoning district, the process is generally not considered spot zoning because the Planning and Zoning Enabling Acts specifically authorize PUDs and allow for modifications to otherwise applicable zoning standards. Mr. Ortega emphasized that avoiding spot zoning is important and the city has historically not engaged in spot zoning.

Commissioner Amin explained she is not saying that we've done it before. She said what she is saying is what we want to do or ideally if it's not zoned have a process so that we can follow it without getting into trouble. She explained if we can make that the first step, it would make it a lot simpler and more cost effective for the developers.

Planner Ortega said at the administrative level, we do our job to ensure review of plans before plans ever get to the Planning Commission. He said he agrees on ways to streamline existing language and remove contradictions, combining them is not a problem.

Commissioner Amin said she does not know what the master plan says. She said maybe we can authorize a study to be done, to make sure everything matches. She said we need to clean up the contradictions.

Commissioner Swiatek said Ms. Amin has ideas some we understand some are over our heads and suggested having Commissioner Amin redline the changes and provide to the commission.

Planner Ortega said it would make it quicker if Commissioner Amin could point out the inconsistencies she found and City Attorney Vanerian and he can revise to present to the commission.

Commissioner Amin said if she has to go through seeking every inconsistency, it is a lot. She said she has lawyers on retainer, and she would have them review. She said the redlined document provided by City Attorney Vanerian and Planner Ortega does address items she found. Commissioner Amin said all modifications should go through the ZBA.

Planner Ortega explained that a variance is not intended to provide an opportunity for an applicant to simply avoid or circumvent an applicable zoning requirement. He stated that there must be a unique physical characteristic or condition of the property that creates a practical difficulty or hardship preventing the property from complying with the applicable standards. Mr. Ortega emphasized that the variance criteria are intentionally stringent and require a compelling, site-specific circumstance. He noted that the hardship must not be self-created and that the applicant must satisfy the other applicable statutory and ordinance requirements for granting a variance.

Commissioner Amin said we should have quantifiable measures and not open-ended sky's the limit. She said we need to put something together to present something to City Council. She said after being presented to City Council, they may have items to add, and it will come back to Planning Commission. She said we cannot nitpick we need to move forward.

Planner Ortega stated that it is the Planning Commission's role to engage in difficult discussions regarding appropriate development standards and to determine the numbers and limitations it believes are appropriate. He noted that the majority of the Commission should work toward establishing consensus on the standards it would recommend. Mr. Ortega suggested that the Commission consider identifying specific provisions for modification. He stated that the 10% limitation could remain in place and that the Commission could determine whether it is appropriate to retain modification authority for specific standards, such as building height. He recommended removing provisions that are overly broad or subjective and that do not establish a sufficiently quantifiable or measurable limitation on the requested modification.

Commissioner Amin said she will create a clean version, clear out the conflicting things, she already spoke to Mayor Gunther, and this will be a good starting point.

City Manager Whitt stated that, in his opinion, decisions made by the city in the past were legally permissible, even if some of those decisions may not have been well received. He emphasized that the City's ordinances are legal and that the City has not relied upon loopholes in administering the PUD and CPD provisions. Mr. Whitt stated that the PUD and CPD processes are established within the City's ordinances and indicated that, if the provisions can be simplified and made clearer for the public, he would support doing so. He also stated that regard should be given to the City Council with respect to its role in making final decisions. Mr. Whitt said that the Planning Commission has additional work to undertake regarding the City's Master Plan. He explained that the Master Plan serves as a policy document and stated that the next step should be to begin the process of updating and rehabilitating the Master Plan to ensure that it remains current and consistent with applicable law. He said the old school property does have a zoning concern as the underlying zoning and what the development may ultimately be permitted.

Commissioner Swiatek stated that he agreed with City Manager Whitt's comments regarding development and the need to consider the broader interests of the community. He explained that developers may primarily evaluate projects based on their potential profitability rather than what they can contribute to the city and its residents. Commissioner Swiatek explained that development places additional demands on City resources. He said from a resident's perspective,

there are limited opportunities for developers to construct affordable single-family housing, noting that new homes of approximately 1,500 square feet are not commonly being built while larger-scale apartment developments continue to be proposed.

PC 08-02-26 MOTION TO COMBINE THE CURRENT PUD AND CPD ORDINANCES TO CREATE A NEW PD ORDINANCE AS WELL AS UPDATING THE USE MODIFICATIONS, KEEPING THE QUANTIFIABLE MODIFICATIONS AND ELIMINATING ANY THAT ARE TOO OPEN FOR INTERPRETATION

Motion by Schinzing, seconded by Martin, CARRIED UNANIMOUSLY: To combine the current PUD and CPD ordinances to create a new PD ordinance as well as updating the use modifications, keeping the quantifiable modifications and eliminating any that are too open for interpretation.

Roll Call Vote

AYES: (6) Amin, Swiatek, Whitt, Bashi, Martin, Schinzing
NAYS: (0)
ABSENT: (0)
ABSTENTIONS: (0)

PC 08-03-26 PRE APPLICATION PROCESS BEFORE GOING INTO THE OFFICIAL APPLICATION PROCESS

Motion by Amin, seconded by Bashi, CARRIED UNANIMOUSLY: To create a pre applications process before going into the official application process.

Roll Call Vote

AYES: (6) Swiatek, Whitt, Bashi, Martin, Amin, Schinzing
NAYS: (0)
ABSENT: (0)
ABSTENTIONS: (0)

2. C-378-26 Amendment to Chapter 51, Article 30 Commercial Planned Unit Development

Discussed earlier in meeting, see motion PC 08-02-26.

3. Commercial Design Standards

Chairman Schinzing suggested to table for next meeting, commission agreed.

4. Educational Opportunities

Planner Ortega said it is important for the commission to pursue the training, these opportunities will help the commission.

Discussion was held on potential meeting dates.

Chairman Schinzing asked for Mr. Ortega to provide a report of developers or individuals he meets with so the commission understands what may be forthcoming.

DISCUSSION: None

COMMISSIONERS' COMMENTS:

City Manager Whitt said the rumors that the Tiki Bar was selling. He said there is truth to the rumor, we will know when we receive the property transfer affidavit. He said the Auora group, who also owns Prime 29, Detroit Prime and Auora on the Lake, may have an interest in this property. He said if that occurs, downtown will change dramatically.

PC 08-04-26 ADJOURNMENT

Motion by Bashi, seconded by Amin, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:31 PM

Jennifer A. Stuart
City Clerk

Russ Schinzing
Chairman



Memorandum

TO: Walled Lake Planning Commission

FROM: Mario A. Ortega, AICP

SUBJECT: Article 16 PUD Ordinance – First Draft

DATE: September 2, 2026

Based on our discussion at the August meeting, please find attached a draft of a new Planned Unit Development (PUD) ordinance. As directed by the commission, rather than edit the existing text we are moving forward with new text for Article 16 to create standards that meet the need of the City.

The following text identifies where a PUD may be located, the uses permitted in a PUD, the modifications that may be considered, the review process, the standards to consider approval and the administrative steps for an approved PUD. The ordinance can be very specific or more general in its approach. The attached draft includes both types of regulations to provide you with options to consider. For some issues, the text proposes a particular approach such as the permitted locations and the allowed uses within a PUD. For other issues, the text is more generic to allow the planning commission the ability to make their own determinations as to what constitutes those things like recognizable benefits or a permitted modification.

These standards can be “tightened up” by including more detailed and quantitative standards. Heights can be restricted to no more than a 10 foot increase or parking spaces modified by only 12%. The recognizable benefits can provide more detail, such as “A PUD shall provide at least one half acre public park space.” These regulations can also utilize more generic language to allow applicants more creativity and the opportunity to present something new and unique. The ordinance will be revised to reflect the consensus of all planning commission members and result in an tool that meets your development needs for the City. Please review this text prior to the meeting. For any questions or proposed changes, please begin by reference the section and paragraph number for the existing text, such as Section 51-16.05(D).

Article 16 – Planned Unit Development

Sec. 51-16.01 – Intent. Planned unit development (PUD) is intended to offer an alternative to traditional development by permitting flexibility in the regulations for development. The PUD standards are provided to allow a combination of uses, while maintaining a consistent implementation of the goals and objectives of the City's Master Plan.

Sec. 51-16.02 – Minimum Requirements and Permitted Modifications.

- (A) **Permitted Districts.** A PUD may be permitted in the RM-1 Multiple Family Residential, RM-2 Multiple Family Residential, RM-3 Multiple Family Residential, C-1 Neighborhood Commercial, C-2, General Commercial and C-3 Central Business zoning districts.
- (B) **Minimum Lot Area.** A PUD shall contain a minimum land area of one acre.
- (C) **Permitted Uses.** The following land uses may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
1. Attached residential dwelling units
 2. Retail commercial uses excluding smoke shops and adult businesses
 3. Service commercial uses
 4. Professional office uses
 5. Restaurants excluding drive-through windows
 6. Places of assembly including theaters
- (D) **Applicable Base Regulations.** Unless waived or modified in accordance with Sec. 51-16.02(E), all ordinance standards, including but not limited to the yard and bulk, parking, loading, landscaping and lighting for the district in which a planned unit development is proposed shall be applicable for uses proposed as a part of a planned unit development.
- (E) **Regulatory Flexibility.** To encourage flexibility and creativity consistent with the Planned Unit Development concept, departures from the regulations in Sec. 51-16.02(D) may be permitted, subject to review and approval by the Planning Commission and City Council. Such departures may include, but are not limited to, modifications to floor area standards; setback requirements, building height, density standards; parking, loading, and landscaping requirements. Such modifications may be permitted only if they will result in a higher quality of development than would be possible without the modifications.
- (F) **Residential Density.** Modifications to the density of the residential use within a planned unit development may be permitted upon determination that the desired density will not adversely affect water and sewer services, storm water drainage, road capacity, parks and recreation, fire and police services, character of the area, and any planned public and private improvements in the area. The maximum permitted increase in residential density shall not exceed 150% of the permitted residential dwelling units if the site were to be developed under the regulations of the RM-2 zoning district.
- (G) **Phasing.** Where a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, in developments that include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Planning Commission.

Sec. 51-16.03 – Recognizable Benefits.

(A) The applicant shall demonstrate to the City that the PUD provides at least four of the following site design elements that could not be attained through a project designed under conventional zoning. In granting the relaxation of any district requirements, the City may require the applicant to demonstrate through documentation that the project will not be detrimental to the public health, safety, welfare of the future occupants, the surrounding neighborhood, or the City as a whole. Such documentation may include, but is not limited to, traffic impact studies, environmental impact studies, market needs assessments, infrastructure impact studies and any other reports or studies.

1. High quality architectural design, beyond the site plan requirements of this title.
2. Extensive landscaping, beyond the site plan requirements of this title.
3. Preservation or enhancement of historic resources.
4. Provision of open space or providing of public plazas or gathering spaces.
5. Efficient consolidation of poorly dimensioned parcels.
6. Shared vehicular access between properties or uses.
7. A complementary mix of uses or a variety of housing types and commercial opportunities.

Sec. 51-16.04 – Review Process.

(A) **Pre-Application Conference.** Prior to the submission of an application for PUD approval, the applicant shall meet with the City Manager. The applicant shall present the following:

1. A parallel plan illustrating a development using conventional zoning permitted under the City's current zoning designation.
2. A sketch plan illustrating the development proposed under the PUD.
3. Each sketch plan shall include the following information: total number of acres in the project; a statement of the number of residential units, if any; the number and type of nonresidential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; and the number of acres to be preserved as open or recreational space.
4. Documentation indicating how the proposed development represents a Recognizable Benefit, Section 51-16.03.
5. If the City Manager agrees that the PUD proposal has merit and has potential to meet the Standards for Approval, an application may be filed for PUD review in conformance with the remaining requirements in Section 51-16.04(A). If the City Manager does not agree that the proposed PUD meets the Standards for Approval, he shall deny the proposal and provide reasons in writing to the applicant.

(B) **Preliminary PUD Site Plan: Document Submittal.** After the City Manager has determined that the PUD proposal has merit, the applicant shall prepare the following documents for submittal to the City for formal PUD plan review.

1. A full site plan in accordance with zoning ordinance standards.
2. A narrative report prepared by the applicant shall accompany the site plan providing the following:

- a) A description of the project, including all proposed uses
- b) A discussion of the business market concept and feasibility of the project,
- c) An explanation of the manner in which the Standards for Approval have been met
- d) A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of the application of the PUD Article.
- e) Hours of operation of the proposed uses.
- f) A specific schedule of the intended development and construction details, including phasing or timing.
- g) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- h) A specification of the exterior building materials with respect to the structures proposed in the project.
- i) Signatures of all parties having an interest in the property at the time of submission.
- j) Identify the person or entity that will have control over the project.

(C) Preliminary PUD Site Plan: Planning Commission Review. If the City Planner determines that the submitted documents include all required information, a public hearing in compliance with Sec. 51-21.29 shall be scheduled in front of the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary PUD site plan and shall take one of the following actions:

1. **Recommend Approval.** Upon finding that the preliminary PUD site plan meets the criteria and standards set forth herein, the Planning Commission shall recommend approval to City Council. Approval shall constitute approval of the uses and design concept as shown on the site plan. Recommendation of the site plan by the Planning Commission shall not bind the City Council to approve the site plan.
2. **Postponement.** Upon finding that the site plan does not meet the criteria and standards set forth herein, but could meet such criteria if revised, the Planning Commission may postpone any action on a recommendation. The applicant shall submit a revised PUD plan for additional consideration by the Planning Commission at a future meeting.
3. **Recommend Denial.** Upon finding that the preliminary PUD site plan does not meet the criteria and standards set forth herein the Planning Commission shall recommend denial to City Council.

The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the City Council shall exercise discretion.

(D) Preliminary PUD Site Plan: City Council Action. Upon receiving a recommendation from the Planning Commission, the City Council shall review the preliminary PUD site plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth herein, the City Council shall approve, postpone, or deny the preliminary PUD site plan.

Prior to approval of a preliminary PUD site plan, the City Council shall require all standards and conditions of approval to be incorporated in a development agreement. The City Council may cause to have legal documents, covenants, or contracts prepared and may require the execution thereof by the applicant, which documents involve the City and are required as a result of the conditions contained in the PUD approval.

1. **Conditions of Approval.** Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

(E) **Final PUD Site Plan: Planning Commission Approval.** Upon approval by City Council for the preliminary PUD site plan, the applicant shall prepare a final site plan and submit the final site plan to the Planning Commission for Final Site Plan Approval. A final PUD site plan shall be a complete civil engineering set of plans that includes all demolition, soil erosion & sediment control, grading, utility connections, pavement and building foundations for the entire project. The final PUD site plan shall be reviewed by the City Engineer, Fire Department and any other city administrative staff as deemed necessary by the City Planner. The Planning Commission shall only grant final PUD site plan approval upon determining that the submitted site plan is in complete compliance with all zoning, engineering and other applicable codes and ordinances.

Sec. 51-16.05 – Standards for PUD Approval. The Planning Commission and City Council shall consider the following standards when determining whether to approve, approve with conditions or deny a proposed preliminary and Final PUD site plan:

- (A) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations. This standard shall include compliance with the Recognizable Benefits of Sec. 51-16.03.
- (B) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
- (C) There shall be underground installation of utilities, including electricity and information technology/telecommunication lines, as found necessary by the City.
- (D) The proposed development shall be consistent with preservation of the public health, safety and welfare of the City.
- (E) The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- (F) The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with this Ordinance.
- (G) The proposed development shall be consistent with the Goals and Policies of the Master Plan.
- (H) The proposed development shall be compatible with adjacent uses of land.

Sec. 51-16.06 – Procedures and Items for an approved PUD

- (A) **Commencement of Construction.** To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 51-21.30. The applicant shall obtain a building permit within one (1) year from the date of Planning Commission final PUD site plan approval. Substantial construction shall be commenced within two (2) months of building permit approval shall proceed substantially in conformance with the schedule set forth by the applicant. If construction is not substantially commenced and continues within such time, approval of the PUD shall expire and be null and void by means of a letter from the City Manager transmitted to the applicant. In the event approval of the PUD has expired, the City Council shall require a new application that shall be reviewed in light of then existing and applicable law and ordinance provisions.

- (B) **Effect of Approval.** When approved, the PUD with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such authorization. Notice of adoption of the final PUD plan and conditions including the development agreement shall be recorded by the applicant at the Oakland County Register of Deeds.
- (C) **Amendments.** An approved PUD may be amended at the discretion of the City consistent with the procedures for original approval. Further, the Zoning Board of Appeals shall not have the authority to grant variances for the standards contained in this Chapter for any duly approved PUD, such authority being specifically reserved to the Planning Commission and City Council through the review and approval process of Sec. 51-16.04.

DRAFT ZONING ORDINANCE AMENDMENT LANGUAGE

~~Text proposed for removal is in red strikethrough.~~

Proposed text is in standard black font.

Sec. 51-21.11. - ~~Reserved for future use~~Commercial Building Design Standards.

- (a) **Purpose and Intent.** The purpose of the commercial building design standards is to develop compatibility and continuity among buildings in the community and to provide minimum design standards intended to enhance the appearance of the community. The architectural design elements, the relationship between those elements, the façade materials and other building and site components have a strong influence on the character and appearance of the city. Building designs that meet minimum quality standards contribute to the attractiveness and economic well-being and public welfare of a community, making it a better place to live and work.
- (b) **Projects subject to commercial building design standards.** All site plans for the construction of any new buildings and structures and all alterations, renovations, additions or modifications that include exterior changes to existing buildings in the zoning districts identified below shall meet the following minimum appearance standards. All new construction requiring a Building Permit, including additions to existing structures and any renovations visible from the exterior of the building or structure, shall be subject to commercial building design standards. The director of planning and development, or their designee, shall determine whether a proposed scope of work qualifies as an alteration, renovation, addition or modifications that shall require compliance with these commercial building design standards. The zoning districts in which these standards are applicable include:
- (1) C-1 Neighborhood Commercial District
 - (2) C-2 General Commercial District
 - (3) C-3 Central Business District
 - (4) O-1 Office District
- (c) **Architectural Standards**
- (1) *Required Architectural Elements.* Decorative and functional architectural features, details and ornamentation including but not limited to. arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches, shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building, as determined by the Planning Commission for site plan review and the development director for administrative site plan review.
- a. *Front, side and rear façade.* All front building façades shall comply with the commercial building design standards of this section. Any side or rear facades that meets the following criteria shall also comply with the standards of this section.
1. Visible from a public road
 2. Adjacent to a residentially zoned or occupied property
 3. Adjacent to a vehicle access route, parking lot access aisle or vehicle parking area
- All front, side or rear facades that meet the criteria above shall include windows, building materials, and architectural features similar to those present on the front facade of the building. All sides of a building shall be complementary to each other in design, details, and materials.
- b. *Façade variation.* Building façade walls exceeding 100 feet in length shall be subdivided into bays, through the location and arrangement of architectural features and design

variations, to provide a changing and varying facade appearance. Such features and design elements may include, but are not limited to, the following:

1. Projections, bays or recesses, not exceeding ten (10) feet in depth.
2. Enhanced ornamentation and architectural detailing.
3. Variations in building height or window patterns.
4. Distinctively shaped roof forms, detailed parapets, and cornice lines.

- (2) **Public Entrances.** All commercial buildings and uses shall have a public entrance facing the street. Secondary public entrances at the rear or the side of the building shall be clearly defined as a public entrance with a canopy or other design feature. Public entrances shall be emphasized with framing devices, such as, peaked roofs, forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting, and similar devices
- (3) **Windows:** Building facades facing the public right-of-way shall consist of at least 20 percent window area. The bottom sill of the windows on the front facade shall be located no higher than four (4) feet above grade. No more than 25 percent of the window area shall be covered with signage or other obscuring elements. When a building is located on a corner, this standard shall apply to both facades facing the rights-of-way, unless one of the rights-of-way faces a residential use.
- (4) **Awnings and Canopies:** Back-lit and internally illuminated awnings shall be prohibited. Awnings shall articulate each window or wall opening.
- (5) **Roof-Mounted Equipment:** All roof-mounted equipment, including but not limited to air conditioning units, heating apparatus, dust collectors, transformers, satellite dishes and antennae, and other communication and mechanical equipment, other than chimneys, flagpoles, and solar energy systems, shall be screened by one of the following architectural elements:
 - a. A parapet wall extending above the roof as tall as the tallest part of the equipment.
 - b. A screen around the equipment that is as tall as the tallest part of the equipment. The screen shall be constructed to be compatible with the building design.

(d) Building Material Standards.

- (1) **General Material Standards.**
 - a. **Engineered Materials.** Engineered equivalent materials are permitted as the original material is permitted in each district. Engineered materials must match the appearance of natural binding materials.
 - b. **Painted Building Materials.** Existing exterior masonry may not be painted or stained unless approved by the Planning Commission. Preference will be given to existing building materials that are already painted or stained and when the applicant proposes to stain, not paint, the façade.
 - c. **Building Colors.** Exterior finish materials and colors must be consistent or compatible with the character of the surrounding district. Accent colors are permitted to activate the street front and exercise artistic placemaking; this standard is to not be interpreted as prohibiting the incorporation of public art, such as a mural, to buildings or sites.
 - d. **Waivers.** The Planning Commission may modify the material standards, based on determination that the proposed materials or colors are high-quality and compatible with the architecture and style of the primary building and context.
- (2) **Permitted Building Materials.** The table below details the permitted exterior building materials allowed on each façade that faces a public street or right of way in each zoning district, whether it is a principal material or an accent material.
 - a. **Principal Material (P):** Primary building materials must constitute at least 75% of the total façade on each building elevation.

- b. Accent Material (A): Accent building materials, altogether, must not constitute more than 25% of the total façade, on each building elevation.

Exterior Building Materials	C-1	C-2	C-3	O-1
Brick (including face brick but not thin-brick veneer)	P	P	P	P
Cut stone, ceramic cladding, cast stone, natural stone, or manufactured stone	P	P	P	P
Wood, including cross laminated timber, dimension lumber, and reclaimed wood	A	A	A	P
Burnished and textured concrete masonry units (CMU)	A	A	A	P
Standard concrete masonry units (CMU)				
Fiber cement siding	P	P		P
Fiber cement panels	A	A		P
Precast concrete panels				
Stone composite panels	A	A	A	A
Closed cavity façade (e.g., glass curtain wall system)	P	P		P
Clear or lightly tinted glass	P	P	P	P
Metal wall panel (including steel)				P
Vinyl siding				P
Exterior Insulation and Finishing System (EIFS) / Artificial Stucco	A	A		A