



**NOTICE OF PUBLIC MEETING
CITY OF WALLED LAKE
PLANNING COMMISSION
Tuesday, August 11, 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. June 9, 2026	Pg.3
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AUDIENCE PARTICIPATION	Audience members will be able to speak via electronic means as instructed below.
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COMMUNICATIONS

UNFINISHED BUSINESS	1. C-377-26 Amendment to Chapter 51, Article 16 Planned Unit Development	Pg.13
	2. C-378-26 Amendment to Chapter 51, Article 30 Commercial Planned Unit Development	Pg.32
	3. Commercial Design Standards	Pg.41
	4. Educational Opportunities	Pg.44

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

You are invited to a Zoom webinar!

When: Aug 11, 2026 07:30 PM Eastern Time (US and Canada)

Topic: Planning Commission

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/82051135181>

Passcode:381300

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Join via audio:

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+1 312 626 6799 US (Chicago)

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+1 301 715 8592 US (Washington DC)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

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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, JUNE 9, 2026**

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

Pledge of Allegiance led by Chairman Schinzing.

ROLL CALL: Bash, Martin, Schinzing, Swiatek

ABSENT: Amin, Robertson, Whitt

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

**PC 06-01-26 MOTION TO EXCUSE COMMISSIONERS' AMIN, ROBERTSON,
AND WHITT FROM TONIGHT'S MEETING**

Motion by Bash, seconded by Swiatek: CARRIED UNANIMOUSLY: To excuse commissioners' Amin, Robertson, and Whitt from tonight's meeting.

REQUESTS FOR AGENDA CHANGES: NONE

APPROVAL OF MINUTES:

**PC 06-02-26 APPROVAL OF THE MAY 12, 2026 PLANNING COMMISSION
MEETING MINUTES**

Motion by Swiatek, seconded by Bash, CARRIED UNANIMOUSLY: To approve the May 12, 2026 Planning Commission meeting minutes.

Commissioner Martin said she did hear from a fellow resident if there was any checking on the distance between where the gas station is going to be put in and the neighboring housing. She said the city has two gas stations, the new Speedway on the corner and then we've got the one next to the farmer's market.

City Planner Ortega explained the exact measurement can be provided but it is not required.

Chairman Schinzing said there were comments made by Commission Amin at last month's meeting that there is not a checklist for planning commission petitioners but there is one, it is in this evening's packet. He wanted to ask Commissioner Amin for clarification on her comments, whether the checklist was not sufficient or whether she was looking for an additional packet.

City Planner Ortega said it was his understanding that Commissioner Amin was looking for a revised application that would better assist applicants.

AUDIENCE PARTICIPATION: NONE

COMMUNICATION: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

- 1. PC 321 750 N. Pontiac Trail, 92-17-34-277-001**
Applicant – IFS Holdings, LLC
Request – Site Plan – amendment, commercial building expansion

City Planner Ortega summarized review letter dated June 2, 2026. He said the property consists of approximately 0.27 acres and is zoned C-2, General Commercial. The applicant proposes a 108-square-foot addition to the east side of the existing building, replacing an existing detached shed. The project also includes the construction of a dumpster enclosure. He said the site complies with the dimensional requirements of the Zoning Ordinance. He said the original Special Land Use and Site Plan approvals were granted in 1986. Because the approval runs with the land, the proposed expansion requires only Site Plan approval. For example, the required rear yard setback for new construction is 20 feet, while the existing building maintains a setback of approximately 2 feet, 6 inches. Since this condition predates the proposal, it is considered legally nonconforming. He said the proposed dumpster enclosure is a positive addition because it contains refuse and discourages illegal dumping. It was suggested to slightly shift the enclosure to improve functionality for both waste collection vehicles and adjacent parking spaces. Additional information is needed to demonstrate that a garbage truck can safely access, service, and exit the site. A truck maneuvering plan illustrating turning movements and access to the enclosure is required to be submitted for plan review. He explained the building is currently used for auto repair and fuel sales, the proposed use would primarily function as a convenience store. Based on ordinance standards, the site is required to provide four parking spaces, while the site plan shows eight spaces. However, the plan must be revised to include at least one ADA-accessible parking space. He said convenience stores typically receive deliveries from tractor-trailer vehicles, the applicant is required to provide a truck circulation plan demonstrating that delivery vehicles can safely enter and exit the property. He said the landscaping is limited due to the site being almost entirely paved. He said the Planning Commission has authority under the Zoning Ordinance to modify landscaping standards when existing conditions make compliance impractical, provided the intent of the ordinance is met. Existing landscaping is limited to shrubs located near the sign and behind the building. He asked the commission if they wished to see additional landscaping. A photometric plan is required to demonstrate compliance with ordinance standards. Any new fixtures must be fully shielded and directed downward to minimize glare while providing adequate site illumination. He stated that the proposed site plan is in substantial compliance with applicable ordinance standards but identified several

outstanding items requiring additional information. He explained that the Planning Commission may grant approval contingent upon the applicant addressing the outstanding items identified in June 2, 2026, review letter, or alternatively, the Commission may require revised site plans to be submitted for review at a future meeting.

Chairman Schinzing said this request is for a site plan amendment, when was the overall site plan approved.

City Planner Ortega said most likely 1986.

Bob Bryce, the applicant's architect, explained that the property is an irregularly shaped parcel, which presents site design challenges. He stated that the proposed addition would not alter the essential character of the surrounding area and would instead improve the overall appearance and aesthetics of the existing structure. Mr. Bryce noted that he researched the size of typical gas station convenience stores and found that they generally range from approximately 2,500 to 3,500 square feet in Michigan and nationally, with some larger facilities ranging from 6,000 to 6,500 square feet. By comparison, the proposed building would contain approximately 1,500 square feet in total. He explained that the proposed addition is intended to improve the building's functionality and will primarily accommodate a new ADA-compliant accessible restroom and a mechanical room, representing the extent of the requested expansion. Mr. Bryce further stated that the property owner is committed to maintaining high-quality development and places significant importance on the aesthetics of the site and creating an attractive environment. He expressed confidence that the proposed improvements would uphold that standard.

Commissioner Martin asked if the service repair bays would be remaining or what is proposed for them.

Mr. Bryce explained the structures would remain, but the service bays will turn into a retail commercial retail space.

Chairman Schinzing asked about elevations.

City Planner Ortega clarified that the proposed building materials and architectural elements are intended to enhance the appearance of the structure. He explained that the design includes stone-clad columns to create vertical architectural elements, with brick serving as the primary exterior wall material. A stone cap is also proposed along the roofline to provide additional architectural detail. Mr. Ortega noted that the proposed materials are of a higher quality and are not EIFS or thin face brick. The plans also include decorative exterior light fixtures designed to emphasize the building's vertical elements and contribute to the overall architectural character. He further stated that the proposal includes steel awnings over the new windows and the corner entrance. The awnings are designed in a contemporary style and are intended primarily as an architectural feature while also providing some shade to the building at certain times of the day. Mr. Ortega noted that, although the applicant provided a rendering depicting an earth-tone color scheme, the plans do not identify the final material and color selections. He stated that staff

would like the applicant to provide the finalized exterior colors and material specifications as part of the project review.

Commissioner Bashi said she wanted to clarify the site would no longer be a service station or auto repair.

Applicant said it will be a WOW convenience store.

Chairman Schinzing asked if there is a proposed buffer at the back of building between the businesses and road.

City Planner Ortega explained no, possibly a raised landscape island but even in this case the site is very limited, plantings become a safety issue.

PC 06-03-26 MOTION TO APPROVE PC CASE NO. 321, THE SITE PLAN AMENDMENT REQUEST FOR 750 N. PONTIAC TRAIL, CONTINGENT UPON THE APPLICANT'S RESUBMITTAL SATISFACTORILY ADDRESSING THE COMMENTS AND REQUIREMENTS OF THE CITY PLANNER, FIRE DEPARTMENT, AND CITY ENGINEER, AS WELL AS OBTAINING APPROVAL OF THE PROPOSED COLOR PALETTE AND EXTERIOR MATERIALS

Motion by Swiatek, seconded by Martin, CARRIED UNANIMOUSLY: To approve PC Case No. 321, the site plan amendment request for 750 N. Pontiac Trail, contingent upon the applicant's resubmittal satisfactorily addressing the comments and requirements of the City Planner, Fire Department, and City Engineer, as well as obtaining approval of the proposed color palette and exterior materials.

2. *Public Hearing*

PC 322 1881 N. Pontiac Trail, 92-17-26-251-061

Applicant – Game & Company Properties, LLC

Request – Lot Split

City Planner Ortega presented the proposed lot split request for the property located at 1881 N. Pontiac Trail, situated on the north side of Pontiac Trail east of Decker Road. The existing parcel consists of approximately 1.27 acres. Mr. Ortega explained that a previous lot split had been completed by a former owner. The northern boundary of the property coincides with the northern boundary of the City of Walled Lake, with the adjoining property located within Commerce Township. The office building located to the north is accessed by a separate driveway to the east, and an existing drive aisle on the subject property currently provides through access to that northern parcel. These existing access arrangements create certain encumbrances that were considered during the review. The applicant proposes to divide the existing parcel into two lots. The western parcel, identified as Child Parcel A, would contain the existing office building,

associated parking lot, and remaining land to the west, totaling approximately 0.88 acres. The eastern parcel, identified as Child Parcel B, would contain approximately 112 feet of frontage on Pontiac Trail and consist of approximately 0.36 acres. Mr. Ortega stated that the first consideration is whether the proposed parcels meet the required dimensional standards. Child Parcel B exceeds the minimum required lot area of 15,000 square feet, containing approximately 15,682 square feet, and also satisfies the minimum lot width requirement. Accordingly, the proposed lot split complies with the dimensional requirements of the zoning ordinance. Mr. Ortega further explained that the staff review evaluated the proposal against the criteria contained in Section 74-110 of the City's ordinances, including lot dimensions, depth-to-width ratio, and other applicable standards. Staff determined that the proposed land division complies with state law and the City's ordinance requirements. Mr. Ortega noted that Child Parcel B does not currently have a dedicated access drive; however, it possesses frontage on Pontiac Trail and therefore has the ability to obtain access through the Oakland County Road Commission. Should the parcel be developed or sold separately in the future, any proposed driveway or access point would be required to comply with all applicable Road Commission requirements and permitting standards.

Public Hearing open 8:04 p.m.

James Dean, applicant and owner of Game and Company downtown explained they purchased the lots as a package deal. Keep the lot in their possession and sell the other lot with building on it. They wish to keep the new parcel, Child Parcel A so that no one can build upon the lot.

Close public hearing 8:06 p.m.

Commissioner Swiatek asked for clarification on the proposed lot split; the east side of the building will remain vacant.

Mr. Dean said yes.

Commissioner Martin said there is a preschool and their parking lot behind the building, how will the access work.

Mr. Dean said that building is part of the purchase, it is no longer a preschool. That is where Game and Company will relocate.

Chairman Schinzing said the new parcel, will guarantee no encumbrance to their property to the back. He said he is excited about Game and Company; the business has been very successful in creating a great energy downtown.

**PC 06-04-26 MOTION TO APPROVE PC CASE NO. 322, 1881 N. PONTIAC
TRAIL LOT SPLIT CONTINGENT UPON THE APPLICANT
SATISFACTORILY ADDRESSING THE COMMENTS AND
REQUIREMENTS OF THE CITY PLANNER**

Motion by Martin, seconded by Swiatek, CARRIED UNANIMOUSLY: To approve PC Case No. 322, 1881 N. Pontiac Trail lot split contingent upon the applicant satisfactorily addressing the comments and requirements of the City Planner.

DISCUSSION:

1. Commercial Design Standards

Chairman Schinzing explained when the commission discussed the creation of these design standards it was in addition to the CPD and PUD ordinance amendments. This is not a replacement, and he requested the PUD and CPD ordinance amendments be back on the July agenda.

City Planner Ortega said this is not a replacement. He explained the proposed commercial design standards. He explained that the City's existing design standards are currently limited to the Central Business District (C-3) and primarily consist of restrictions on certain materials and general recommendations, rather than detailed or measurable architectural requirements. Mr. Ortega stated that the proposed standards were developed based on research of regulations used in neighboring communities, including Commerce Township, as well as his experience in other municipalities. The draft ordinance is intended to establish a baseline level of architectural quality while still allowing flexibility and creativity in building design. The proposal would apply to all commercial zoning districts, including C-1, C-2, C-3, and O-1. He noted that additional or more stringent standards specific to the downtown area could be developed in the future in coordination with the Downtown Development Authority if desired. Mr. Ortega explained that the standards focus on architectural features and building elevations that are visible from public streets, adjacent residential properties, parking areas, or vehicle access routes. The intent is to concentrate architectural investment on the portions of buildings most visible to the public while avoiding large, featureless walls. The draft standards encourage the use of complementary architectural elements, including windows, building materials, vertical and horizontal design features, columns, and other façade treatments. The proposal also seeks to require façade variations that break up long expanses of wall to create a more pedestrian-scaled appearance and improve the overall visual character of commercial developments. He stated that the ordinance utilizes general performance standards rather than highly prescriptive measurements, allowing property owners and designers flexibility in achieving compliance. However, the standards could be revised to establish more specific requirements regarding spacing, dimensions, or quantities of architectural elements if the Commission preferred. Mr. Ortega also discussed provisions related to building entrances and windows, emphasizing the importance of creating prominent entrances and incorporating sufficient window area to enhance building appearance. He noted that the proposed requirement for approximately 20 percent window coverage was intended to balance architectural interest with the functional needs of commercial tenants. The draft ordinance further establishes standards for exterior building materials by identifying acceptable principal and accent materials. Mr. Ortega explained that higher-quality materials are encouraged while allowing certain materials, such as EIFS, to be used as limited accent features rather than as the primary façade material. Under the draft

language, accent materials would generally be limited to approximately 25 percent of a building façade. Mr. Ortega encouraged Planning Commissioners to observe commercial developments within Walled Lake and neighboring communities and identify architectural elements they believe would contribute to a distinctive community character. He emphasized that the goal of the proposed standards is to establish a consistent minimum level of quality while preserving design flexibility and creating an architectural identity unique to the City.

Chairman Schinzing said this is exactly what he was looking for.

Commissioner Martin asked about the signs and their requirements.

City Planner Ortega explained the city does have a sign ordinance. He explained the Commercial Design Standards can regulate to bring into scale with the building, making sure to create enough recognition for the business and still meet the city's design standards.

Chairman Schinzing said this is the start of something; this is what he was wanting to see. What would the process include to move this forward.

City Attorney Vanerian said this would be a zoning ordinance amendment process. He explained that the Planning Commission would send it to City Council with recommendation that they adopt a zoning amendment. City Attorney Vanerian said it would go before City Council for first reading, then to Planning Commission for required public hearing, then back to City Council for final approval.

Chairman Schinzing said if staff has ideas about amendments to the sign ordinance those should be included in discussions.

City Attorney Vanerian said the sign ordinance needs a top to bottom rewrite, legal revisions as well as content-based regulations are needed due to supreme court rulings that occurred.

Commissioner Swiatek said he would prefer to review the PUD and CPD ordinance amendments as a group, it is a lot.

Chairman Schinzing said there is a lot, next meeting we will take it one section at a time.

2. Planning Commission Educational / Training Opportunities – McKenna Associates

City Planner Ortega outlined training opportunities available to Planning Commissioners through McKenna and in partnership with the Michigan Association of Planning. He explained that the introductory training program, Planning and Zoning Essentials, is a two-hour session designed to provide commissioners with a foundation in planning and zoning principles. Mr. Ortega stated that the training reviews the statutory authority governing planning commissions, the requirements of the Open Meetings Act, and the respective roles and responsibilities of the Planning Commission, City Council, Zoning Board of Appeals, staff, and property owners. The

session is intended to provide commissioners with an understanding of the legal framework and decision-making process involved in land use planning. He also described an additional course, the Planning Commissioner's Toolkit, which focuses on the day-to-day functions of the Planning Commission. Topics include meeting procedures, reviewing site plans, identifying key issues during development review, and understanding the typical structure of a site plan application. Mr. Ortega noted that he prefers an interactive format that includes opportunities for questions and discussion following the presentation to address commissioners' immediate concerns and build confidence in their decision-making responsibilities. Mr. Ortega emphasized that effective planning seeks to provide housing opportunities that allow residents to remain within the community as their housing needs change over time, from young adults to families and seniors requiring independent or assisted living options. Mr. Ortega recommended beginning with the Planning and Zoning Essentials course and then offering additional topic-specific training sessions based on the Commission's interests and needs. He noted that the introductory session could be completed in approximately two hours while allowing ample time for questions and discussion.

Commissioner Swiatek asked if the city has a listing of properties for sale. Mr. Swiatek said if you don't know what is for sale, how do you generate a plan. He said the Speedway location could have been used better than having a seventh gas station. He said we are a built-out community; we need a game plan.

Chairman Schinzing said the City Manager brought up at last council meeting the need for review of the Master Plan. What do we want to be, how do we plan it out from a master plan perspective.

Giovanni Johnson said Game and Company is what we want to see in the city. He said we have heard from several people who want to build in the city, then they fade away. He asked what these developers are requested to provide to make life better for the residents of the city.

COMMISSIONERS' COMMENTS: NONE

PC 06-05-26 ADJOURNMENT

Motion by Swiatek, seconded by Bashi, CARRIED UNANIMOUSLY: To adjourn the meeting at 9:15 PM

Jennifer A. Stuart
City Clerk

Russ Schinzing
Chairman



MEMORANDUM

City of Walled Lake · 1499 E. West Maple Road · Walled Lake, MI 48390 · (248) 624-4847

To: Walled Lake City Council
From: Vahan Vanerian, City Attorney
Re: *First Reading: Proposed Amendment of PUD/CPD Zoning Ordinance*
Date: February 24, 2026

Attached for first reading please find proposed zoning ordinance amendments to the city's PUD and CPD ordinances prepared with input from the city's planning consultant. The amendment language accommodates potential future adoption of new aesthetic, façade, architectural and site design standards intended to enhance the appearance, functionality, connectivity and aesthetic quality of future developments in the city. Development of comprehensive design standards intended to apply to all future developments including developments utilizing the PUD or CPD option was discussed with the planning consultant during a recent committee meeting. The proposed amendments will undergo further refinement and revision through the required planning commission review, public hearing and recommendation process. The proposed amendment to the PUD ordinance incorporates the procedural revisions to section 51-16.04 recommended by the planning consultant. Key features of the proposed PUD amendment include the following:

- Procedural revisions as recommended and discussed by the city's planning consultant (see Feb. 24th McKenna review memo and proposed text amendments)
- Council authority to grant a modification or deviation from a zoning ordinance regulation or standard requires a planning commission recommendation as a prerequisite.
- Deviations from measurable or quantifiable zoning standards may not exceed 10% above or below the quantifiable or measurable standard.
- Limiting permissible deviations to only certain specified zoning standards expressly subject to modification or deviation upon recommendation of the planning commission. The ZBA may grant variances for requested deviations falling outside the scope of permissible deviations approvable by council under the PUD option.
- Council approval of a PUD development requires a planning commission recommendation for approval as a prerequisite.
- Council may adopt quantifiable or measurable standards for negative traffic and/or economic impacts warranting denial or rendering the proposal ineligible under the PUD option

- Compliance with all applicable project design standards, including any future design standards adopted by council
- Additional more demanding preliminary eligibility criteria (*e.g.* higher quality development, quantifiable traffic and economic impact standards, permissible proposed deviations, etc.)
- Additional more demanding approval criteria for a use modification or deviation allowing a proposed use that is not a listed principal or special land use in the underlying zoning district (*e.g.* sufficient available utility capacity, no excessive negative traffic impacts, higher grade improvements and site features, etc.)

To further assist Council's review of the proposed changes to the current ordinance, the first reading of the proposed amendment has been prepared in a red-line text revision. The proposed language deletions are highlighted in bold strike-through text and the proposed new language is highlighted in red underlined text. Current unchanged language appears in normal text.

Following first reading of a proposed zoning ordinance amendment, a public hearing must be noticed and held by the Planning Commission in accordance with the amendment procedures set forth in Article 24.00 of the City's Zoning Ordinance. Following the public hearing, the Planning Commission makes a non-binding recommendation to City Council regarding adoption of the proposed zoning ordinance amendment, including any recommended text revisions. Pursuant to section 24.02(c) of the City's Zoning Ordinance, City Council may then decline to adopt the proposed amendment or may adopt it in whole, in part, or with or without additional changes. Council may also refer the proposed amendment back to Planning Commission for further study and review or for additional public hearings.

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE**

ORDINANCE NO. C-377-26

**AN ORDINANCE TO AMEND CHAPTER 51, “ZONING”, OF TITLE V,
“ZONING AND PLANNING”, THE CITY OF WALLED LAKE ZONING
ORDINANCE, TO AMEND ARTICLE 16.00 “PLANNED UNIT
DEVELOPMENT” AS PROVIDED BY THIS ORDINANCE**

THE CITY OF WALLED LAKE ORDAINS:

Section 1. Purpose

The purpose of this Zoning Ordinance Amendment is to implement section 503 of the Michigan Zoning Enabling Act, *MCL 125.3503*, by amending Article 16.00 “Planned Unit Development” of the City of Walled Lake zoning ordinance as provided by this ordinance.

Section 2. Amendment to Article 16.00

The City of Walled Lake Zoning Ordinance, Article 16.00 “Planned Unit Development” is hereby amended in its entirety to read as follows:

ARTICLE 16.00. PLANNED UNIT DEVELOPMENT (PUD)

Sec. 51-16.01. Intent.

- (a) It is the intent of this article to authorize the use of planned unit development regulations for the purposes of encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of this city; ensuring compatibility of design and use between neighboring properties; and, encouraging development that is consistent with the city's master plan.
- (b) The provisions of this article are not intended as a device for ignoring the zoning ordinance and specific standards set forth therein, or the planning upon which it has been based. To that end, provisions of this article are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for certain discretionary modifications and departures from generally applicable standards in accordance with guidelines in this article for purposes of establishing site specific use and development authorization under Section 503 of the Michigan Zoning Enabling Act (MZEA), MCL 125.3503, as amended, to accomplish zoning objectives through a land development project review process based upon the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area and to ensure appropriate, fair, and consistent decision making.
- (c) Eligible Development proposals submitted under this Article shall be considered an optional means of obtaining required zoning review and approval only upon terms acceptable to the city. Utilization of this option shall be at the discretion of the developer and/or landowner, and the city is under no obligation to foster or encourage its use. The decision whether to approve, deny or conditionally approve a proposed use and/or development submitted for review and approval under this Article shall be at the sole discretion of

City Council upon recommendation of the planning commission. This option allows, but does not require, limited discretionary flexibility in the regulation of land development in a way that mutually benefits the city and property owner in accordance with the approved plans and development agreement subject to approval by the city, while ensuring that the authorized land use or activity will be compatible with adjacent land uses, the natural environment, and capacities of public services, utilities, facilities and infrastructure affected by the land use and that the land use and development is consistent with the public health, safety and welfare.

Sec. 51-16.02. Eligibility criteria.

To be eligible for planned unit development approval, the applicant must demonstrate to the satisfaction of the planning commission subject to review and final determination by city council, that the following criteria will be met:

- (1) *Recognizable benefits.* The planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community producing a higher quality of development than could be achieved under conventional zoning. The PUD option shall not be allowed solely as a means of increasing the density or intensity of development or avoiding applicable zoning requirements of the underlying zoning district.
- (2) *Minimum size.* The minimum size of a planned unit development shall be three acres of contiguous land.
- (3) *Use of public services.* The proposed type and density of use shall not result in an unreasonable or burdensome increase in the use of public services, facilities **and** utilities or area traffic, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, surrounding or adjacent roadways, utilities, infrastructure or the natural environment.
- (4) *Compatibility with master plan.* The proposed development shall not have an adverse impact upon the master plan of the city and shall be consistent with the intent and spirit of the master plan.
- (5) *Economic impact.* The proposed development shall not result in an unreasonable negative economic impact upon surrounding or nearby properties. An applicant shall prepare and submit an industry standard economic impact study that evaluates and quantifies anticipated or expected economic impacts on the city and surrounding properties as a result of the proposed development. {insert or reference quantifiable standard for determining acceptable/unacceptable economic impact}
- (6) *Usable open space.* The proposed development shall contain at least as much usable open space as would otherwise be required by the existing underlying zoning.
- (7) *Unified control.* The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project by appropriate dedication and contractual provisions, in conformity with this chapter.
- (8) *Traffic Impact.* The proposed development shall not result in an unreasonable negative traffic impact upon surrounding or nearby roadways or properties. An applicant shall prepare and submit an industry standard traffic impact study that evaluates and quantifies anticipated or expected traffic impacts on surrounding and nearby roadways as a result of the proposed development. {insert or reference quantifiable standard for determining acceptable/unacceptable traffic impact}
- (9) *Requested Modifications or Deviations.* Requested deviations or modifications of generally applicable zoning standards and regulations shall be of the type and within the parameters provided by this Article. City Council or the planning commission, may, in its discretion, approve the eligibility of a proposed development conditionally upon the applicant obtaining variances from the ZBA for any requested modification(s) that fall outside the scope of modifications authorized by this Article.

(10) Design Standards. Applicants must demonstrate a preliminary showing of substantial and material compliance with all applicable design standards.

(11) Each proposal that uses the PUD option shall also meet one or more of the following objectives:

- a. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
- b. To improve the appearance of the city through quality building design, enhanced aesthetic, façade and architectural features and site development, the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- c. To bring about re-use and/or redevelopment of sites where an orderly change of use is determined to be desirable, especially where re-use or redevelopment is unreasonably restricted because of existing nonconformities or the constraints of conventional zoning standards.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the building department.

Sec. 51-16.03. Project design standards, Modifications and Deviations.

(A) Project Design Standards. Proposed planned unit developments shall comply with all applicable design standards for the proposed use and/or underlying district including architectural, façade, engineering, facility, drainage, site layout and features and further including the following project design standards:

- (1) *Location.* A planned unit development may be approved in any location in the city, subject to review and approval as provided for herein.
- (2) *Permitted uses.* ~~Any~~ Subject to any permissible use modification approved by council or use variance approved by the ZBA, only those land uses authorized ~~in this chapter as a principal or special land use in the underlying zoning district~~ may be included permitted in a planned unit development as a principal or accessory use. City Council, upon recommendation of the planning commission, may, in its discretion, approve, or conditionally approve, a use modification or deviation allowing a proposed use that is not a listed principal or special land use in the underlying zoning district provided that applicant demonstrates all the following:
 - a. The predominant use on the site shall be consistent with the uses specified for the parcel on the city's master plan and future land use map.
 - b. There shall be a reasonably harmonious relationship between the proposed use and the location of buildings on the site relative to buildings and uses on lands in the surrounding area.
 - c. Nonresidential uses shall be separated and buffered from residential uses in a manner that is consistent with good site design and planning principles and properly screened as required by section 51-21-13.

- d. The mix of uses and the arrangement of those uses within a planned unit development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.
 - e. Where the existing underlying zoning district is residential, commercial and office uses may be permitted as a part of a planned unit development, provided that such nonresidential uses are clearly subordinate to the principal residential use on the site.
 - f. Utilities, infrastructure, facilities and roadways have sufficient capacity to support the proposed use and development without unreasonable burden and without creating unreasonable negative economic or traffic impact on adjacent or surrounding roads and properties. An applicant may propose improvements or expansions to existing utilities, infrastructure, facilities and roadways to accommodate and support the proposed use and development.
 - g. The proposed use and development will incorporate higher grade materials and result in higher grade improvements, site features, aesthetic and architectural features than otherwise obtainable under conventional zoning review and approval processes.
 - h. Use and development consistent with the permitted uses and special land uses in the underlying zoning district is not economically viable and the proposed use meets an underserved demand in the area.
 - i. Substantial and material compliance with the requirements of this Article and applicable zoning regulations and standards.
- (3) *Residential density.* The overall average density of residential uses within a planned unit development shall be based on the character and adaptability of the site, the future land use map designation, compatibility with surrounding land use, and the size of the site. In consideration of these factors, the overall average density shall not exceed ten units per acre, except that the overall average density may be increased to 15 units per acre on sites that are 12 acres or larger and further, provided that council may, upon recommendation of the planning commission, approve a greater overall average density. For the purposes of computing density, gross acreage shall include the following:
- a. All areas to be used for residential purposes, including off-street parking in residential areas;
 - b. Wetlands, woodlands, and lakes within the portion of the site that is being developed for residential purposes;
 - c. Parks and open space devoted exclusively for residential use or for natural resource protection. Upon recommendation from the planning commission, the city council may consider land allocated to a commercial recreation use, such as a golf course, in determining the appropriate density of residential development, subject to the conditions cited below.
 - d. Internal local road rights-of-way. Dedicated rights-of-way for perimeter roads and internal collector and thoroughfare roads shall not be included in the gross acreage for the purposes of computing density. An increase in density may be permitted by the city council, upon recommendation from the planning commission, upon finding that the increase is justified because certain characteristics of the proposed development would result in a substantial benefit to the users and the community as a whole. Among the characteristics which the planning commission and City Council may consider in making this determination are the following:
 - 1. The planned unit development exhibits extraordinary design excellence, examples of which include, but are not limited to, innovative energy efficient design; provision of additional open space above the required amount; added improvements to ensure vehicular and pedestrian safety; or added landscaping or other site features to ensure a long-term, aesthetically pleasing appearance.

2. The proposed arrangement of uses and residential densities within the planned unit development enhances the compatibility of proposed development with existing or planned land use on adjacent land.
- (4) *Yard setbacks.* Planned unit developments shall comply with the following yard setback requirements:
- a. Along perimeter adjacent to public road: 40 feet.
 - b. Along perimeter, but not adjacent to a road: 20 feet.
 - c. Along an internal collector or local road: 30 feet.
 - d. Along an internal thoroughfare road: 40 feet.
 - e. Between parking lot and property line:
 1. Adjacent to road: Ten feet.
 2. Not fronting on road: Ten feet.
 - f. Buildings that exceed 30 feet in height shall comply with the setback requirements in section 51-17.02.
 - g. Required setbacks shall be measured from the existing right-of-way line, except where a setback measurement line is specified on the adopted zoning map, in which case the required setback shall be measured in accordance with said setback measurement standard.
 - h. Modification to these yard setback requirements may be approved by the city council, upon recommendation from the planning commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.
- (5) *Distances between buildings.* Buildings within a planned unit development shall comply with the following spacing requirements:
- a. Detached single-family structures shall be spaced in accordance with the setback requirements in the R-1A District, as specified in section 51-17.01.
 - b. The city council, upon recommendation from the planning commission, may permit modifications to the spacing requirements for detached single-family structures in a planned unit development, based on good planning and design principles and after taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.
 - c. Residential buildings containing more than one unit (i.e., apartments, townhouses, attached dwellings) shall conform to the spacing requirements set forth in section 51-17.02(f).
 - d. Nonresidential buildings shall be located at least 65 feet from any residential buildings.
 - e. The distance between adjacent freestanding nonresidential structures shall be based on good planning and design principles, taking into account the need for: free access for emergency vehicles, adequate amounts of light and air between buildings, and proper amounts of landscaping.
 - f. Modification to these building spacing requirements may be approved by the city council, upon recommendation from the planning commission, upon making the determination that other

building spacing requirements would be more appropriate because of the particular design and orientation of buildings.

- (6) *Building height.* Buildings within the PUD must comply with the height requirement of the underlying zoning district. City council, with the recommendation of planning commission, may modify the height requirements.
- (7) *Parking and loading.* Planned unit developments shall comply with the parking and loading requirements specified in article 19.00 of this chapter.
- (8) *Landscaping.* Planned unit developments shall comply with the landscaping requirements specified in section 21.35.
- (9) *Open space requirements.* Planned unit developments containing a residential component shall provide and maintain usable open space, which shall comply with the following requirements:
 - a. Ten percent of the gross area of the site that is designated for residential use shall be set aside for such open space.
 - b. Any pervious land area may be included as required open space, except as follows:
 - 1. Up to 25 percent of the required open space may include the area of any water bodies or wetlands which are covered only periodically with standing water (such as hardwood swamps or wet meadows). Another 25 percent of the required open space may be occupied by lakes or ponds, when landscaped and maintained as an integral part of a larger common area, or designated wetland that is covered by water or muck such that it is not a suitable environment for walking.
 - 2. The city council, upon recommendation from the planning commission, may permit a greater portion of wetland areas to be counted as open space, upon determining that site conditions and constraints make it impractical to dedicate sufficient open upland areas to meet the open space requirements.
 - 3. Required usable open space shall not include the area of any public or private road or the area of any easement providing access to the site.
 - c. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land, assuring that the open space will be developed according to the site plan and never changed to another use. Such conveyance shall:
 - 1. Indicate the proposed use of the required open space.
 - 2. Indicate how the leisure and recreation needs of all segments of the population residing in or using the planned unit development will be accommodated.
 - 3. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
 - 4. Provide maintenance standards and a maintenance schedule.
 - 5. Provide for assessment of the private property owners by the city for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
- (10) *Frontage and access.* Planned unit developments shall front onto an arterial or collector road (as designated on the future land use map) and the main means of access to the development shall be via the arterial or collector road.

- a. Construction of private drives or secondary access drives as a means of providing indirect access to a public road shall be permitted, provided that all internal roads in a planned unit development shall conform to the standards and specifications promulgated by the city for public roads within the city.
 - b. Individual residential dwelling units in a planned unit development shall not have direct access onto an arterial or collector road. The planned unit development should be designed so that through-traffic, including traffic generated by commercial uses within the planned unit development, is discouraged from travelling on residential streets.
 - c. Developments which contain more than 30 dwelling units shall have at least two separate points of access. One such access point may be designed for emergency vehicle access only.
- (11) *Natural features.* The development shall be designed to promote preservation of natural resources and natural features. If natural animal or plant habitats of significant value exist on the site, the planning commission or city council may require that the planned unit development plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent of any preserved natural area may be counted toward meeting the requirements for open space, except that designated wetlands which cannot be developed or utilized due to local, state, or federal regulations shall not be counted as open space except as permitted in subsection (9) of this section.
- (12) *Sidewalks.* Sidewalks shall be provided along all roads within the planned unit development in accordance with section 51-21.36.
- (13) *Additional considerations.* The planning commission shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially-zoned property.

(B) Modifications and Deviations. City Council, upon recommendation of the planning commission, may approve, or conditionally approve, requested modifications or deviations from only those zoning standards or regulations expressly subject to modification or deviation under the PUD option as provided by the express provisions of this Article, subject to the following:

- (1) Except as expressly provided by this Article, any modification or deviation from a quantifiable, measurable or dimensional standard or regulation shall not be increased or decreased by more than ten percent (10%) of the quantifiable, measurable or dimensional standard.
- (2) An applicant may seek a variance from the ZBA for any requested modification(s) that fall outside the scope of permissible modifications authorized under the PUD option as provided by this Article. City Council or the planning commission, may, in its discretion, approve a proposed PUD development conditionally upon the applicant obtaining variances from the ZBA for any requested modification(s) that fall outside the scope of permissible deviations or modifications authorized by this Article.
- (3) The applicant shall offer corresponding in-kind improvements that enhance the quality of development aesthetics, façade or architectural features, site features or improvements to city utilities, infrastructure, facilities or roads that exceed the quality or extent of improvements obtainable under conventional zoning review and approval process.
- (4) Upon making the required showing, the decision to approve, deny, or conditionally approve a permissible modification or deviation shall be at council's sole discretion upon recommendation of the planning commission.

Sec. 51-16.04. - PUD Review Procedures.

The approval of a planned unit development application shall require an amendment to the zoning ordinance to revise the zoning map and designate the subject property as PUD Planned Unit Development by the use of an asterisk or other labeling method that notes the underlying zoning and the new PUD designation.. Approval granted under this article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

- (1) *General application requirements.* The application for planned unit development shall be made on the forms and according to the guidelines approved by the planning commission. The application shall be submitted to the department of building and community development and shall be accompanied by the necessary fees and documents as specified in this section and section 51-16.03. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.
- (2) *Planning Commission PUD Preliminary plan review.* Planned unit development projects shall obtain site plan approval by the Planning Commission as outlined in Section 51-21.28(a) through (d) and as outlined in this subsection.
 - a. *Information required for preliminary review.* The information required for preliminary site plan review shall be provided according to the requirements of Section 51-16.05, Section 51-21.28(g) and the following additional required items.
 1. *Traffic Impact Study.* The applicant shall submit a traffic impact study that includes, but is not limited to, the amount of traffic proposed uses in the PUD will generate, the overall impact on adjacent roads as well as other information as required by industry standard.
 2. *Economic Impact Study.* The applicant shall submit an economic impact study that includes, but is not limited to, the number of jobs generated by the proposed uses as well as other information as required by industry standard.
 - b. *Professional review.* The plan shall be transmitted to the city planner, city engineer, and city department heads for review, who shall prepare and transmit reports to the planning commission stating their findings and conclusions.
 - c. *Public hearing.* The planning commission shall hold at least one public hearing on any planned unit development proposal before it is approved.
 1. *Notice requirements.* Notice of the public hearing shall be published in a newspaper which circulates in the city, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet regardless of whether the property or occupant is located in the zoning district. Such notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification. Such notification shall be made in accordance with the provisions of section 103 of Michigan Public Act 110 of 2006, as amended. Accordingly, the notice shall:
 - i. Describe the nature of the planned unit development project requested.
 - ii. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not

need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

- iii. State when and where the planned unit development project will be considered and the public hearing will be held.
 - iv. Indicate when and where written comments will be received concerning the request.
 - d. *PUD preliminary plan review standards.* The Planning Commission shall review the PUD preliminary site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall determine the plan's compliance with the following sections:
 - 1. The eligibility criteria of Section 51-16.02
 - 2. The project design standards of Section 51-16.03
 - 3. The site plan approval standards of Section 51-28(f)
 - 4. All other applicable zoning ordinance standards.
 - e. *Planning Commission PUD preliminary plan action.* The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the PUD Preliminary site plan as follows:
 - 1. *Postponement.* Upon determination by the Planning Commission that a PUD Preliminary site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - 2. *Approval.* Upon determination that a PUD Preliminary site plan is in compliance with the requirements of this ordinance and other applicable ordinances and laws, the PUD Preliminary site plan shall be approved. The planning commission shall prepare and transmit a report to the city council stating its conclusions and recommendation.
 - 3. *Approval subject to conditions.* The Planning Commission may approve a PUD Preliminary site plan, subject to one or more conditions necessary to address minor modifications to the site plan, upon a determination that the PUD Preliminary site plan will be in compliance with the requirements of this ordinance once the specified conditions have been complied with. The applicant shall be required to submit a revised plan that complies with all conditions of approval. Once all conditions of approval are met, the PUD Preliminary plan may continue in the review process. The planning commission shall prepare and transmit a report to the city council stating its conclusions and recommendation and any recommended conditions relating to an affirmative decision
 - 4. *Denial.* Upon determination that a PUD Preliminary site plan does not comply with the standards and regulations set forth in this ordinance or would require extensive revisions to comply with said standards and regulations, the plan shall be denied. If a plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. The applicant may subsequently refile a corrected PUD Preliminary site plan under the same procedures followed for the initial submission.
- (43) *City council action required.* Following receipt of the planning commission's report, the application shall be placed on the agenda of the next available scheduled city council meeting.

- (a) The city council shall review the final plan together with the findings of the planning commission, and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the city council shall approve, approve with conditions, or deny a planned unit development proposal in accordance with the guidelines described ~~previously in subsection (3)b of this section~~ in Section 51-16.06 and other applicable zoning ordinance standards.
- (b) Council shall not approve a PUD proposal absent a recommendation for approval by the planning commission, provided council may impose approval conditions not required or recommended by the planning commission or adopt or reject any conditions to approval recommended by the planning commission. Council may deny a PUD proposal with or without a recommendation for denial by the planning commission. If the planning commission recommends denial, council may refer the proposal back to the planning commission with instruction for further study, public hearing or recommendation upon considering additional information, revised or alternative plans, or any other matter deemed appropriate by council for further consideration.
- (4) Planning Commission PUD Final Site Plan review. Upon receiving City Council PUD plan approval, the applicant shall obtain final site plan approval from the planning commission.
- (a) The applicant shall submit the PUD plans for review and receive the approval of any State or County agencies as directed by the City Engineer and/or City Planner.
- (b) The applicant shall submit revised plans that have addressed all issues outlined by the City Engineer, City Planner and any other professional review obtained by the City.
- (c) The Planning Commission shall review the PUD final site plan for compliance with the site plan standards of Section 51-21.28(f) the PUD approval criteria of Section 51-16.06 and all other applicable zoning ordinance standards subject to any modifications or deviations approved by council. Following completion of their review the Planning Commission shall approve, approve with conditions or deny the PUD final site plan.
- (5) Effect of approval. Approval of a planned unit development proposal shall constitute an amendment to the zoning ordinance. All improvements and use of the site shall be in conformity with the planned unit development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this chapter. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned unit development unless an amendment thereto is adopted by the city upon request of the applicant or his successors.
- (a) PUD Agreement. If the city council determines that approval would be appropriate, it shall instruct the city attorney to prepare a contract, following final PUD site plan review and approval by the planning commission, setting forth the terms and conditions upon which such approval is based, including any approved modifications or deviations from zoning regulations and standards, and shall incorporate and require compliance with the approved final PUD plans. After approval by resolution of the city council, the contract shall be executed by the city and the applicant and recorded in the county records. Approval shall be granted only upon the city council determining that all qualification requirements, conditions of approval, and provisions of this and other city ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded. Approval of a PUD site plan shall be effective upon recording the contract and filing proof of recording with the city clerk.

- (b) Once an area has been included within the boundaries of an approved PUD, no development may take place in the PUD except in accordance with the city council-approved PUD site plan.
- (c) Prior to any development within the area involved, an approved PUD site plan may be terminated by the applicant or the applicant's successors or assigns, by filing with the city and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
- (d) No approved plan shall be terminated after development commences except with the approval of the city council and of all parties having an equity interest in the land.
- ~~(5)~~ 6) Recording of planning commission and city council action. Each action taken with reference to a planned unit development shall be duly recorded in the minutes of the planning commission or city council as appropriate. The grounds for the action taken shall also be recorded in the minutes.
- ~~(6-7)~~ Completion of site design. Following final approval of the planned unit development proposal, a building permit may be obtained for the entire project or specific phases, provided that final site plan approval for the project or the phase, as applicable, has been obtained in accordance with section 51-21.28; and provided, further, that the engineering plans for the project or the phase, as applicable, have been approved by the city engineer and building official. It shall be the responsibility of the applicant to obtain all other applicable city, county, or state permits prior to issuance of a building permit.
 - a. Construction shall commence on at least one phase of the project within 24 months of final approval. The planning commission may consider a 12-month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the 24-month expiration date. In the event that construction has not commenced and a request for extension has not been received within 24 months, the city may initiate proceedings to amend the zoning classification of the site to return it to the same classification in effect before the planned unit development was approved.
 - b. It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved planned unit development amendment on a continuing basis until the property is razed, or until an amendment to the planned unit development is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of this chapter and shall be subject to the penalties appropriate for such violation.
 - c. Prior to expansion or conversion of a planned unit development project to include additional land, site plan review and approval shall be required pursuant to the requirements of this article and the zoning ordinance.
- ~~(7)~~ 8) Performance guarantee. A performance guarantee shall be deposited with the city to ensure faithful completion of improvements, in accordance with section 51-21.30.

Sec. 51-16.05. Application data requirements.

- (a) *Required data.* Applications for planned unit development shall include all data requirements specified in this section. All information required to be furnished under this subsection shall be kept updated until a certificate of occupancy has been issued pursuant to section 51-22.06.
- (1) Requirements for preliminary review. The following information shall be included on, or attached to, all planned unit development plans submitted for preliminary review which shall include a conceptual plan showing the general layout and dimensions of the proposed site improvements in sufficient detail

to allow the verification of any proposed modifications, deviations or variances from applicable zoning standards and regulations. All Proposed modifications, deviations or variances from applicable zoning regulations and standards must be clearly list on the cover page in descriptive detail including the quantifiable or measurable parameter of the requested modification, deviation or variance. Upon review of a specific planned unit development proposal, the planning commission may waive or modify specify requirements if they are deemed unnecessary to make the determinations required by this article. For example, if final site plan approval is not being sought as a part of the planned unit development approval for specific phases of a project, the planning commission may accept schematics and minimum or maximum development standards in lieu of specific plans and a detailed layout. The name, address and telephone number of:

- a. All persons with an ownership interest in the land on which the planned unit development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, leasee, or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the planned unit development project.
- (2) The legal description of the land on which the planned unit development project will be developed together with appropriate tax identification numbers.
- (3) The acreage area of the land on which the planned unit development project will be developed.
- (4) An overall conceptual land use plan for the planned unit development, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, approximate square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other nonresidential uses; each type of open space; community facility and public areas; and other proposed land uses. The overall land use plan shall also include the following:
 - a. A general location map.
 - b. Approximate locations and setbacks of each structure and use in the development.
 - c. Typical layouts and facade design for each type of use or building. Detailed information, including floor plans, facade elevations, and other information normally required for site plan review, shall be provided for buildings which are proposed for construction in the first phase.
 - d. The building footprint of proposed buildings. In the case of single-family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
 - e. The vehicular circulation system planned for the proposed development, including a designation of each street as to whether it is proposed to be private or dedicated to the public.
 - f. The location of existing private and public streets adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.
 - g. The approximate layout of parking areas, open space, and recreation/park areas.
 - h. Proposed landscape screening along the perimeter and within the site, including greenbelts, berms and screening walls.
- (5) The maximum number of nonresidential and residential units to be developed on the subject parcel.

- (6) An environmental analysis of the land, including a topographic survey, hydrology study, analysis of soil conditions, and analysis of other significant environmental features.
 - (7) Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.
 - (8) A map showing existing zoning designations for the subject property and all land within one quarter mile.
 - (9) A map and written explanation of the relationship of the proposed planned unit development to the city's master plan and future land use map.
 - (10) Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.
 - (11) An industry standard analysis of the traffic impact of the proposed planned unit development on existing and proposed streets.
 - (12) An analysis of the fiscal and economic impact of the proposed planned unit development on the city and the Walled Lake School District. The proposed development shall not result in an unreasonable negative economic impact upon surrounding or nearby properties. An applicant shall prepare and submit an industry standard economic impact study that evaluates and quantifies anticipated or expected economic and fiscal impacts on the city and surrounding properties as a result of the proposed development.
 - (13) Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety.
 - (14) Information concerning the stormwater and drainage system, sanitary sewer service, water service, and other utility systems.
 - (15) Location of sidewalks along roads and elsewhere within the development.
 - (16) A specific schedule for completing the planned unit development, including the phasing or timing of all proposed improvements.
 - (17) If final site plan approval is being sought, then the information required in section 51-21.28 for site plan review shall be submitted.
- (b) *Requirements for final review.* The following information shall be included on, or attached to, all planned unit development plans submitted for final review:
- (1) All information required for preliminary review as specified in section 51-16.04(2).
 - (2) Detailed site plans for all buildings and uses which are proposed for construction in the first phase. Detailed site plans shall comply with the site plan review requirements in section 51-21.28. Where a project is proposed for construction in phases, the planning commission may recommend that final approval be granted contingent on subsequent review and approval of detailed site plans for individual buildings proposed for the later phases.
 - (3) Detailed engineering plans for the entire development or the first phase, as applicable. The plans shall be prepared in accordance with the engineering standards adopted by the city council, including the following:
 - a. Engineering plans for all roads, drive aisles, and paved areas;
 - b. Site drainage plans, including retention and/or retention areas;

- c. Engineering plans for proposed utility systems, including sanitary sewerage and water systems;
 - d. Plans for controlling soil erosion and sedimentation during construction.
- (4) If the planned unit development is to be constructed in phases, the developer shall obtain final review and approval for each phase prior to the commencement of construction for that phase.

Sec. 51-16.06. Standards and requirements with respect to review and approval.

Approval shall be granted only upon the city council determining that all qualification requirements, conditions of approval, and provisions of this and other city ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. In considering any application for approval of a planned unit development plan, the planning commission and city council shall make their determinations on the basis of the standards for site plan approval set forth in section 51-21.28, as well as the following standards and requirements:

- (1) Satisfaction of Eligibility Criteria. The final PUD development plan shall satisfy all eligibility criteria under this Article for the PUD option.
- (2) Satisfaction of Design Standards and zoning regulations. The final PUD development plan shall comply with all applicable design standards and zoning regulations required under this Chapter subject to any permissible modifications or deviations approved by council upon recommendation by the planning commission.
- (3) State and County Approvals. All required state and county approvals for the project have been issued.
- (4) Economic Impact. The proposed development shall not result in an unreasonable negative economic impact upon surroundings or nearby properties. An applicant shall prepare and submit an economic impact study that evaluates and quantifies anticipated or expected economic impacts on the city and surrounding properties as a result of the proposed development. {insert or reference quantifiable standard for determining acceptable/unacceptable economic impact}
- (15) Conformance with the planned unit development concept. The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of the planned unit development concept, as well as with specific project design standards set forth herein.
- (26) Compatibility with adjacent uses. The proposed planned unit development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - d. The hours of operation of the proposed uses.
 - e. The provision of landscaping and other site amenities.
 - f. Compliance with all applicable design standards and zoning regulations subject to any permissible modifications or deviations approved by council upon recommendation of the planning commission.

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- (37) *Public services.* The proposed planned unit development shall not exceed the capacity of existing and available public services, including, but not necessarily limited to, utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned unit development is completed.
- (48) *Impact of traffic.* The planned unit development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
- a. Access to major thoroughfares.
 - b. Estimated traffic to be generated by the proposed development.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver site distances.
 - e. Location of and access to off-street parking.
 - f. Required vehicular turning movements.
 - g. Provisions for pedestrian traffic.
 - h. *{Insert or reference quantifiable standard for determining acceptable/unacceptable traffic impact}*
- (59) *Protection of natural environment.* The proposed planned unit development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.
- (610) *Compatibility with the master plan.* The proposed planned unit development shall be consistent with the general principles and objectives of the adopted master plan and future land use map.
- (711) *Compliance with applicable regulations.* The proposed planned unit development shall be in compliance with the requirements, standards and criteria set forth in this Article and all applicable federal, state, and local laws and regulations.

Sec. 51-16.07. Phasing and commencement of construction.

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, contains all essential features, services, and facilities, necessary to ensure the long-term viability of each such phase, even if later phases are not completed. In addition, proposed phasing shall comply with the following requirements:

- (1) In developments which include residential and nonresidential components, the residential component shall be completed at the same rate or prior to the nonresidential component. For example, if 50 percent of the nonresidential component is proposed to be completed in a certain phase, then at least 50 percent of the residential component should be completed in the same phase. One hundred percent of the residential component shall be completed prior to the final phase of nonresidential construction. The construction of roads, utilities, and other infrastructure shall be considered completion of a residential component.

The purpose of this provision is to ensure that planned unit developments are constructed in an orderly manner and, further, to ensure that the planned unit development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For the purposes of carrying out this provision, the percentages shall be approximations as determined by the

planning commission based on the floor area and land area allocated to each use. Such percentages may be varied should the city council, upon recommendation from the planning commission determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.

- (2) Construction shall be commenced for each phase of the project within 24 months of the schedule set forth on the approved plan for the planned unit development. The applicant may submit a revised phasing plan for review and approval by the planning commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the city may initiate proceedings to amend the zoning classification of the site to return it to the same classification in effect before the planned unit development was approved.

Sec. 51-16.08. Revision of approved plans.

- (a) *General revisions.* Approved final plans for a planned unit development may be revised in accordance with the procedures set forth in section 51-16.03.
- (b) *Minor changes.* Notwithstanding section 16.07(1), minor changes may be permitted by the planning commission following normal site plan review procedures outlined in section 51-21.28, subject to its finding that:
 - (1) Such changes will not adversely affect the initial basis for granting approval.
 - (2) Such minor changes will not adversely affect the overall planned unit development in light of the intent and purpose of such development as set forth in section 15-16.01.

Section 3. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 5. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Effective Date.

The provisions of this ordinance are hereby ordered to take effect following publication as provided by the Michigan Zoning Enabling Act, as amended, *MCL 125.3101, et seq* and in the manner prescribed by the Zoning Ordinance and Charter of the City of Walled Lake. This ordinance is hereby declared to have been adopted by the Walled Lake City Council on _____, 2026 and ordered to be given publication in the manner prescribed by the City Charter of the City of Walled Lake.

AYES:

NAYS:

ABSENTS:

ABSTENTIONS:

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

RICHARD GUNTHER, Mayor
CITY OF WALLED LAKE

JENNIFER STUART, City Clerk
CITY OF WALLED LAKE

Introduced: March 3, 2026
Adopted: _____
Effective: _____



Memorandum

TO: Walled Lake City Council

FROM: Mario A. Ortega, AICP

SUBJECT: **DRAFT PUD and CPD Review Process Amendments**

DATE: February 24, 2026

The City's zoning ordinance has two options property owners can use to propose a development with modifications to the current zoning ordinance standards. A Planned Unit Development (PUD) can be proposed anywhere in the City, may propose any land use listed in the zoning ordinance but does have a minimum lot size of three (3) acres. A Commercial Planned Development (CPD) can only be proposed on land within the Downtown Overlay District or with frontage on a major arterial road, may propose only land uses within the current zoning district designation and does not have a minimum lot size requirement. These development options are supposed to allow landowners an opportunity to propose a use with modifications that ultimately provides a substantial benefit to the City. Currently, the CPD ordinance states a substantial benefit objective can be public infrastructure improvements, developments with high quality design that exceeds a standard development or the redevelopment of vacant property.

We have been made aware that City Council has determined that the current ordinance language falls short of meeting the development goals of the City. The existing ordinances can be amended to become in-line with the vision for the City. We believe there are two major areas that need to be addressed.

1. PROJECT DESIGN STANDARDS AND MODIFICATIONS

Section 51-16.03 outlines the project design standards and modifications for PUDs and Sections 51-30.04 and 05 address CPD standards and modifications. The PUD standards outline specific development characteristics and allows for a variety of modifications to be considered based on a determination that the modification is more appropriate. This approach allows for more flexibility with the intent of the City prioritizing one or several characteristics by requiring a higher standard in exchange for a requested modification. Allowing for an additional story on a building in exchange for more open space, for example.

An alternative approach is to state in detail exactly what can be modified and by how much. A corresponding higher standard is also stated for the allowed modification. A maximum of one story shall be permitted provided the applicant shall provided a minimum of 25% open space, for example. We understand this is the preferred approach.

In order to provide amendments that reflect the City's current priorities, we would request additional input regarding what should be prioritized in Sections 51-16.03 and 51-30.04 and 05. Additional input would include:

- A. The building or site development standards that could be modified and by how much.
- B. The building or site development standards that cannot be modified

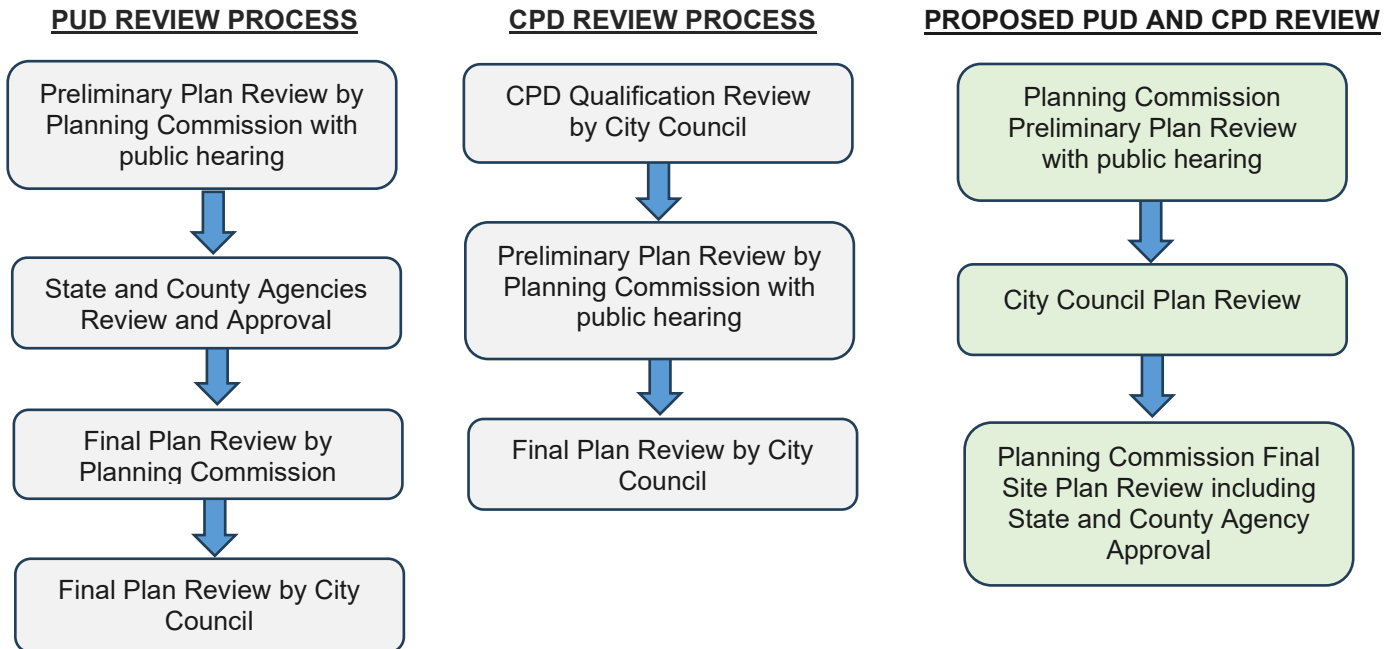
Direction on these modifications can be accomplished by discussion at a meeting or through submittal of written recommendations. Once we know the preferred priorities, we will provide amendment language.



2. REVIEW AND APPROVAL PROCESS MODIFICATIONS

Currently, the PUD and CPD options use two different review and approval processes. This can cause confusion with applicants. The review process can also add unnecessary delays or not provide input by the Planning Commission or City Council at the appropriate time. We believe having the same process for both PUDs and CPDs will clarify the application process and allow the Planning Commission and Council the opportunity to provide their expertise at the appropriate time.

The current and proposed review process is summarized as follows:



The current PUD process requires the applicant to create a final site plan with detailed civil engineering construction drawings approved by outside agencies before the Council has an opportunity to determine if the project meets the PUD approval criteria. The current CPD process does not require the applicant to provide detailed plans and only allows the council to consider the qualification criteria. The CPD plan reviewed by Council also has no input from the public or the Planning Commission. The CPD process then requires the plan to go back to City Council without considering any engineering site issues.

The proposed process requires the applicant to create a preliminary site plan that is in compliance with the zoning ordinance standards. A public hearing is held with the Planning Commission at the same meeting. Then the Council has the opportunity to consider the proposed project with sufficient detail to understand the modifications and public opinion. If approved, then the applicant creates detailed civil engineering plans, obtains outside agency approvals and is reviewed by the Planning Commission to determine compliance with any conditions of Council approval and outside agencies.

Attached is proposed amendment language to the PUD and CPD zoning ordinance sections to create the same review process for both options. We can make any and all modifications as requested by Council to the review process and any other sections. Please feel free to contact us at any time.

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE**

ORDINANCE NO. C-378-26

**AN ORDINANCE TO AMEND CHAPTER 51, “ZONING”, OF TITLE V,
“ZONING AND PLANNING”, THE CITY OF WALLED LAKE ZONING
ORDINANCE, TO AMEND ARTICLE 30.00 “COMMERCIAL PLANNED
DEVELOPMENT OPTION” AS PROVIDED BY THIS ORDINANCE**

THE CITY OF WALLED LAKE ORDAINS:

Section 1. Purpose

The purpose of this Zoning Ordinance Amendment is to implement section 503 of the Michigan Zoning Enabling Act, *MCL 125.3503*, by amending Article 30.00 “Commercial Planned Development Option” of the City of Walled Lake zoning ordinance as provided by this ordinance.

Section 2. Amendment to Article 30.00

The City of Walled Lake Zoning Ordinance, Article 30.00 “Commercial Planned Development Option” is hereby amended in its entirety to read as follows:

ARTICLE 30.00. COMMERCIAL PLANNED DEVELOPMENT (CPD) OPTION

Sec. 51-30.01. Intent.

- (a) The intent of the Commercial Planned Development (CPD) Option is to permit, with city approval, private or public development which is substantially in accordance with the goals and objectives of the downtown urban design plan which was adopted by the planning commission in August 1991 and may be amended from time-to-time, and the master plan for the city, which was adopted by the planning commission on April 10, 1990, and which may be amended from time-to-time.
- (b) The development permitted under this article 30.00 of this chapter shall be considered as an optional means of development. The availability of the option imposes no obligation on the city to encourage or foster its use. The decision to approve its use shall be at the sole discretion of the city. Consequently, in this article, the development opportunities made available under this article may be referred to as the CPD option.
- (c) The CPD option is intended to permit regulatory flexibility to achieve development that is in accordance with the city's downtown urban design plan and master plan; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open space particularly suited to the proposed development and parcel on which it is located; and to provide appropriate employment, services and shopping opportunities to satisfy the needs of residents of the city.
- (d) It is further intended that the development in the CPD option be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

- (e) The CPD option is further intended to permit reasonable development or use of parcels of land that were subdivided and/or developed prior to adoption of the current ordinance, or amendment thereto, and which would otherwise be restricted from development or use because of existing or resulting nonconformities.

(Code 1994, § 30.01)

~~Sec. 51-30.02. Definitions.~~

~~For the purposes of this article, the following definitions shall apply:~~

- ~~(1) **Commercial planned development.** The term "commercial planned development" means a specific parcel of land or several contiguous parcels of land, which has been, is being, or will be developed in accordance with a site plan approved by city council, following a recommendation from the planning commission, where the site plan meets the requirements of this article, proposing permitted land uses, density patterns, a fixed system of streets (where necessary), provisions for public utilities, drainage and other essential services and similar features necessary or incidental to development.~~
- ~~(2) **Underlying zoning.** The term "underlying zoning" means the zoning classification applicable to any portion of land that is proposed to be developed in accordance with the commercial planned development regulations.~~

Sec. 51-30.0302. -- CPD EligibilityQualification criteria.

In order to ~~qualify~~be eligible for the Commercial Planned Development Option, ~~the applicant~~ must ~~be~~ demonstrated that all of the following criteria will be met:

- (1) Location. The CPD option may be used only if a portion of the site is included in the Downtown Overlay District or if the site is located on an arterial road as designated in the city's master plan.
- (2) The use of the CPD option shall not be for the purpose of avoiding applicable zoning requirements of the underlying zoning district.
- (3) The CPD option shall not be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards without the need for variances.
- (4) The CPD option may be used only when the proposed land use will not add public service and facility loads beyond those contemplated in the master plan or other applicable plans or policies of the city unless the applicant can demonstrate to the sole satisfaction of the city council that such added loads will be accommodated or mitigated by the proponent as part of the CPD or by some other means deemed acceptable to the city council.
- (5) Use of the CPD option shall establish land use patterns which are compatible with and protect existing or planned uses.
- (6) Use of the CPD option shall promote the goals and objectives of the downtown urban design plan and master plan.
- (7) The CPD option shall not be allowed solely as a means of increasing the density or intensity of development.
- (8) The CPD option shall result in a higher quality of development than could be achieved under conventional zoning.
- (9) Each proposal that uses the CPD option shall also meet one or more of the following objectives:
 - a. To guarantee the provision of a public utility improvement which could not otherwise be required that would further the public health, safety or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public ~~facilities~~utilities or infrastructure.

- b. To improve the appearance of the city through quality building design and site development, the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- c. To bring about re-use and/or redevelopment of vacant or underutilized sites where an orderly change of use is determined to be desirable, especially where re-use or redevelopment is unreasonably restricted because of existing nonconformities or the constraints of conventional zoning standards.

(Code 1994, § 30.03)

Sec. 51-30.0403. -- CPD Permitted uses.

- ~~(a)(1)~~ Only uses that are listed as principal permitted uses or permitted uses after special approval in any of the underlying zoning districts shall be permitted in a CPD development. ~~However, expansion of or renovation to a building containing a use that is not listed as a principal permitted use or a permitted use after special approval may be permitted by the city council upon making the determination that:~~
 - ~~(1) The use has operated and will continue to operate in a manner that is compatible with surrounding and nearby land uses;~~
 - ~~(2) The proposed expansion or renovation will not impair the efforts of the city, property and business owners and residents to further the goals and objectives of the downtown urban design plan and master plan; and~~
 - ~~(3) The proposed expansion or renovation will have a recognized and substantial beneficial impact as a result of improved building design, site improvements that are consistent with urban design guidelines set forth in the downtown urban design plan, improved traffic and transportation patterns or other benefits.~~
- ~~(b)(2)~~ The determination whether a specific use should be permitted shall be subject to review and approval of a site plan, pursuant to the review procedures in section 51-30.06. Multiple family residential dwellings may be included in a commercial planned development provided commercial land uses occupy a minimum of 80% of the ground floor area for all buildings. The multiple family residential component of a commercial planned development shall comply with the development requirements of the RM-2 zoning district unless modified in compliance with Sec. 51-30.04.

(Code 1994, § 30.04)

Sec. 51-30.0504. -- CPD Height, bulk, density and area standards and modifications.

- ~~(a)(1)~~ A CPD proposal shall comply with the height, bulk, density, and setback standards of the underlying zoning district except as specifically modified and noted on the CPD site plan. Uses listed as special approval uses shall be subject to applicable height, bulk, density, area and use standards in section 51-21.29, unless such standards are modified and noted on the CPD site plan.
- ~~(b)(2)~~ The city council may approve a modification or waiver of one or more standards of the underlying district or standards for special approval uses, after reviewing the recommendation of the planning commission, upon making the determination that any such modification or waiver would be consistent with the land use goals and objectives of the city and the intent of this article, and upon making the determination that the modification or waiver would be appropriate because of the particular design and orientation of buildings and uses. Action by the city council on a CPD site plan, including modification or waiver that is approved as part of approval of a CPD site plan, shall not require further consideration or action by the zoning board of appeals; furthermore, action by the city council on a CPD site plan may not be appealed to the zoning board of appeals.

(Code 1994, § 30.05)

Sec. 51-30.0605. -- CPD Review procedures.

- ~~(a) Request for qualification.~~
 - ~~(1) Any person who owns land in the Downtown Overlay District, or the owner's designated agent, may make application for consideration of a Commercial Planned Development proposal. Such application shall be made by submitting a request for a determination whether the proposal qualifies for the CPD option.~~

~~(2) A request shall be submitted to the city council and shall include the following:~~

- ~~a. A written statement explaining in detail the proposed use, building and site improvements, phasing plan, and resulting floor area and parking.~~
- ~~b. Substantiation that all conditions for qualification set forth in section 51-30.03 are or will be met.~~
- ~~c. A schematic land use plan containing enough detail to explain the proposed uses, relationship to adjoining parcels, vehicular and pedestrian circulation patterns, open spaces and landscape areas, and building density or intensity.~~

~~(3) Upon receipt of the request for qualifications, the city council may undertake such investigation, study and/or deliberation into the merits of the proposal as it deems appropriate. In conducting such investigation, the city council may seek information, analysis and advice from the planning commission, city staff, city planner, city attorney, or others as necessary.~~

~~(4) Upon completing its investigation, the city council shall approve, approve with conditions, or deny the request for qualification. A determination that a proposal qualifies for review under the CPD district standards shall be accompanied by a description of the minimum conditions under which the proposal will be considered for final approval. In describing such conditions, the city council may identify specific requirements or standards in this chapter which could be waived or modified upon approval of the final CPD site plan. A preliminary determination does not ensure final approval of a Commercial Planned Development proposal, but is intended to provide an initial indication as to whether or not an applicant should proceed to prepare a CPD site plan upon which a final determination would be based. If the city council denies the request for qualification, the applicant may pursue development or use of the site under conventional zoning standards.~~

~~(b) Request for final approval. An applicant who has been granted qualification by city council may apply for final approval under this section with submittal of the following materials:~~

~~(1) CPD site plan. An application shall be made to the department of planning and development for review and recommendation by the planning commission. The CPD site plan shall contain all of the information required for site plans in section 51-21.28(f) and any additional information requested by the city council upon granting approval of the request for qualification.~~

~~(2) Planning commission review:~~

- ~~a. If the director of planning and development determines that the CPD site plan is substantially in compliance with the site plan submittal requirements and the minimum conditions for consideration imposed by the city council, the director shall place the site plan on the planning commission agenda and schedule a public hearing.~~
- ~~b. Notice of the public hearing shall be published in a newspaper which circulates in the city, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet regardless of whether the property or occupant is located on the zoning district. Such notice shall be given not less than 15 days before the public hearing scheduled the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification. Such notification shall be made in accordance with the provisions of section 103 of Michigan Public Act 110 of 2006, as amended. Accordingly, the notice shall:~~

- ~~1. Describe the nature of the planned unit development project requested.~~
- ~~2. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.~~
- ~~3. State when and where the planned unit development project will be considered and the public hearing will be held.~~

- ~~4.—Indicate when and where written comments will be received concerning the request.~~
- ~~e.—After the public hearing, the planning commission shall report its findings and make its recommendations to the city council. The planning commission shall review the proposed Plan and make a determination whether:~~
 - ~~1.—The CPD proposal satisfies the CPD-qualification criteria.~~
 - ~~2.—The CPD proposal promotes the land use goals and objectives of the city.~~
 - ~~3.—The CPD proposal meets all applicable provisions of this article and chapter. Insofar as any provisions of this article are in conflict with the provisions of any other section of this chapter, the provisions of this article shall apply to the lands within an approved CPD.~~
- ~~(3)—Final approval of commercial planned development.~~
 - ~~a.—Upon receipt of the report and recommendation of the planning commission, the city council shall review all findings. If the city council determines that approval would be appropriate, it shall instruct the city attorney to prepare a contract setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and time table for development, and an estimate of the costs of implementing each phase. After approval by resolution of the city council, the contract shall be executed by the city and the applicant and recorded in the county records. Approval shall be granted only upon the city council determining that all qualification requirements, conditions of approval, and provisions of this and other city ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded.~~
 - ~~b.—Approval of a CPD site plan shall be effective upon recording the contract and filing proof of recording with the city clerk.~~
 - ~~c.—Once an area has been included, within the boundaries of an approved CPD, no development may take place in the CPD except in accordance with the city council approved CPD site plan.~~
 - ~~d.—Prior to any development within the area involved, an approved CPD site plan may be terminated by the applicant or the applicant's successors or assigns, by filing with the city and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.~~
 - ~~e.—No approved plan shall be terminated after development commences except with the approval of the city council and of all parties having an equity interest in the land.~~
 - ~~f.—Site plan approval granted pursuant to approval of a CPD plan shall remain valid for a period of two years from the date of approval. If required city permits have not been issued and work lawfully commenced within this two-year period, the city council may terminate and revoke the CPD plan approval and contract by written notice to the owner and recording an affidavit in the county records.~~
 - ~~g.—Approval of a CPD site plan under this article shall be considered an optional method of development and improvement of property subject to the mutual agreement of the city and the applicant.~~

The approval of a commercial planned development application shall require an amendment to the zoning ordinance to revise the zoning map and designate the subject property as CPD Planned Unit Development by the use of an asterisk or other labeling method that notes the underlying zoning and the new CPD designation.. Approval granted under this article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

- (1) General application requirements. The application for commercial planned development shall be made on the forms and according to the guidelines approved by the planning commission. The application shall be submitted to the department of building and community development and shall be accompanied by the necessary fees and documents as specified in this section. The applicant or a designated representative

shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.

(2) *Planning Commission CPD Preliminary plan review.* Commercial planned development projects shall obtain site plan approval from the Planning Commission as outlined in Section 51-21.28(a) through (d) and as outlined in this subsection.

a. *Information required for preliminary review.* The information required for preliminary site plan review shall be provided according to the requirements of Section 51-21.28(g) and the following additional required items.

1. *Traffic Impact Study.* The applicant shall submit a traffic impact study that includes, but is not limited to, the amount of traffic proposed uses in the CPD will generate, the overall impact on adjacent roads as well as other information as required by industry standard.

2. *Economic Impact Study.* The applicant shall submit an economic impact study that includes, but is not limited to, the number of jobs generated by the proposed uses as well as other information as required by industry standard.

b. *Professional review.* The plan shall be transmitted to the city planner, city engineer, and city department heads for review, who shall prepare and transmit reports to the planning commission stating their findings and conclusions.

c. *Public hearing.* The planning commission shall hold at least one public hearing on any commercial planned development proposal before it is approved.

1. *Notice requirements.* Notice of the public hearing shall be published in a newspaper which circulates in the city, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet regardless of whether the property or occupant is located in the zoning district. Such notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification. Such notification shall be made in accordance with the provisions of section 103 of Michigan Public Act 110 of 2006, as amended. Accordingly, the notice shall:

i. Describe the nature of the commercial planned development project requested.

ii. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

iii. State when and where the commercial planned development project will be considered and the public hearing will be held.

iv. Indicate when and where written comments will be received concerning the request.

d. *CPD preliminary plan review standards.* The Planning Commission shall review the CPD preliminary site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall determine the plan's compliance with the following sections:

1. The eligibility criteria of Section 51-30.02
 2. The site plan approval standards of Section 51-28(f)
 3. All other applicable zoning ordinance standards.
- e. *Planning Commission CPD preliminary plan action.* The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny the CPD Preliminary site plan as follows:
1. *Postponement.* Upon determination by the Planning Commission that a CPD Preliminary site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 2. *Approval.* Upon determination that a CPD Preliminary site plan is in compliance with the requirements of this ordinance and other applicable ordinances and laws, the CPD Preliminary site plan shall be approved. The planning commission shall prepare and transmit a report to the city council stating its conclusions and recommendation.
 3. *Approval subject to conditions.* The Planning Commission may approve a CPD Preliminary site plan, subject to one or more conditions necessary to address minor modifications to the site plan, upon a determination that the PUD Preliminary site plan will be in compliance with the requirements of this ordinance once the specified conditions have been complied with. The applicant shall be required to submit a revised plan that complies with all conditions of approval. Once all conditions of approval are met, the CPD Preliminary plan may continue in the review process. The planning commission shall prepare and transmit a report to the city council stating its conclusions and recommendation and any recommended conditions relating to an affirmative decision.
 4. *Denial.* Upon determination that a CPD Preliminary site plan does not comply with the standards and regulations set forth in this ordinance or would require extensive revisions to comply with said standards and regulations, the plan shall be denied. If a plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. The applicant may subsequently refile a corrected CPD Preliminary site plan under the same procedures followed for the initial submission.
- (3) *City Council CPD Plan Review.* Following receipt of the planning commission's report, the application shall be placed on the agenda of the next available city council meeting. The city council shall review the final plan together with the findings of the planning commission, and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the city council shall approve, approve with conditions, or deny a commercial planned development proposal in accordance with the guidelines described in the zoning ordinance.
- (4) *Planning Commission CPD Final Site Plan Review.* Upon receiving City Council CPD plan approval, the applicant shall obtain CPD final site plan approval from the Planning Commission.
- a. The applicant shall submit the CPD plans for review and receive the approval of any State or County agencies as directed by the City Engineer and/or City Planner.
 - b. The applicant shall submit revised CPD plans that have addressed all issues outlined by the City Engineer, City Planner and any other professional review obtained by the City.
 - c. The Planning Commission shall review the CPD final site plan for compliance with the site plan standards of Section 51-21.28(f) and all other applicable zoning ordinance standards. Following completion of their review the Planning Commission shall approve, approve with conditions or deny the CPD final site plan.

(5) *Effect of approval.* Approval of a commercial planned development proposal shall constitute an amendment to the zoning ordinance. All improvements and use of the site shall be in conformity with the commercial planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this chapter. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved commercial planned development plan unless an amendment thereto is adopted by the city upon request of the applicant or their successors.

(6) *Recording of planning commission and city council action.* Each action taken with reference to a commercial planned development shall be duly recorded in the minutes of the planning commission or city council as appropriate. The grounds for the action taken shall also be recorded in the minutes.

(7) *Permits and Construction.* Following final approval of the commercial planned development, a building permit may be obtained for the entire project or specific phases, in compliance with the approved CPD final site plan approval for the project or the phase, as applicable, in accordance with section 51-21.28 and provided further that the engineering plans for the project or the phase, as applicable, have been approved by the city engineer and building official. It shall be the responsibility of the applicant to obtain all other applicable city, county, or state permits prior to issuance of a building permit.

a. Construction shall commence on at least one phase of the project within 24 months of final approval. The planning commission may consider a 12-month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the 24-month expiration date. In the event that construction has not commenced and a request for extension has not been received within 24 months, the city may initiate proceedings to amend the zoning classification of the site to return it to the same classification in effect before the commercial planned development was approved.

b. It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved commercial planned development plan on a continuing basis until the property is razed, or until an amendment to the commercial planned development is approved. Any property owner who fails to maintain an approved site design shall be deemed in violation of this chapter and shall be subject to the penalties appropriate for such violation.

c. Prior to expansion or conversion of a commercial planned development project to include additional land, site plan review and approval shall be required pursuant to the requirements of this article and the zoning ordinance.

(8) *Performance guarantee.* A performance guarantee shall be deposited with the city to ensure faithful completion of improvements, in accordance with section 51-21.30.

~~(e)~~(9) *Amendments to CPD site plan.* Proposed amendments or changes to an approved CPD site plan shall be submitted to the director of planning and development. If the director determines that the proposed modification is minor based on the criteria in section 51-21.28, then the director may approve or deny the proposed amendment. If the director denies the proposed modification or determines the proposed modification is not minor, and if the applicant then requests further consideration, then the site plan shall be reviewed by the planning commission and city council in accordance with the provisions and procedures of this section as they relate to final approval of the commercial planned development.

~~(d)~~(10) *Fees.* The applicant shall be responsible for all costs associated with processing, amending, or terminating a CPD site plan, including, but not necessarily limited to, the costs of review, publication notices, and recording. Fees for review of CPD plans under this article shall be established by resolution of the city council.

Section 3. Severability

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance; but the remainder of this ordinance shall stand and be in full force and effect.

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 5. Repealer.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Effective Date.

The provisions of this ordinance are hereby ordered to take effect following publication as provided by the Michigan Zoning Enabling Act, as amended, *MCL 125.3101, et seq* and in the manner prescribed by the Zoning Ordinance and Charter of the City of Walled Lake. This ordinance is hereby declared to have been adopted by the Walled Lake City Council on _____, 2026 and ordered to be given publication in the manner prescribed by the City Charter of the City of Walled Lake.

AYES:

NAYS:

ABSENTS:

ABSTENTIONS:

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

RICHARD GUNTHER, Mayor
CITY OF WALLED LAKE

JENNIFER STUART, City Clerk
CITY OF WALLED LAKE

Introduced: _____
Adopted: _____
Effective: _____



MCKENNA

Memorandum

TO: Walled Lake Planning Commission

FROM: Mario A. Ortega, AICP

SUBJECT: **Zoning Ordinance Amendment – Commercial Building Design Standards**

DATE: June 4, 2026

At the request of City Council and the Planning Commission, please find attached the first draft of proposed standards to regulate the architectural design of commercial buildings. During the meeting I will go over the other ordinances used as a basis for these standards. I will also go over the options available to you as you consider how rigid or flexible you wish to be. There are a lot of alternatives. This is a measured approach.

Please contact me with any questions.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

○ 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.

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.



Planning Commission: On-Site Training Opportunities

July 14, 2026

1. BASIC COURSE

- **Planning and Zoning Essentials** – *Goes over the basics of State Law, the documents used to plan and regulate development, the roles of those involved and the necessary steps to perform effectively.*

2. CORE COURSES

- **Planning Commissioner Toolkit** – *Outlines the various reviews to be conducted, role and responsibilities of the Planning Commission and the approach to evaluating issues.*
- **How to Read Site Plans in the Planning Commission Packet** – *A detailed look at all aspects involved in site plan review and approval including identifying priority issues.*
- **Master Plan Essentials** – *Review of the necessary components of a master plan and ways to outline effective policies for future development.*

3. TOPIC SPECIFIC COURSES

- **DDA's & TIF's**
- **Nonconformities**
- **Parking**
- **Utility Basics**
- **Zoning Ordinances: A to Z**
- **Missing Middle Housing**

- 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