

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF SYLAN LAKE
ORDINANCE NO. 372-2024

AN ORDINANCE TO AMEND THE CITY OF SYLVAN LAKE CODE OF ORDINANCES, CHAPTER 78, “ZONING,” ARTICLE IV, “DISTRICT REGULATIONS,” DIVISION 12, “PLANNED UNIT DEVELOPMENT—ORCHARD LAKE EAST,” SECTION 78-520, “QUALIFYING CRITERIA,” SECTION 78-521, “PERMITTED USES,” AND SECTION 78-522, “USE, BULK, YARD, HEIGHT, AND DENSITY STANDARDS.”

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

Chapter 78, “Zoning,” Article I, “In General,” Section 78-1, “Definitions,” is hereby amended as follows:

Dwelling, multiple means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses (stacked units), and townhouses (side-by-side units), but not including mobile home parks.

Section 2 of Ordinance. Ordinance Amendment.

Chapter 78, “Zoning,” Article IV, “District Regulations,” Division 12, “Planned Unit Development—Orchard Lake East,” is hereby amended to read as follows:

Sec. 78-519. Intent.

The provisions of this section are intended to provide standards for the submission, review, and approval of an application for a planned unit development (PUD) to be reviewed and authorized under Section 503 of the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3503. It is the intent of this section to authorize the use of planned unit development in areas designated as Sylvan East on the City’s Future Land Use Map and are zoned C-2.

As provided further below, the applicant for PUD approval must demonstrate that the proposed development represents an innovative, unified, planned approach to developing the site that would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional development will allow, in accordance with the specific standards provided in this division.

The PUD is not intended to avoid the imposition of standards and requirements of the underlying district. Rather, flexibility is permitted so that the PUD plan provides advantages to both the developer and the city.

A PUD plan is a discretionary, optional form of development only upon terms and conditions agreeable to the city, and is subject to approval by the city council, following a recommendation by the planning commission. The provision of this option imposes no obligation upon the city to foster or encourage its use. The city council retains authority to determine if a PUD is appropriate for a particular development site and the sole discretion whether to approve the use of this option.

Sec. 78-520. Qualifying criteria.

The following provisions shall apply to all PUD projects:

- (1) *Unified control.* The planned unit development shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- (2) *Recognizable benefit.* The applicant shall demonstrate that the PUD provides as many of the following site design elements as the city determines to be appropriate under the circumstances of the proposed development that could not be attained through a project designed under conventional zoning:
 - a. Establishment of a mixed-use development with residential and nonresidential uses or a variety of housing types;
 - b. Redevelopment of brownfield or greyfield sites;
 - c. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
 - d. Enhancement of the aesthetic appearance of the city through high-quality building design and site development beyond the site plan requirements of this chapter;
 - e. Extensive landscaping beyond the site plan requirements of this chapter;
 - f. Preservation, enhancement, or restoration of natural resources (trees, slopes, nonregulated wetland areas);
 - g. Preservation or restoration of historic resources;
 - h. Provision of open space or public plazas or features;
 - i. Use and improvement of existing sites when the uniform regulations contained in the underlying zoning district alone do not provide adequate protection and safeguards for the site or its surrounding areas or where the current ordinances do not permit flexibility to consider redevelopment, replacement, or adaptive reuse of existing structures or sites;
 - j. Effective transition between higher and lower density uses, and/or between nonresidential and residential uses or between incompatible adjacent land uses proposed to be developed in a manner that is not possible using a conventional approach;
 - k. Shared vehicular access between properties or uses;
 - l. Provision of a public improvement that would not otherwise be required to further the public health, safety, and welfare, protect existing or planned uses, or alleviate or lessen an existing or potential problem relating to public facilities (such as road improvements or the relocation of overhead utilities);
 - m. Significant use of sustainable building and site design features such as: Water use reduction, water-efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.
 - n. Permanent establishment of land use patterns that are compatible with or will protect existing or planned uses, which may include the limitation of the permissible uses of the property.
 - o. Innovation in land use, form of ownership, and variety in design, layout, and type of structures constructed.

- p. Other benefits as determined by the city.
- (3) *Compatibility with adjacent uses.* The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the perimeter of the PUD, unless adequately screened and buffered, or so as to negatively impact the residential use of adjacent lands.
- (4) *Public utilities.* All uses within the PUD shall be served by public water and sewer systems.
- (5) *Master plan.* The proposed PUD shall be consistent with the City of Sylvan Lake Master Plan.

Sec. 78-521. Permitted uses.

The uses permitted in the PUD shall include the uses permitted by right, and special land uses in the R-3 and C-1 zoning districts. Other uses, however, may be permitted upon a finding by the city council, upon recommendation by the planning commission, that such uses will be appropriate and compatible with the uses proposed for the development and with surrounding uses. The city council may permit additional uses to create an integrated, mixed-use development based upon the recommendations of the City of Sylvan Lake Master Plan. Approval of a PUD shall include the specific identification of the uses permitted within the PUD, and only those uses so approved shall be permitted. Mixed-use PUDs shall include commercial uses intended to serve the local area. Large, single-use office buildings are discouraged. Office uses are encouraged to be only within mixed-use buildings located along Orchard Lake Road. Industrial uses are prohibited.

Sec. 78-522. Use, bulk, yard, height, and density standards.

- (1) *Development standards.* The following standards apply to all components of the PUD:
 - a. *Residential Density.* The dwelling unit density of the PUD shall be based on the density standards for one-bedroom dwellings in the R-3 district. The density for residential uses shall be based on the total acreage of the subject parcel, although units may be clustered subject to subsection c below.
 - b. *Dimensional and parking standards.* For residential uses, the dimensional and parking standards for the R-3 district shall apply. For non-residential uses, the dimensional and parking standards for the C-1 district apply.
 - 1. **For all uses.** Parking lots shall not occupy more than 25 percent of the full width of the PUD area along Orchard Lake Road. Perimeter parking lots along public streets are discouraged in favor of buildings that contribute to the adjacent streets' urban design quality.
 - 2. **Bicycle Parking.** For multiple-family residential uses, bicycle parking shall be provided at a rate of one space per four dwelling units and covered bicycle storage facilities for securing bicycles shall be provided for a minimum of ten percent of the number of vehicular parking spaces provided. For non-residential uses, bicycle parking shall be provided at a rate of one space per every 20 vehicular parking spaces.
 - c. *Design guidelines.* Development shall be of high quality design and materials and shall demonstrate compliance with the following standards:
 - 1. Development should respect the scale and character of adjacent homes and neighborhoods.
 - 2. Buildings should have a well-defined base, middle, and top to reduce apparent building height and bulk, and provide architectural

interest. Patios, upper-floor balconies, roofline changes, and overhangs are encouraged.

3. Primary facades and building entrances should be provided along public streets, open space areas, and other pedestrian-oriented circulation areas, with walkways provided from these areas to building entrances.
 4. Building corners adjacent to public streets should be emphasized with changes in architectural massing, height, roofline treatment, materials, or transparency.
 5. High-quality, durable materials should be used for all buildings. Masonry, metal, and glass façade materials are strongly encouraged. Vinyl siding and synthetic stucco/E.I.F.S. shall not constitute more than ten percent of façade materials on any one facade due to their lack of durability.
 6. Ground floor storefronts should have a transparent appearance with substantial non-tinted glass areas along public streets.
 7. Buildings should include features that add depth, shadow, and architectural interest, such as balconies, recesses, cornices, bay windows, and step-backs at upper floors, consistent with the building's style and scaled for pedestrians.
 8. Balconies, decks, and patios facing public streets or pedestrian ways that are large enough to accommodate boxes, bicycles, and similar stored materials should provide solid walls on the lower portions of surrounding railings. Fully open railings are acceptable for smaller decks and balconies that are less likely to be used for storage.
 9. Pedestrian access between residential buildings and adjacent commercial and residential areas shall be provided to enhance mobility and connectivity within and around the city.
- (2) *Screening and buffering.* The city council may require greater yards or additional screening measures deemed necessary to avoid or reduce adverse impacts on adjacent land and to protect nearby residential neighborhoods.
- (3) *Open space.* Not less than 20 percent of the total PUD site shall be devoted to open space. Open space may include common private open space or public recreation area or open space outside of the required setbacks and yards as required in article IV. Private yards or required yards and setbacks for commercial or residential structures may not be counted toward this open space requirement.
- (4) *Deviations from standards.* The planned unit development tool may offer flexibility from the standards of the ordinance in exchange for a project that better meets the standards for approval in subsection c. below and the standards for approval in Section 78-524, including the qualifying criteria listed in Section 520(2), if such deviations satisfy the conditions provided below:
- a. Any deviation from these standards shall be consistent with the city's master plan and shall be justified by documentation provided by the applicant in a form acceptable to the planning commission and city council. Such documentation may include a written justification, analysis, and/or data necessary to justify the deviation to the satisfaction of the planning commission and city council.
 - b. In granting the deviation or relaxation of any district standard for a PUD, the city council may require the applicant to demonstrate through bona fide documentation that the project will not be detrimental to the public health, safety or welfare of the future occupants of the PUD, the surrounding neighborhood, or the city as a whole. Such documentation may include but

is not limited to, traffic impact studies, environmental impact studies, market needs assessments, infrastructure impact studies, and any other such reports or studies.

- c. The granting of deviations may be recommended by the planning commission and approved by the city council if the applicant can establish that:
 - 1. If the deviation were not granted, the development would not be able to provide an enhancement to the area that is in the public interest; and
 - 2. Approving the deviation would be consistent with the master plan and the surrounding area; and
 - 3. Approving the deviation would result in a recognizable and material benefit to the ultimate users of the property and to the city as a whole, including, but not limited to, those qualifying criteria listed in section 78-520 above.

Sec. 78-523. Application and review procedure. [No change]

Sec. 78-524. Standards for approval of PUD plan. [No change]

Sec. 78-525. Effect of approval of PUD plan; submission of site plan. [No change]

Sec. 78-526. Expiration of PUD plan. [No change]

Sec. 78-527. Appeals and violations. [No change]

Sec. 78-528. Changes and amendments to the PUD. [No change]

Sec. 78-528.1. Condominium projects. [No change]

Section 3 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City of Sylvan Lake Code of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5 of Ordinance. 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 were commenced.

Section 6 of Ordinance. Effective Date.

This ordinance shall be effective upon publication in the manner prescribed by law.

Section 7 of Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at a meeting called and held on the 31st day of July, 2024, and ordered to be given publication in the manner prescribed by law.

Ayes: Buchanan, Clarke, Cowper, Zubrzycki
Nayes: Segal

Abstentions: None
Absent: None

Adopted: July 31, 2024
Published: August 14, 2024
Effective: August 10, 2024
Posted: August 1, 2024, City Hall, Police Department, Community Center

Dennise Dryden, City Clerk
City of Sylvan Lake