



MEMORANDUM

To: Harbor Springs Planning Commission
Date: February 12, 2026
From: Lynée Wells, AICP
RE: PD Ordinance Review

The Challenge of Harbor Springs' Planned Development Ordinance: A Case for Clear Standards

The Planning Commission will soon review the Planned Development (PD) ordinance—a critical moment to address fundamental issues that threaten predictable and transparent development in Harbor Springs.

Understanding the PD as Negotiation

The PD is fundamentally a negotiation tool. It offers property owners and developers an opportunity to dream beyond the conventional zoning code—to propose innovative projects that might not fit neatly into standard dimensional requirements. This flexibility can be valuable. While this creative latitude has merit, it also introduces significant challenges that require careful consideration.

Think of it like a palette of Crayola watercolors. When you start a painting project, the colors are vivid, neat, bright, and pure. But as the process evolves and more students join in and share the palette, the colors inevitably blend. The palette starts to stain, the brushes splay, and those vivid shades mute into muddy browns and grays. The final artwork may still have beauty, but it looks nothing like what the first artist envisioned when they opened that pristine box.

Both a fixed palette and a PD palette can produce beautiful results. The question is: how do we ensure the picture turns out as desired? A PD can function as either a blank canvas—offering complete freedom with unpredictable results—or as a paint-by-numbers kit with clear directions, defined color choices, and a predictable outcome. Harbor Springs must decide which approach serves the community best.

Problem 1: No Minimum Lot Size Requirement

The current ordinance allows PDs on any size parcel in any zoning district. This seemingly innocuous provision creates a pathway to circumvent the established variance and Zoning Board of Appeals (ZBA) process for virtually any property modification.

Without a minimum size threshold—whether one acre, five acres, or another appropriate measure—the PD becomes an alternative approval pathway for projects that should properly go through variance procedures, administrative reviews, or simply comply with base zoning. This fundamentally undermines the predictability and fairness of our land use system.

Problem 2: No Parallel Conforming Plan Requirement

Many communities require PD applicants to submit two plans: the proposed PD and a compliant "by-right" alternative showing what could be built under standard zoning. This parallel submission serves multiple crucial functions.

First, it provides objective basis for comparison. The Planning Commission can evaluate whether the PD truly offers superior design, enhanced public benefits, or better site planning than conventional development. Without this comparison, commissioners are left asking: "Compared to what?"

Second, it demonstrates that the applicant genuinely needs flexibility rather than simply preferring to avoid standard requirements. If a site can accommodate a conforming development but the applicant chooses not to propose one, the community should question whether the PD is being used appropriately.

Example: The Cottage Court Comparison: Imagine a developer proposing a PD for a cottage court development with reduced setbacks, shared parking, and buildings closer together than district standards allow. They present beautiful renderings showing pedestrian pathways, shared green space, and attractive architecture. The Planning Commission is enthusiastic but has no baseline for comparison.

With a parallel plan requirement, the same developer would also show what the site could accommodate under standard zoning—perhaps four conventional homes with standard setbacks and individual driveways. The Commission could then evaluate: Does the PD version truly offer superior outcomes? Does the shared open space compensate for reduced setbacks? Is the community receiving tangible benefits in exchange for the flexibility granted?

Without this requirement, the Planning Commission operates in a vacuum, unable to objectively assess whether the requested deviations are justified.

Problem 3: Insufficient Objective Standards for Decision-Making

The current ordinance lacks firm, objective standards to guide Planning Commission decisions. Instead of clear criteria that can be consistently applied, the PD process relies heavily on subjective judgment. This creates significant problems:

Inconsistency Over Time As Planning Commission membership changes—whether through term expirations, resignations, or elections—the standards for approval inevitably shift. A PD that would have been approved by the 2024 Commission might be denied by the 2026 Commission, or vice versa. Property owners and developers face unpredictable outcomes based on the composition of the board on any given evening.

Vulnerability to External Pressure Without objective standards, decisions become more susceptible to political pressure, personal relationships, and persuasive presentations rather than measurable criteria. A well-connected applicant with professional renderings might receive approval for a project that would be denied if proposed by someone less sophisticated or well-resourced.

Difficulty Defending Decisions When decisions rest on subjective judgment rather than clear standards, they become harder to defend legally and harder to explain to applicants and the public. "We just didn't feel it was appropriate" is far weaker than "The proposal failed to meet the requirement for 40% open space" or "The building height exceeded the maximum allowed deviation of 15%."

The Cumulative Impact: Chaos and Unpredictability

These three problems compound one another, creating broader community concerns:

Administrative and Tracking Chaos Each approved PD creates a custom development that is not a rezoning. Therefore, it will not appear on the zoning map, nor can the project be subject to a referendum by the voters. Wouldn't it be better to handle the PD as a rezoning, so it appears as a PD on the zoning map, and that the voters have the option to take a project to vote if there are issues? Imagine the Harbor Springs zoning five years from now: dozens of small PDs not mapped for easy identification scattered throughout some residential and commercial areas, each with its own unique standards for height, setbacks, use, and density.

How does staff track these? How are they reflected in GIS systems? What happens when personnel changes and institutional knowledge is lost? The Assistant Zoning Administrator in 2030, reviewing a request for a deck addition,

will need to locate the original PD documents from 2026 to determine the actual setback requirements—assuming those documents are properly filed and accessible. I've personally had to dig in a dusty Michigan basement in a townhall for files from the 80s to find PD plans.

Buyer and Investor Confusion Someone considering purchasing property in Harbor Springs conducts due diligence. They research the zoning of neighboring parcels to understand future development potential. The lot to the north is zoned RA—straightforward. But it's actually subject to a PD approved in 2025 that allows twenty-four townhomes with reduced setbacks. This information isn't immediately apparent on the zoning map, and the buyer purchases based on incorrect assumptions about neighborhood character.

Conclusion: Recommendations for Reform

The PD ordinance can remain a valuable tool for encouraging innovative, superior development while protecting community predictability and fairness. To achieve this balance, the ordinance should be amended to include:

1. **Minimum lot size threshold** (suggested: 2-5 acres minimum, or alternative thresholds based on district)
2. **Mandatory parallel conforming plan submission** for Planning Commission comparison
3. **Objective standards for approval** including specific deviation limits (height), required public benefits, and measurable criteria for superior design
4. **Zoning Amendment for PD** ensuring the zoning map reflects PDs and a referendum process should the public oversight be necessary
5. **Uses Defined** guarding the menu of uses eligible in a PD based on the underlying zoning district

The Planning Commission has an opportunity to transform the PD from a potential end-run around zoning into a genuine tool for community benefit. Clear standards serve everyone: applicants know what's expected, neighbors understand what's possible, and commissioners have objective criteria for consistent and staff can easily administer PD projects.