
Sec. 36-439. General planned unit development (GPUD); intent.

- (a) The intent of the general planned unit development in this section and sections 36-440 to 36-442 is to permit, with Township approval, private or public development which is substantially in accordance with the goals and objectives of the Township master plan which and the Township village center master plan, which may be amended from time-to-time.
- (b) The development permitted under this section and sections 36-440 through 36-450 shall be considered as an optional means of development. The availability of the option imposes no obligation on the Township to encourage or foster its use. The decision to approve its use shall be at the sole discretion of the Township. Consequently, in this section, the development opportunities made available under this section may be referred to as the GPUD.
- (c) A GPUD is intended to permit regulatory flexibility to achieve development that is in accord with the Township's master plans; 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 housing, employment, services and shopping opportunities to satisfy the needs of residents of the Township of Hamburg.
- (d) It is further intended that the development of a GPUD 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 GPUD 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 ordinance from which this chapter is derived, or amendment thereto, and which would otherwise be restricted from development or use because of existing or resulting nonconformities.

(Zoning Ord. 2020, § 14.4.1, 1-5-2021)

Sec. 36-440. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

General planned unit 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 the Township Board, following a recommendation from the planning commission, where the site plan meets the requirements of this section, 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.

Underlying future land use means the future land use designation identified in the Township master plan, or the village center master plan, which the Township Planning Commission has determined is applicable to a parcel of land that is proposed to be developed in accordance with the general planned unit development regulations.

Underlying zoning means the zoning classification assigned in the Hamburg Township zoning ordinance to a parcel of land that is proposed to be developed in accordance with the general planned unit development regulations.

(Zoning Ord. 2020, § 14.4.2, 1-5-2021)

Sec. 36-441. Project characteristics.

- (a) *Location.* A GPUD shall only be created on development sites within the Township which have a portion of the property located within the NS Neighborhood Service, CS Community Service, MD Mixed Use Development, VR Village Residential, or VC Village Center zoning districts.
- (b) *Size.* A GPUD shall only be created on development sites one acre in area or greater.
- (c) *Permitted uses.*
 - (1) Uses that are listed as permitted uses or special uses in the underlying zoning district or uses identified in the underlying future land use category of the Township master plans may be permitted in a GPUD development. Expansion of or renovation to a building containing a use that is not listed as a permitted use or special use may be permitted by the planning commission upon making the determination that:
 - a. The use has operated and will continue to operate in a manner that is compatible with surrounding and nearby land uses;
 - b. The proposed expansion or renovation will not impair the efforts of the Township and property and business owners and residents to further the goals and objectives of the Township master plans; and
 - c. 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 project standards set forth in section 36-442 and the Township master plans, improved traffic and transportation patterns or other benefits.
 - (2) Uses that are listed as permitted uses or special uses in the VC Village Center Zoning District may be permitted in the GPUD, with the exception that residential uses as described in the VC Village Center shall not be permitted in a GPUD located outside the VC Village Center or VR Village Residential zoning districts. Upon the determination that the inclusion of residential uses shall aid the GPUD in meeting the project standards stated in section 36-442, residential uses shall comply with the density requirements of the underlying zoning district or master plan designation.
 - (3) The Township Board shall make the final determination, based on the recommendation of the planning commission, as to whether a specific use may be permitted in the CGPUD subject to compliance of the proposed uses with the project standards of section 36-442 and approval of a site plan, pursuant to the review procedures in sections 36-444 through 36-450.
- (d) *Regulatory flexibility.*
 - (1) A GPUD proposal shall comply with the height, bulk, density, and setback standards of the underlying zoning district except as specifically modified and noted on the GPUD site plan. Uses listed as special uses shall be subject to applicable height, bulk, density, area and use standards in section 36-36, unless such standards are modified and noted on the GPUD site plan.
 - (2) The Township Board may approve modification or waiver of one or more standards of the underlying district or standards for special 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 Township and the intent of this section, and upon making the determination that the modification or waiver would be appropriate because of the particular design and orientation of buildings and uses. Any regulatory modification shall be approved by the Township Board based upon a finding by the planning commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory

modifications are not subject to variance approval of the zoning board of appeals. No part of a GPUD plan may be appealed to the zoning board of appeals.

- (3) A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this GPUD section. This specification should include ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this chapter shall be considered.

(Zoning Ord. 2020, § 14.4.3, 1-5-2021)

Sec. 36-442. Project standards.

In considering any application for approval of a GPUD site plan, the planning commission shall make their determinations on the basis of the standards for site plan approval set forth in article III of this chapter, as well as the following standards and requirements:

- (1) A GPUD shall promote the goals and objectives of the Township master plan, and village center master plan. Including the intent and guidelines related to site design as stated in the transportation section of the master plan, and the village design chapter of the Hamburg Township village center master plan, where applicable. Along with other appropriate site design standards, guidelines, and principles, the following site development elements shall also be reviewed for consistency with the applicable guidelines of the master plan and the village center master plan:
 - a. Sidewalks/pedestrian circulation.
 - b. Parking/loading areas.
 - c. Architecture.
 - d. Signs.
 - e. Street and access design.
 - f. Lighting.
 - g. Landscaping.
- (2) A GPUD shall result in a higher quality of development than could be achieved under conventional zoning.
- (3) A GPUD shall not be created 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) A GPUD may be created 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 Township unless the applicant can demonstrate to the sole satisfaction of the Township Board that such added loads will be accommodated or mitigated by the proponent as part of the GPUD or by some other means deemed acceptable to the Township Board.
- (5) Creation of a GPUD shall establish land use patterns which are compatible with and protect existing or planned use. The use of the GPUD option shall not be for the purpose of avoiding applicable zoning requirements of the underlying zoning district.
- (6) A GPUD shall not be allowed solely as a means of increasing the density or intensity of development.

-
- (7) A GPUD shall improve the appearance of the Township 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.

(Zoning Ord. 2020, § 14.4.4, 1-5-2021)

Sec. 36-443. Review procedures.

The following outlines the procedures and requirements which must be followed for all PUD development to receive approval under this article. Prior to all scheduled planning commission or Township Board meetings, the applicant shall submit ten copies of the completed site plan with the zoning administrator at least 21 days prior to the planning commission or Township Board meeting at which the site plan is to be considered. The zoning administrator shall determine the number of plans the applicant shall provide prior to any scheduled preapplication meeting.

(Zoning Ord. 2020, § 14.5, 1-5-2021)

Sec. 36-444. Preapplication meeting.

An optional preapplication conference can be held with Township Staff including Township Planner and Township Engineer as determined by the zoning administrator to review applicability of the PUD ordinance to the proposed site and uses.

(Zoning Ord. 2020, § 14.5.1, 1-5-2021)

Sec. 36-445. Conceptual review.

The applicant may submit a draft site plan for the optional conceptual review by the planning commission. The draft site plan shall include as much detailed information as needed for the applicant to convey to the planning commission how the applicant would like to utilize the site. Information should include potential building locations, vehicular parking areas, types of uses, road layouts, if applicable, and setbacks from property lines. The conceptual review allows the applicant to present the proposed project to the planning commission, at an early stage in the development process, prior to formal submittal of the project. This process allows the developer to receive comments and feedback from the planning commission based on the information submitted. No formal action is taken by the planning commission at this time.

(Zoning Ord. 2020, § 14.5.2, 1-5-2021)

Sec. 36-446. Preliminary PUD site plan review and public hearing.

- (a) The applicant prepares and submits a preliminary site plan. The preliminary PUD site plan shall contain 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. The planning commission shall conduct a public hearing in accordance with section 36-36(b)(2). Following the public hearing, the planning commission gives direction to the applicant. The plan is revised, if necessary. The planning commission then takes action to recommend approval or denial of the preliminary PUD site plan to the Township Board based upon the preliminary PUD site plan meeting the eligibility requirements as outlined in this article. A recommendation of approval for the preliminary PUD site plan 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 planning commission may identify specific requirements or standards in this chapter which could be waived or modified upon approval of the final PUD site plan.

- (b) The Township Board shall consider the planning commission recommendation and public hearing comments and shall take action to approve, deny or remand the preliminary PUD site plan back to the planning commission for further review.

(Zoning Ord. 2020, § 14.5.3, 1-5-2021)

Sec. 36-447. Final PUD site plan review.

- (a) The applicant shall submit a final PUD site plan which contains all information required for site plan review under section 36-73(6) and approvals from all appropriate county, state and federal agencies, including, but not limited to, the county road commission, county drain commissioner, county health department and the Michigan Department of Transportation.
- (b) The planning commission shall review the submitted final PUD site plan to ensure compliance with all standards and criteria of the Hamburg Township zoning ordinance, the master plan, village center master plan, and the Southeast Livingston County Greenways Plan where applicable. The planning commission then shall take action to recommend approval or denial of the final PUD site plan to the Township Board based upon compliance with the above referenced standards.
- (c) Upon receipt of the report and recommendation of the planning commission, the Township Board shall review all findings. If the Township Board determines that approval would be appropriate, it shall work with the application and the Township Attorney to prepare a development agreement setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and timetable for development, and an estimate of the costs of implementing each phase.
- (d) After approval by resolution of the Township Board, the development agreement shall be executed by the Township and the applicant and recorded in the county records. Approval shall be granted only upon the Township Board determining that all qualification requirements, conditions of approval, and provisions of this and other Township 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.
- (e) Approval of a PUD site plan shall be effective upon recording the contract and filing proof of recording with the Township Clerk.
- (f) 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 Township Board-approved PUD site plan.
- (g) 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 Township and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
- (h) No approved plan shall be terminated after development commences except with the approval of the Township Board and of all parties having an equity interest in the land.

(Zoning Ord. 2020, § 14.5.4, 1-5-2021)

Sec. 36-448. General requirements.

- (a) *General application requirements.* The application for approval of a PUD shall be made according to procedures and guidelines adopted by resolution of the planning commission. The required materials shall be submitted to the Township Zoning Administrator with all required fees.
- (b) *Effect of approval.* Approval of a PUD proposal shall not require, nor shall it be construed as an amendment to this chapter. All improvements and uses of the site shall be in conformity with the approved site plan and comply fully with any conditions.
- (c) *Recording of action.* The applicant shall record a development agreement with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.
- (d) *Land use permit.* Following final approval of the PUD site plan and final approval of the engineering plans by the Township Engineer, a land use permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, county, state or federal permits.
- (e) *Initiation of construction.* If construction has not commenced within 24 months of final approval, all Township approvals become null and void. The applicant may apply in writing to the planning commission for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.
- (f) *Continuing adherence to plan.* Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of this chapter and shall be subject to the penalties for same.
- (g) *Performance guarantee.* The planning commission may require a performance guarantee, in accordance with this chapter.
- (h) *Scheduled phasing.* When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
- (i) *Timing of phases.* Each phase of the project shall be commenced within 24 months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void, subject to the requirements of subsection (e) of this section.

(Zoning Ord. 2020, § 14.5.5, 1-5-2021)

Sec. 36-449. Revision of approved plans.

- (a) *General revisions.* Approved plans for a PUD may be revised in accordance with the procedures set forth in section 36-444.
- (b) *Minor modifications.* Minor modifications to an approved PUD plan may be permitted following normal site plan review procedures outlined in sections 36-77 and 36-78 subject to the finding of all of the following:
 - (1) Such modification will not adversely affect the initial basis for granting approval;
 - (2) Such minor modification will not adversely affect the overall PUD in light of the intent and purpose of such development as set forth in this article; and
 - (3) Such modification shall not result in the reduction in the benefits and amenities the PUD provides to the community.

(Zoning Ord. 2020, § 14.5.6, 1-5-2021)