

ARTICLE 9

PLANNED UNIT DEVELOPMENT

SECTION 901 INTENT AND PURPOSE

- A. Planned Unit Development (“PUD”) regulations are intended to provide for various types of land uses planned in a manner in order to meet the intent and purposes of the Fulton Township Zoning Ordinance (“Ordinance”). The provisions of this Article provide the authority and standards for the submission, review, and approval of an application for a PUD district and development within a PUD district.

SECTION 902 PLANNED UNIT DEVELOPMENT GENERAL STANDARDS

- A. The granting of approval of a PUD petition shall require an amendment of the Zoning Map upon the recommendation of the Planning Commission and approval of the Township Board.
1. Any land use authorized in this Ordinance in any district may be included in a PUD subject to adequate public health, safety, and welfare protection mechanisms and conditions to ensure the compatibility of land use within and beyond the boundaries of the PUD.
- B. The applicant for a PUD must demonstrate all of the following as a condition to being entitled to consideration under this Article:
1. Granting of a PUD will result in one (1) of the following:
- a. A material benefit to the community that would be unfeasible or unlikely under typical zoning provisions or unlikely to be achieved without application of the provisions of this Article; or
 - b. Provide a significant improvement and lasting positive impact to the economic future of the Township through housing, jobs or services;
 - c. Long-term protection and preservation of natural resources and features of a significant quantity and/or quality that would not be feasible or unlikely without application of this Article; or
2. The proposed PUD shall be consistent with the protection of the public health, safety and welfare of the residents and business owners of the Township and the proposed type and intensity of use shall not:
- a. result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities; or

- b. result in an unreasonable negative environmental impact on the subject site or surrounding land; or
 - c. result in an unreasonable negative economic impact upon surrounding properties.
- 3. The PUD shall be under single ownership and/or control so that there is a single person or entity having responsibility for completing the proposed development under an approved PUD in conformity.
 - 4. The PUD shall be consistent with the goals, objectives and policies of the Fulton Township Master Plan (“Master Plan”).

SECTION 903 PROCEDURE FOR REVIEW

- A. Prior to the submission of an application for PUD approval, the applicant shall meet with the Zoning Administrator, together with any staff or consultants deemed appropriate by the Zoning Administrator, for a pre-application meeting.
 - 1. The applicant shall present a sketch plan of the proposed PUD, as well as the following information:
 - a. Total number of acres in the project;
 - b. number of residential units;
 - c. number and type of nonresidential uses;
 - d. acres to be occupied by each type of use;
 - e. the known deviations from typical Ordinance standards and regulations to be sought;
 - f. number of acres to be preserved as open or recreational space; and
 - g. all known natural resources and natural features to be removed and/or preserved.
 - 2. Within six (6) months of the pre-application meeting, the applicant shall submit a preliminary plan of the proposed PUD for consideration by the Planning Commission or schedule another pre-application meeting.
- B. A preliminary plan submitted for review and approval shall contain information as required under Section 504.A in addition to the following

1. For buildings/structures known at the time of petition to be located within the PUD, show the location, outline, general dimensions, distances between, floor area, number of floors, height, general floor plans and elevations, number and type of dwelling units.
 2. For use areas (which are portions of the PUD dedicated to a particular use in future), provide the location and dimensions of use areas, a listing of the uses permitted, dimensional requirements for future development, maximum floor coverage, and density.
 3. For structures known at the time of the petition to be located within the PUD and for use areas where development is anticipated in the future through site plan review, provide parking information, such as dimensions of spaces and aisles, surface type, and a schedule of regulations for parking, or parking calculation postpone.
 4. Anticipated infrastructure construction and development phasing for the overall PUD.
 5. A narrative describing the project, a discussion of the market concept and feasibility of the project, and an explanation as to the manner that the criteria set forth in this Article and Ordinance have been met.
 6. Specification of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in a typical zoning district in the absence of an application for a PUD.
- C. Utilizing the process and procedure outlined in Article 8, the preliminary plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary plan and shall take one of the following actions:
1. Upon finding that the preliminary plan meets the criteria and standards set forth in Sections 507 and finding that the petition generally satisfies the provisions of Sections 604.A and 803.C, the Planning Commission shall grant preliminary approval.
 - a. Approval shall constitute preliminary approval of the uses and design concepts as shown on the preliminary plan and shall confer upon the applicant the right to proceed with the preparation of the final plan.
 - b. Approval of the preliminary plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the Planning Commission or the Township Board to approval of the final plan.
 2. Upon finding that the preliminary plan does not meet the criteria and standards set forth in Section 507 and/or satisfy the provisions of Sections

604.A and 803.C, but could meet such criteria if revised, the Planning Commission may postpone action until a revised preliminary plan is resubmitted.

- a. If a revised preliminary plan is not submitted within six (6) months of the action to postpone by the Planning Commission, the application for PUD shall automatically be null and void.
3. Upon finding that the preliminary plan does not and cannot meet the criteria and standards set forth in Section 507 and/or satisfy the provisions of Sections 604.A and 803.C, the Planning Commission shall deny the preliminary plan.
- D. Within six (6) months following receipt of the Planning Commission's approval of the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this section and information requested to be provided as part of the review of the preliminary plan. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission approval, the preliminary plan approval shall automatically be null and void.
- E. A final plan submitted for review and approval shall contain information as required under Section 505.A as well as the following:
1. Description of land division mechanism, or property transfer mechanism, to be utilized in the implementation of the PUD (i.e. simple land division, plat, site condominium, condominium, lease, etc.).
 2. Specific requirements for residential developments and use areas.
 - a. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units, density requirements (minimums & maximums).
 - b. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
 - c. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses and density cited for the particular area.
 - d. Amount and location of recreation spaces; type of recreation facilities to be provided in identified recreation space.
 - e. Community building criteria and other accessory uses, such as swimming pools, clubhouses, etc.

- f. Architectural standards for buildings; sample facades and elevations are to be provided.
 - 3. Specific requirements for non-residential developments and use areas.
 - a. Ground floor coverage and floor area ratio minimums and/or maximums.
 - b. A schedule of regulations for dimensional requirements depending on the development type, use area, a list of permitted uses, and intensity of use cited for the particular area.
 - c. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
 - d. Architectural standards for buildings using sample facades and elevations.
 - 4. Specification of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in a typical zoning district in the absence of an application for a PUD.
 - 5. A schedule of the general improvements for the development of the site, including, without limitation, roadways, utilities, landscaping, etc.
 - 6. A traffic impact study, the geographic scope of which to be determined by the Planning Commission as part of the preliminary plan approval.
- F. Utilizing the process and procedure outlined in Article 8, the final plan shall constitute an application to amend this Ordinance and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the Township Board, as provided by law.
- 1. Upon finding that the final plan meets the criteria and standards set forth in Sections 507 and satisfies the standards for approval set forth in Sections 604.A and 803.C, the Planning Commission shall recommend approval to the Township Board.
 - a. The Planning Commission shall submit to the Township Board a detailed recommendation relative to the PUD project. This recommendation shall include a statement of rationale and a listing of all applicable conditions.
 - 2. Upon finding that the final plan does not meet the criteria and standards set forth in Section 507 and/or the standards for approval set forth in Sections

604.A and 803.C, but could meet such criteria if revised, the Planning Commission may postpone action until a revised final plan is resubmitted.

- a. If a revised final plan is not submitted by the applicant for final approval within six (6) months following the tabling of the final plan application, the preliminary plan approval and application for final plan approval shall automatically be null and void.
3. Upon finding that the final plan does not and cannot meet the criteria and standards set forth in Section 507 and/or the standards for approval set forth in Sections 604.A and 803.C, the Planning Commission shall recommend denial to the Township Board.
- G. Upon receiving a recommendation from the Planning Commission, the Township Board shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Section 507 and finding that the Final Plan meets or does not meet the standards for approval set forth in Sections 604.A and 803.C, the Township Board shall approve, deny or remand the final plan back to the Planning Commission for further review.
1. Prior to approval of a final plan, the Township Board shall require all standards and conditions of approval to be incorporated in a Development Agreement. The Development Agreement may be reviewed by the Township Attorney and shall be approved by the Township Board, and signed by both an agent of the Township and the applicant.

SECTION 904 PROJECT DESIGN STANDARDS

A. Residential Design Standards

1. Density for residential uses shall be based upon the provisions of the Master Plan, uses being proposed and their corresponding densities in other districts where such uses are permitted by right and special land use.
2. The architectural design of the development shall be of a high quality. A range of elevations and floor plans shall be provided for single-family units and identical elevations shall not be permitted for units adjacent to or facing each other.
3. Landscaping and screening shall be considered in accordance with the overall plan for development, including separation of contrasting land uses and intensity of uses. Landscaping and screening shall not only be used for purposes of separation, but for integration of land uses, vehicular routes and pedestrian ways.

B. Non-Residential Design Standards

1. Density and ground floor coverage minimums and maximums shall be based upon the provisions of the Master Plan, the uses being proposed, and corresponding densities and ground floor coverage's in other districts where such uses are permitted by right and by special land use.
2. Non-residential uses may be permitted in combination with residential uses as part of a common development. Non-residential uses, including parking and vehicular traffic ways, shall be integrated with residential uses in a manner consistent with good land and community planning principles.
3. The architectural design of the development shall be of a high quality and intended to reduce the large-scale visual impact of structures, encourage integrative design for individual structures, and to create a complex of structures compatible with the streetscape.
4. Landscaping and screening shall be considered in accordance with the overall plan for development, including separation of contrasting land uses and intensity of uses. Landscaping and screening shall not only be used for such purposes of separation, but for integration of land uses, vehicular routes and pedestrian ways.

C. General Design Standards.

1. All regulations applicable to setbacks, parking and loading, general provisions, density and other requirements shall be met in relation to each respective land use in the PUD based upon zoning districts where the uses are listed as permitted uses, or uses permitted by special land use.
 - a. Deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided features or elements demonstrated by the applicant and deemed adequate by the Planning Commission are designed into the PUD plan for the purpose of achieving the intent and purpose of this Article and Ordinance.
2. To the maximum extent possible, the PUD shall be designed so as to preserve natural resources and features.
3. Road, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
4. Underground installation of utilities shall be required, including electricity and telephone.
5. Pedestrian walkways shall be separated from vehicular circulation, unless such integration is part of the overall development concept.

6. Signage, lighting, landscaping, building materials for the exterior of all structures shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
7. Where non-residential uses adjoin off-site residentially zoned, planned or used property, noise reduction and visual screening shall be emphasized.

SECTION 905 CONDITIONS

- A. Reasonable conditions may be required with the approval of a PUD for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facilities caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a manner consistent with the intent and purpose of the Master Plan, Ordinance and this Article.
- B. All conditions imposed shall be made a part of the record of the approved PUD and included in the development agreement.

SECTION 906 PHASING, SITE PLAN REVIEW AND COMMENCEMENT

- A. For a PUD to be constructed in phases, the design shall be such that each phase shall be capable of standing on its own as it pertains to services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
 1. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases.
 2. In PUD's that include residential and non-residential uses, the mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the Planning Commission and Township Board.
- B. Uses approved as part of the adoption of a PUD shall be permitted by right as long as such uses are implemented in accordance with the approval by the Township Board of the final plan and development agreement.

1. All development proposed within the PUD must receive final site plan approval pursuant to Article 5 of this Ordinance.
 2. Those proposed developments requiring review under the Land Division Act (Public Act 288 of 1967, as amended) or the Condominium Act (Public Act 59 of 1978, as amended), especially in the case of the platting of a subdivision, must file proper application for review under respective processes contained herein.
 3. The application for final site plan review, application under the Land Division Act or Condominium Act will be reviewed utilizing the regulations set forth in the PUD district and must be found in compliance with said district, final plan and development agreement.
- C. Initial construction of the PUD shall commence within one (1) year following final approval of and shall proceed substantially in conformance with the phasing plan and schedule set forth in the final plan.
1. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board.
 2. In the event that approvals have expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and Ordinance provisions.

SECTION 907 EFFECT OF APPROVAL

- A. Upon approval, the PUD and corresponding amendment to the Zoning Map, with all conditions imposed, shall constitute the land use authorization for the property, and all future improvement and use shall be in conformity with such amendment.

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