

ORDINANCE NO. 504, AMENDING ORDINANCE NO. 482,
THE ZONING ORDINANCE OF THE VILLAGE OF ROMEO, MICHIGAN

AN ORDINANCE AMENDING THE VILLAGE OF ROMEO ZONING ORDINANCE, ORDINANCE NO. 482, CHAPTER 46 OF THE VILLAGE OF ROMEO CODE OF ORDINANCES, TO PROVIDE FOR THE ESTABLISHMENT OF PLANNED UNIT DEVELOPMENTS IN THE VILLAGE OF ROMEO ACCORDING TO THE CONDITIONS AND REQUIREMENTS CONTAINED IN THIS AMENDATORY ORDINANCE

THE VILLAGE OF ROMEO ORDAINS:

Section 1 - Statement of Purpose.

It is deemed necessary to the preservation of health, safety and welfare that the certain uses hereinafter set forth be specially controlled because they serve an area, market and/or purpose considerably beyond the borders of the Village and/or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics and/or effects upon public health, safety and welfare, are deemed to be impractical to be permitted without Special Land Use or Planned Unit Development (PUD) approval, and then only as specifically allowed.

The Planned Unit Development (PUD) concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land than would otherwise be possible through the strict enforcement of the Ordinance. The specific objectives of this article are to:

- Provide for a mixture of acceptable layout of buildings, densities, open spaces, etc.
- Allow for an innovative site design which incorporates all uses, parking, open spaces, etc.
- Approve the development of a planned unit development through an overall site development plan.
- Provide for flexibility in setbacks, building relationships, and use relationships.
- Provide regulations for coverage, density, and building heights.
- Provide a mechanism for managing site access for multiple uses through joint roads and driveways as well as interconnection of uses.

Section 2 – Location.

- A. Planned unit developments (PUDs) may be permitted as regulated in this section within all Zoning Districts.

Section 3 – Permitted Uses.

- A. All permitted uses within R-1 Single Family Zoning Districts (Single Family Residential densities shall not exceed those permitted in these districts. A yield plan which shows how the parcel could be developed conventionally using the same land use acreage allocations shall be submitted justifying residential densities.)

Proposed residential units within a non-residential zoning district may be permitted at a density consistent with the R1 Single Family Zoning District based on the availability/non-availability of public sewer and water infrastructure.

Section 4 – Special Land Uses.

- A. All permitted and special land uses within the RM Multiple Family Zoning District.

Section 5 – Minimum Site Criteria.

- A. *Ownership and Minimum Site Area.*

The land area(s) depicted within the Village of Romeo Master Plan for planned unit development purposes, may apply for development as a PUD under the procedures for, and in compliance with, the standards of this Article.

- B. *Access.*

The PUD must have direct access to a public street. Access drives within close proximity to major intersections of public streets shall be avoided. Main roadways within the development as well as those shown in the Village's Master Plan shall be designed and developed meeting Village of Romeo standards and upon the completion and proper inspection of such roadways, they shall be dedicated to the Village (if such are found to be acceptable to the Village). Common drives or roadways shall be provided for all other uses on site. The use of boulevard roadways and entryways is encouraged.

Section 6 – Procedures Submission and Approval.

Approval of a PUD shall require a two-step process: preliminary and final PUD approval. The preliminary phase shall involve a review of the preliminary PUD development plan to determine its suitability and consistency in the land use and zoning patterns of the Village. The final phase shall require detailed site plans for all or various parts of the preliminary PUD development plan prior to the issuance of building permits.

A. *Submission of Preliminary Plans.*

An application as supplied by the Village along with all applicable fees as established by the Village Council shall be submitted to the Village along with the necessary number of copies of the site plan and supplemental information. Once placed on the agenda, a presentation shall be made to the Planning Commission for review and recommendation to the Village Council of the following:

- (1) A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1" = 200').
- (2) A topography map drawn as contours, with an interval of at least two (2) feet. This map shall indicate all stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (Scale: 1" = 200').
- (3) A recent aerial photograph of the area shall be provided (Scale: 1" = 200).
- (4) A preliminary development plan for the entire PUD area, carried out in such detail as to indicate the functional use areas, any subdivision of land, building layout, architecture and design and the character of non-residential development being requested; the densities being proposed; a generalized major thoroughfare, traffic and pedestrian circulation plan; natural resource areas and other usable open spaces, and common areas for residents and users of the Planned Unit Development (Scale: 1" = 200'). Phasing lines (if proposed) must be shown on the plan at this time.
- (5) A preliminary utility plan shall show each utility as a one-line diagram, with flow direction drawn on the proposed street layout. Preliminary estimates shall also be provided regarding contemplated total storm water flow, sanitary sewage flows and water requirements. The anticipated method of treating sanitary sewer flows and providing water shall be specified.
- (6) All supporting documentation and material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the Village; market needs; utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan. The Village may further require the applicant to provide additional information demonstrating the demand for this project and the applicant's capability of undertaking the project. Such information may include, but shall not be limited to, the following: market demand studies, relevant financial information, banking references, and examples of previously completed projects.
- (7) The general architectural themes shall be established at preliminary planned unit development approval.

B. *Preliminary Approval.*

Upon receipt of an application for preliminary approval, the Planning Commission shall set and hold a public hearing on the application. Proper notice, as required by the Michigan Zoning Enabling Act, shall be carried out at this time for a Planned Unit Development and the requirements for Special Land Use Approval.

The Planning Commission shall review all applicable site plans, correspondence, additional studies, public comment, etc. in reviewing a PUD application. In addition the Planning Commission shall review the planning standards for special land use approval contained in Section 16.02 of the Village's Zoning Ordinance. Further, in reviewing the PUD application the Planning Commission shall also review adjacent land use, adjacent zonings, adjacent Master Plan designations, etc. to ensure that the intent of the PUD meets the intent of the Village's goals, policies and land use planning practices for the particular area in which it is proposed. Specifically, the impact of planned densities, building massing, and proposed parking areas on surrounding land uses shall be reviewed. And finally that there is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and the road system and storm water drainage system will be adequate.

After review and recommendation, the Planning Commission shall forward a record of the findings of fact, along with a recommendation for either approval or denial to the Village Council. The Village Council shall consider the Planning Commission's record and recommendation and any additional information it deems necessary or appropriate to make its final determination.

C. *Approval of Preliminary Planned Unit Plan by Council.*

- (1) The Village Council shall also set and hold a public hearing on such application. Proper notice, as required by the Michigan Zoning Enabling Act, shall be carried out at this time and shall meet the noticing requirements for Special Land Use Approval.
- (2) If the Council determines to grant the application and approve the use areas within the preliminary development plan, it shall do so by motion including the finding of facts and reasons for such approval or denial.
- (3) Once an area has been included within a preliminary development plan for Planned Unit Development and such plan has been approved by the Council, no development may take place in such area, nor may any use thereof be made, except in accordance with the preliminary development plan approved or in accordance with a Council approved amendment thereto.
- (4) Within a period of eighteen (18) months following approval by the Council, final detailed site plans for the entire area embraced within the area approved for development under this district by the Council must be submitted as

hereinafter provided. If such site plans have not been submitted and approved within the two (2) year period, the right to develop under the approved plan shall be automatically terminated and a new application must then be filed and processed in the same manner as in the original instance if the project is to be considered for continuation.

D. *Submission of Final Plans.*

- (1) Before any building permits shall be issued for buildings and structures within the area of the Planned Unit Development District, a final detailed site plan for all or a portion of the PUD site shall be submitted to the Planning Commission for review and recommendation to the Village Council of the following:
 - (a) A detailed site plan (meeting the requirements of SITE PLAN REVIEW), fully dimensioned, showing a fully scaled plan view of all buildings (general plans for showing single family character shall be shown), all public road rights-of-way and maneuvering areas, boundaries and acreage of each use area and the proposed ultimate density thereof, parking areas, utilities; and the detailed site plan shall indicate plans for natural resource preservation, the development of open space or areas to be set aside for the use of the public or by residents within the development (Scale: 1" = 50').
 - (b) The proposed topography, contour interval of at least two (2) feet, shall be superimposed on all site plans (Scale: 1" = 50').
 - (c) Typical floor plans for all principal buildings and structures, including single-family detached dwellings, with a schedule of building types, shall be included in the final plan.
 - (d) Each plat or site plan within the PUD submitted for final approval shall, either individually or in combination with previously approved project areas, meet the standards of this Section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement.
 - (e) All other provisions of the Village's Site Plan Review Requirements and Procedures unless otherwise provided in this section.

The procedure for review of the plans shall be the same as that outlined for preliminary plan review. The only exception being the requirement for public hearing shall be waived.

E. *Approval of Final Submittal by the Village Council.*

- (1) Upon approval of the Council, each detailed final site plan shall be effective for a period of one (1) year. If development in compliance with a final site

plan is not completed in this period, further development shall not be approved until the final site plan in question is completed or until completion is extended or waived by the Village Council. In reviewing and approving the final site plans, the following conditions shall be set forth.

- (a) All final PUD site plans shall be subject to the review and approval of the Village Council following a recommendation by the Planning Commission.
- (b) Where necessary, the provision of public roads shall be made so as to cause continuity of public access between any abutting thoroughfare and ingress and egress to all development within the plan.
- (c) Before approval of any final, detailed site plan, the Village Planning Commission and Village Council shall determine:
 - (i) That all use and density areas shown upon the development plan for the entire Planned Unit Development District for use by the public or the residents of land within the Planned Unit Development District have been irrevocably committed to such uses by dedication, restrictive covenants or in some other manner satisfactory to the Village.
 - (ii) That the final detailed site plan is in conformity with the original preliminary plan previously approved.
 - (iii) That the sanitary sewage, public water and storm water drainage requirements of the proposed development have been adequately provided for by the applicant in accordance with the Village's Sewer and Water Master Plan.
- (d) Provisions satisfactory to the Planning Commission and Village Council shall be made to provide for the financing of any improvements shown on the site plan which are to be provided by the applicant and that maintenance of such improvements is assured by a means satisfactory to the Planning Commission, including by way of example, but not limitation, performance bonds, cash bonds, or letters of credit. The Planning Commission and Village Council may require that conveyances or other documents be placed in escrow to accomplish this.

F. *Conditions to Approvals*

- (1) The Planning Commission or Village Council may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve

natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

- (a) Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - (c) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
 - (d) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and in the office of the Macomb County Register of Deeds, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission and Village Council shall maintain a record of changes granted in conditions.
 - (e) Once a Special Land Use or Planned Unit Development has been approved, no Zoning Board of Appeals requests shall be permitted. Any changes in the development plans must be made following the same procedure as with the detailed-final-site plan in accordance with revision procedures contained herein.
- (2) The Village Council shall have the right to establish a Special Assessment District for the entire project boundary to ensure that the uses and buildings approved as a part of the overall planned unit development are kept in a clean, safe and acceptable manner. The terms and conditions of any special assessment district shall be established by the Council and reviewed by the Village Attorney.

Section 7 – Detailed Site Criteria.

A. *Consistency of Uses*

The uses proposed shall be generally consistent with the Village of Romeo Master Plan. Any variations from the Village Master Plan shall be duly noted and rationale for such deviation shall be made a part of the Planning Commission and Village Council record.

B. *Perimeter Setbacks.*

All single family residential structures shall be located not less than the setback required within the Village's R-1 District for the applicable yard setback. Multiple family structures shall be set back a minimum of thirty (30) feet from the perimeter of the PUD. This requirement may be altered based on the specific site design presented as well as the surrounding existing and planned land use patterns.

Further, a fifteen (15) foot greenbelt shall be provided along all exterior property lines of the PUD where proposed uses are not consistent in density or unit type with the adjoining use. Again, this requirement may be altered based on the specific site design presented as well as the surrounding existing and planned land use patterns as well as existing vegetation. This area shall not be used for building, parking, maneuvering, etc. and shall be planted with mixture of deciduous and evergreen trees. These plantings shall provide a continuous visual screen.

C. *Interior Setbacks.*

All proposed uses shall comply with the applicable setback, height, minimum floor area and lot coverage requirements of the applicable zoning district. The Village Council, upon recommendation by the Planning Commission, may modify any of these standards, when found to be consistent with the general planning standards of Special Land Use. In making any such modifications, the Village shall determine that all structures are located and designed to assure maximum privacy. Building elevations and floor plans shall be required to assure compliance with these requirements.

D. *Landscaping and Screening.*

Whenever incompatible uses, in particular, residential building massing, off-street parking areas and areas for storage and collection of refuse and garbage abut one another or are visible from public view or public right of way, either within the area of the Planned Unit Development or between the Planned Unit Development and the adjacent land uses or zoning districts adequate screening and buffering must be provided. Further greenbelt areas shall be provided between exterior roadways and the area of the planned unit development.

E. *Architectural Compatibility.*

Architectural features of all structures shall be designed to be compatibly integrated within the overall PUD. The plan shall demonstrate such common architectural designs, materials, and amenities. The general architectural themes shall be established at preliminary planned unit development approval.

F. *Access Management.*

Well-defined circulation routes shall be required and shall be generally compatible with

that shown in the Village's Master Plan. Particular attention shall be paid to entry and exit drives and the potential conflicts which arise either onsite or offsite. Access drives (other than those which provide an extension to the existing street pattern) shall be the absolute minimum number needed to adequately service the site. Main drives connected to the entry and exit points shall be provided. These drives shall limit the number of intersections or cross traffic within the parking and maneuvering areas.

G. *Open Space.*

A minimum of fifteen (15) percent of the total project area shall be developed for outdoor recreation and open space uses; but such areas shall not include space devoted to streets and parking. In calculating open space acreage, the applicant may, at the discretion of the Village, include existing natural features that occur on the site, including wetlands, lakes or ponds, woodlands, etc., provided that facilities are made available as apart of the PUD approval to use these areas for active or passive recreation purposes.

Further, those areas utilized for greenbelts or setbacks between buildings shall not be utilized for meeting the open space requirements. Open space requirements shall only be met by green areas which provide usable area which is typically centrally located to the residents of the development. Again, the Village may approve other creative solutions to such open space requirement upon a finding that the intent of this section is being met.

Section 8 - Effective Date. This Ordinance shall take effect on the 24th day of September, 2008.

ADOPTION OF THE AFORESAID ORDINANCE

MOVED BY: Trustee Jacobson

SUPPORTED BY: Trustee Cregar

YEAS: 7

NAYS: 0

MADE, PASSED AND ADOPTED BY THE VILLAGE OF ROMEO BOARD OF TRUSTEES ON THIS 15th DAY OF September, 2008.



PAUL REIZ
Romeo Village President

CERTIFICATE OF ADOPTION OF ORDINANCE

I hereby certify that the foregoing is a true copy of Ordinance No. 504, an Ordinance Amending the Romeo Village Zoning Ordinance, Ordinance No. 482, to provide for the establishment of plan unit developments in the Village of Romeo, passed at the regular meeting of the Village for Romeo Board of Trustees held on the 15th day of September, 2008.


MARIAN T. McLAUGHLIN
Romeo Village Clerk / Administrator