

ARTICLE 46
ADMINISTRATION OF APPROVED PLANNED DEVELOPMENTS

46.01 PURPOSE

The purpose of this Article is to clarify the regulatory status of Planned Developments previously approved under former Article 36 – Planned Development, which was repealed by voter petition. It is the intent of this Article to:

- A. Recognize and preserve the validity of Planned Developments lawfully approved prior to the repeal of Article 36;
- B. Confirm the continued enforceability of approved development plans, conditions, and recorded instruments associated with such developments;
- C. Establish clear administrative procedures for the review of permits, amendments, and compliance matters related to previously approved Planned Developments; and
- D. Clarify that repeal of Article 36 does **not** authorize new Planned Developments or expansions outside of approved limits without additional legislative action.

46.02 PLANNED DEVELOPMENTS AFFECTED

This Article shall apply only to:

- A. Planned Developments approved by the Batavia Township Board of Trustees prior to the effective date of repeal of Article 36.
- B. Planned Developments with an approved Preliminary Development Plan, Final Development Plan, or recorded plat adopted pursuant to Article 36.
- C. Property zoned Planned Development District prior to the repeal of Article 36 with an expired Preliminary Development Plan or expired Final Development Plan.
- D. No new Planned Developments shall be initiated, approved, or expanded under authority of former Article 36.

46.03 CONTINUATION OF APPROVED PLANNED DEVELOPMENTS

- A. Validity of Prior Approvals

Any Planned Development lawfully approved prior to the repeal of Article 36 shall remain valid and enforceable in accordance with:

1. The approved Preliminary Development Plan;
2. The approved Final Development Plan;
3. Any conditions of approval imposed by the Township;
4. Any recorded development agreements, covenants, easements, or plats.

B. Applicable Regulations

Such developments shall continue to be governed by the provisions of former Article 36, as adopted and in effect prior to the repeal of Article 36, solely for purposes of administering the approved development. This includes review of Final Development Plans for compliance with an approved Preliminary Development Plan and specific conditions of approval for a Planned Development.

C. Vested Rights

Nothing in this Resolution shall be construed to eliminate vested development rights lawfully established pursuant to approvals granted under former Article 36, subject to compliance with all applicable conditions and timelines.

46.04 LIMITATION ON MODIFICATIONS

A. Limitation of Authority

Nothing in this Section shall be construed to authorize:

1. The establishment of new Planned Development;
2. Expansion of existing Planned Development boundaries; or
3. Approval of development rights beyond those expressly granted prior to the repeal of Article 36.

B. Minor Modifications

All modifications to an approved Planned Development that are **not determined to be major changes** as described in Section 46.04(C) shall be considered minor changes.

Minor changes to an approved Preliminary Development Plan or minor changes to an approved Final Development Plan may be reviewed and approved by the Zoning Administrator, provided such changes remain consistent with the approved development plan and do not alter the fundamental character, intensity, or scope of the Planned Development.

C. Major Modifications

Major changes to an existing Planned Development approved prior to the repeal of Article 36, including modifications from an approved Preliminary Development Plan or revisions to an approved Final Development Plan for a tract of land in which development has not already begun or is not completed, shall include the following:

1. A significant change in density or intensity;
2. Changes in the outside boundaries of the Planned Development;
3. Significant modification of the type, design, location, or amount of land designated for a specific land use or open space;
4. Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations;
5. A modification to the minimum setbacks or building sizes of the approved Preliminary Development Plan.

If the Zoning Administrator determines a proposed modification to be a major change, such modification **shall not be approved under this Article** and shall require rezoning or amendment in accordance with the current provisions of the Batavia Township Zoning Resolution.

46.05 ADMINISTRATION AND ENFORCEMENT

A. Review Authority

The Township Zoning Administrator shall retain authority to:

1. Issue zoning certificates for development approved under a valid Planned Development;
2. Enforce compliance with approved plans and conditions;
3. Determine consistency with previously approved PD plans.

B. Interpretation

Where conflicts arise between former Article 36 standards and other provisions of this Resolution, the approved Planned Development plans and conditions shall control only to the extent necessary to administer the approved development.