

ARTICLE 19

PLANNED DEVELOPMENTS (PD)

Section 19.01 Purpose.

The intent of this Article is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as planned developments. These may include, but are not limited to residential developments, shopping centers, industrial, office and business park developments, and medical or educational campuses. Certain large developments may be of such size and configuration as to justify a controlled degree of flexibility, and to permit a mix of land uses that may not normally be permitted in the zoning district, but would, under specific circumstances, increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties.

The further purpose of this Article is to:

- A. Provide a consistent and uniform method for review of planned development applications that encourages thoughtful and creative planning and design, and high quality development practices.
- B. Allow reasonable regulatory flexibility that results in a substantially higher quality of development, in accordance with the principles, goals and objectives of the Master Plan and any sub-area plans.
- C. Preserve natural resources and site features, and encourage economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- D. Create usable open space particularly suited to the proposed uses within a planned development and the natural character of the land where it is located.
- E. Develop sites in such a way that proposed uses, buildings and site improvements are compatible with each other and with adjoining uses, and to prevent adverse impacts on neighboring properties and districts.
- F. Re-use or re-develop existing sites where an orderly change of use is determined to be desirable, especially where re-use of the site is restricted because of existing nonconformities or the strict application of conventional zoning standards.

Section 19.02 Qualification Requirements.

Planned developments (PD) shall be considered an optional means of development, and thus shall only be permitted when mutually agreeable to the developer, Planning Commission and Township Board. Planned developments shall be in compliance with the following:

- A. **Site conditions.** The proposed PD site shall be in compliance with the following conditions:
 - 1. **Area.** The proposed development site shall be at least twenty (20) acres in area. The Township Board may, upon recommendation from the Planning Commission, permit a PD project on a smaller site if the proposed development would have unique benefits for the area or Township, as a whole.

2. **Ownership.** The site shall be under a single ownership or control, and able to be planned and developed as an integrated unit.
3. **Location.** PD sites shall be limited to locations that have one or more of the following characteristics:
 - a. Sites determined to be appropriate for redevelopment, including sites with buildings that are functionally obsolete, and sites where achieving economically sound development under a conventional zoning approach would be extremely difficult.
 - b. Sites where flexibility is necessary because of site constraints, including but not limited to incompatible adjoining land uses, traffic conditions that affect ease of access or irregular parcel boundaries.
 - c. Sites where the flexibility of the PD regulations is necessary to achieve a reasonable and desirable transition between land uses, without affecting the overall Township land use pattern, intensity of development or objectives of the Master Plan or any sub-area or corridor plans.
 - d. Sites where the large scale of a proposed development justifies permitting certain incidental uses not normally permitted in the zoning district.
 - e. Sites where the public health, safety and welfare is better served through creation of a planned development, because of the density of population, adequacy of schools, parks, or other public facilities, traffic volumes or circulation, neighborhood compatibility, adequate provision of light or air, or accessibility for fire and police protection.
 - f. Sites where the proposed development is compatible with the objectives of the Township Master Plan.
- B. **Uses.** The proposed PD may contain any use or combination of uses listed in Article 4 (Land Use Tables), provided that all proposed uses satisfy the following criteria:
 1. **Compatible with the Master Plan.** Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance or the Master Plan.
 2. **Harmonious relationship.** There shall be a reasonably harmonious relationship between the location of buildings and uses on the site, relative to buildings and uses on lands in the surrounding area.
 3. **Combination of residential and non-residential uses.** Residential and non-residential uses may be permitted together in a PD, provided that such uses are carefully integrated in a manner that creates a high quality living environment, and are consistent with good site design and sound planning principles.

C. **Other conditions.** The proposed PD shall not:

1. Be used for the sole purpose of increasing the density or intensity of development, or avoiding the requirements for dimensional variances.
2. Be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
3. Materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans, except where the applicant provides a means of securing public improvements needed to serve the development, and demonstrates to the satisfaction of the Township Board that such added loads will be accommodated or mitigated by the PD.

Section 19.03 Development Standards.

The purpose of this Section is to ensure that planned developments in all zoning districts are compatible with the surrounding area and Township. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance shall be followed in the design of planned developments. Modifications to these standards may be approved as part of a Preliminary PD Plan in any zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- A. **Setbacks.** Minimum setbacks within the development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, and streets, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings. Reduced or increased setbacks or build-to lines may be required upon review of the Preliminary PD Plan in the interest of establishing a consistent relationship of buildings to the street and sidewalk, to form a visually continuous and pedestrian-oriented street-front, or to ensure adequate buffering between the PD and adjacent uses or districts.
- B. **Maximum height.** Buildings in PD developments shall not exceed forty feet (40') in height, except where taller buildings proposed on the Preliminary PD Plan comply with the following conditions:
1. **Light and shadow.** Buildings or structures greater than forty feet (40') in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows or glare created from reflected or artificial light.
 2. **Privacy.** Buildings or structures greater than forty feet (40') in height shall be designed to avoid infringing on the privacy of adjacent properties, particularly adjacent residential uses or districts.
 3. **Scale of development.** Buildings or structures greater than forty feet (40') in height shall be compatible with the scale of the neighborhood in which they are situated in terms of relative height mass, and scale.
- C. **Circulation system.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas, safely and

conveniently. Sidewalks and streets shall be connected into the overall Township network, and shall be extended to adjacent undeveloped properties to provide future connections.

- D. **Utility infrastructure.** Utilities shall be located underground wherever possible, and shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- E. **Additional considerations.** In their review of a proposed PD development, the Planning Commission and Township Board may review other considerations that are found to be relevant to a particular project, including but not limited to road capacity, utility systems, signage, lighting, building materials, noise reduction and visual screening.

Section 19.04 Residential Development Standards.

The purpose of this Section is to address the unique characteristics and development requirements of residential planned developments, and to ensure that planned developments in residential zoning districts are compatible with the surrounding neighborhood and Township. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance and the Township Subdivision Regulations shall be followed in the design of planned developments. Modifications to these standards may be approved as part of a Preliminary PD Plan in any residential zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- A. **Lot size and block length.** To prevent a monotonous appearance, all residential planned developments shall include variations in lot width, lot area and block length. Corner lots shall be a minimum of fifteen (15') feet wider than standard lots in the development to provide adequate area for two front yard setbacks. Streets, sidewalk and pathway easements and parks shall be used to visually break-up blocks of dwellings in excess of six hundred feet (600') in length.
- B. **Density.** A variable residential density bonus of up to ten percent (10%) may be allowed in any residential planned development, subject to the following:
 - 1. **Determination of maximum permitted density.** The maximum permitted density shall be determined by one of the following two procedures, at the option of the applicant:
 - a. **Calculation.** The maximum permitted density of a residential PD may be calculated by taking seventy five percent (75%) of the buildable area of the lot in square-feet ("buildable area" equals the gross lot area minus the areas occupied by all existing street rights-of-way, easements, wetlands, and waterbodies), dividing the result by the minimum lot area (in square-feet) required for the underlying zoning district, and multiplying the result by the maximum permitted density bonus (up to 10%), as follows:

$$\frac{(\text{buildable area} \times 0.75)}{\text{minimum lot area}} \times \text{density bonus (up to 10\%)} = \text{maximum number of dwellings permitted}$$
 - b. **Parallel plan.** The maximum permitted density of a residential PD may be determined through preparation of a parallel plan by the applicant that satisfies all conventional zoning standards and subdivision regulations, where applicable, including but not limited to minimum lot width and area, setbacks, neighborhood open space requirements, street rights-of-way and stormwater detention. During review of the Preliminary PD Plan, the Planning Commission shall review the

parallel plan to determine if it accurately and reasonably shows the number of dwelling units or lots that could be feasibly be constructed under conventional zoning. This number may be increased by a permitted density bonus of up to ten percent (10%).

2. **Criteria for approval of a density bonus.** A residential density bonus of up to ten percent (10%) may be permitted for any residential PD, subject to a determination by the Planning Commission that two (2) or more of the following conditions have been satisfied:
 - a. An integrated mixture of housing types have been included in the PD.
 - b. Recreation facilities, plazas, town squares, commons or similar facilities have been included, above and beyond the minimum open space requirements, within the site or at an off-site location approved by the Township Board.
 - c. Streetscape, roadway, pathway and similar improvements have been included along abutting thoroughfares.
 - d. The PD plan includes removal or renovation of blighted buildings, cleanup of abandoned or contaminated sites, or installation of public water and/or sanitary sewer service in areas where septic systems are present.
 - e. Other similar elements as determined by the Township Board, based upon findings of the Planning Commission.

C. **Open space.** Planned developments that include a residential component shall provide centrally-located, usable open space that is accessible to all residents of the PD:

1. **Character and arrangement.** The arrangement and characteristics of such open space shall reflect good planning and design principles, and shall take into account the following considerations:
 - a. The types and arrangement of uses on the site.
 - b. The proposed uses of the open space and types of improvements proposed within the open space.
 - c. The extent to which the leisure and recreation needs of all segments of the population residing in the development would be accommodated.
 - d. The manner in which the open space is integrated into the overall design of the development.
2. **Amount and quality of open space.** Residential planned developments shall maintain a minimum of fifty percent (50%) of the gross area as dedicated open space. A minimum of seventy-five percent (75%) of the dedicated open space shall be upland area that is accessible to all residents of the PD. An active recreational area with appropriate equipment or amenities shall be provided within the dedicated open space, equal in size to a minimum of one thousand five hundred (1,500) square feet per dwelling in the

residential component of the PD. The active recreational area shall be well drained, graded, seeded or sodded and barrier-free accessible.

3. **Areas not considered open space.** The following land areas shall not be included as dedicated open space as defined in this Section:
 - a. Areas proposed as single-family residential lots or site condominium lots, or areas proposed to be occupied by dwellings, including the minimum required setbacks around buildings and perimeter yard setbacks.
 - b. Any portion of the project proposed for non-residential uses, street rights-of-way or access drives.
 - c. Any submerged land area of a pond, lake, river or stream, and any area of the PD that has restricted access or would require payment for access.
4. **Protection of open space.** The dedicated open space shall be permanently set aside and conserved through an irrevocable conveyance acceptable to the Township that:
 - a. Describes the permitted activities within the dedicated open space, and assures permanent protection from all forms of development, except as shown on an approved PD plan.
 - b. Identifies who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded and what standards shall be applied to such maintenance.
 - c. Permits unrestricted access to any active recreation areas by the general public during daylight (dawn until dusk) hours.

Section 19.05 Coordination with Subdivision Plat or Site Condominium Review.

Where a PD includes a subdivision plat, the regulations, procedures and design standards of the Quincy Township Subdivision Regulations shall apply in parallel with the review procedures of this Article. The Preliminary PD Plan shall include the Tentative Preliminary Plat, the Final PD Plan shall include the Final Preliminary Plat, and the Planned Development Agreement shall include the Final Plat. Where a PD includes a site condominium development, the regulations and procedures of Article 18 of this Ordinance (Site Condominiums) shall apply in parallel with the provisions of this Article.

Section 19.06 Informal Review of Conceptual PD Plans.

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual PD plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The Planning Commission may also request input from Township Officials, the County Building Inspector and consultants. Conceptual PD plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Township Board resolution.

Section 19.07 Preliminary PD Plan Review Procedure.

Any person or entity owning or controlling land may submit a Preliminary PD Plan, with supporting documentation and a request for a determination whether the proposal qualifies for approval under the PD regulations.

- A. **Submittal.** Submittal of a Preliminary PD Plan for consideration shall include the following, where appropriate:
1. **PD description.** A detailed description of the proposed uses, building and site improvements, phasing plans and open spaces. The written statement shall describe how the proposed project qualifies for consideration as a PD, state why a PD is preferred over conventional zoning at this site, review possible impacts on public facilities and services, identify benefits to Quincy Township and provide details and reasons for any proposed modifications from Zoning Ordinance provisions.
 2. **Preliminary PD Plan.** A Preliminary PD Plan shall be provided that includes scaled drawings showing property boundaries, existing site conditions, significant site features (woodlands, landmark trees, wetlands, waterbodies, historic structures, archeological sites, etc.), current zoning and land uses, adjacent zoning and land uses, general development plans, phasing and building layouts, the location, type and intensity of each proposed use, relationships to adjoining parcels, vehicular and pedestrian circulation patterns, and the general arrangement of any open spaces or landscape areas.
 3. An impact assessment, if required by the Planning Commission or Township Board, in compliance with Section 1.12 of this Ordinance (Impact Assessments).
 4. Additional maps, plans or documents necessary to adequately describe the proposed project.
- B. **Technical review.** Prior to Planning Commission consideration, the Preliminary PD Plan and documentation shall be distributed to appropriate Township officials for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review.
- C. **Public hearing.** A public hearing shall be held by the Planning Commission for all Preliminary PD Plans in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures).
- D. **Planning Commission consideration of the Preliminary PD Plan.** Subsequent to the hearing, the Planning Commission shall review the proposed PD, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the project meets the qualification requirements for a PD (Section 19.02), and whether the Preliminary PD Plan is consistent with the purpose and provisions of this Article. The Commission shall then report its findings and recommendations to the Township Board.
- E. **Township Board action on the Preliminary PD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Preliminary PD plan, and shall set forth the reasons for their action. A determination that a proposal qualifies for PD approval shall be accompanied by a description of the minimum conditions under which the proposal will be considered for Final PD Plan approval. In describing such conditions, the Township Board

may identify specific requirements or standards in the Zoning Ordinance which could be waived or modified upon approval of the Final PD Plan.

- F. **Effect of Township Board action on the Preliminary PD Plan.** Preliminary PD Plan approval is intended to provide direction for preparation of the Final PD Plan, but shall not assure approval of the Final PD Plan. Preliminary PD plan approval shall expire two (2) years after the date of approval, unless the Final PD plan for the project has been submitted to the Planning Commission for review. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to one (1) year, upon determining that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Preliminary PD plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan. If the Township Board denies the Preliminary PD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PD Plan for further consideration.

Section 19.08 Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.

Section 19.09 Final PD Plan Review Procedure.

Following approval of a Preliminary PD Plan by the Township Board, approval of the Final PD Plan may be sought by the applicant, in accordance with the following:

- A. **Final PD Plan Submittal.** The Final PD Plan shall contain all of the information required for site plans in Sections 17.09 through 17.12 (Required Information) or the Township Subdivision Regulations, as applicable. The Final PD Plan shall include a detailed use statement listing and describing the proposed uses in the PD, and comprehensively illustrating the PD site design, phasing, locations of all structures and site improvements, roads, utilities, sidewalks and other infrastructure, parks and open spaces, enhancements to public services and other features of the proposed PD Development in their intended final form. The Final PD Plan shall also include all documentation necessary to demonstrate that the Final PD Plan is consistent with the approved Preliminary PD Plan and any conditions of approval.
- B. **Technical review.** Prior to Planning Commission consideration, the Final PD Plan and documentation shall be distributed to appropriate Township officials for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Township consultants for review.
- C. **Public hearing.** A public hearing shall be held by the Planning Commission for all Final PD Plans in accordance with the procedures and notice requirements set forth in Section 1.11 (Public Hearing Procedures).
- D. **Planning Commission consideration of the Final PD Plan.** Subsequent to the hearing, the Planning Commission shall review the Final PD plan, together with any reports and recommendations from officials, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the Final PD Plan conforms to the following objectives and requirements, and shall then report its findings and recommendations to the Township Board:

1. The Final PD Plan is consistent with the approved Preliminary PD Plan, any conditions of approval, and the land use goals and objectives of the Master Plan.
 2. All conditions of Preliminary Final PD Plan approval have been addressed.
 3. All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.
- E. **Township Board action on the Final PD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Final PD plan, and shall set forth the reasons for their action. Approval of the Final PD Plan shall be contingent upon approval of a Planned Development Agreement in accordance with Section 19.10 of this Article.
- F. **Effect of Township Board action on the Final PD Plan and PD Agreement.** Approval of the Final PD Plan and PD Agreement by the Township Board shall allow the applicant to submit construction and building plans for the project to the County Building Inspector for review. All construction and building plans and permits shall conform to the approved Final PD Plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PD Plan.
- G. **Expiration of the Final PD Plan.** An approved Final PD Plan shall expire three hundred sixty five (365) days after the date of executive of the PD Agreement, unless building permits have been issued or construction has commenced. If such construction has commenced, Final PD Plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than one-hundred eighty (180) continuous days, said approval shall immediately expire. Upon written request received by the Township prior to the expiration date, the Township Board may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Final PD Plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan.

Section 19.10 Planned Development Agreement.

Upon approval of the Final PD Plan, the Township Attorney shall prepare a PD Agreement setting forth the conditions upon which such approval is based, which after approval by resolution of the Township Board, shall be executed by the Township and the applicant. Approval of the Final PD Plan shall become effective upon recording of the Agreement in the Office of the Branch County Register of Deeds, which shall be done at the expense of the applicant. The Agreement shall, at minimum, include the following elements:

- A. Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.
- B. Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- C. A listing and specification of all uses permitted as part of the approved PD.

- D. Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- E. An agreement providing for adequate maintenance of common elements, public areas and any stormwater retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Township may perform the maintenance and charge the cost thereof to the developer or the condominium association. The Township may require a performance guarantee, in conformance with the requirements of Section 1.06 of this Ordinance (Performance Guarantees), to guarantee maintenance of the common elements for a two-year period after completion.

Section 19.11 Phased Developments.

A PD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the project and the residents of the surrounding area.

Section 19.12 Amendments.

Proposed amendments to an approved Final PD Plan that would alter the approved site design, uses or intent and conditions of Final PD Plan approval shall be submitted for review as a revised Final PD Plan following the procedure in Section 19.09 of this Article. Minor changes that would not alter the approved site design, uses or intent and conditions of Final PD Plan approval may be reviewed following the procedures for administrative site plan review in Section 17.05 of this Ordinance.

Section 19.13 Appeals.

The Zoning Board of Appeals shall have no authority in matters covered by this Article.

Section 19.14 Violations.

Any violation of the approved Final PD Plan or PD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance. Approval of a planned development may be rescinded by the Township Board upon determination that the Planned Development Agreement has been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, the Final PD plan, or conditions of PD approval. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 1.11 (Public Hearing Procedures), at which time the owner of an interest in land for which Final PD Plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to said owner or designated agent.