

ORDINANCE NO. 1406

AN ORDINANCE AMENDING SECTION 3 b. CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION BY ADDING THERETO A SUBSECTION 15 TO PROVIDE A PLANNED DEVELOPMENT ZONING DISTRICT WITHIN THE CITY AND PROVIDING REGULATIONS THEREFOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Section 3 b. of Chapter 32 of the Code of Ordinances of the City of Grand Junction be amended by the addition thereto of a subsection 15 which shall read as follows:

SECTION (15) PLANNED DEVELOPMENTS

A. GENERAL PROVISIONS, CO-ORDINATION, USES PERMITTED

1. General Provisions
2. Co-ordination with subdivision regulations and other City codes and ordinances
3. Types of Planned Developments
 - a. PD 8
 - b. PD 12
 - c. PD 20
 - d. PD M

B. PLANNING REQUIREMENTS

1. Site Planning - external relationships
2. Screening of Planned Developments
3. Landscaping
4. Lawns, ground cover, trees, shrubs, and evergreens
5. Site Planning - internal relationships
6. Streets, drives, parking and service areas
7. Vehicular access to streets
8. Ways for pedestrians and cyclists:
 - Use by service vehicles
9. Protection of Visibility at intersections
10. Building separation
11. Basic considerations in reviewing PD proposals

C. BUSINESS AND COMMERCIAL USES

D. ADMINISTRATIVE PROCEDURES

1. Outline Development Plan
2. Approval of Outline Development Plan
3. Preliminary Development Plan
4. Approval of preliminary Development Plan
5. Approval of final Development Plan
6. Building Permits
7. Amendments to the final plan

E. ENFORCING THE DEVELOPMENT SCHEDULE

F. CONTROL OF PLANNED DEVELOPMENT FOLLOWING COMPLETION

Section 3. ZONE CLASSIFICATIONS

b. Zone Districts:

(15) PLANNED DEVELOPMENTS

A. GENERAL PROVISIONS, CO-ORDINATION, AND USES PERMITTED.

1. GENERAL PROVISIONS.

Planned Development is a project located on at least two acres, including usable open space, for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development of site preserved and enhanced while still being in harmony with the surrounding neighborhood.

2. CO-ORDINATION WITH SUBDIVISION REGULATIONS AND OTHER CITY CODES AND ORDINANCES.

- a. It is the intent of this ordinance that subdivision review under the subdivision control ordinance be carried out simultaneously with the review of a Planned Development under this section of the zoning ordinance.
- b. The development plans submitted under subsection D of this section must be submitted in a form which will satisfy the requirements of the subdivision control ordinance for preliminary and final plats.
- c. The requirements of both this section of the zoning ordinance and those of the subdivision regulations shall apply to all Planned Developments, and all actions of the City Council pertaining to Planned Developments shall be based upon a recommendation by the Planning Commission.
- d. In no case shall the requirements of the Building Code, Fire Code, or Mobile Home Ordinance, be varied as a part of the approval process of a Planned Development.

e. In the event of transfer of ownership of any property within a planned development zone, it shall be the responsibility of the seller to inform the buyer of the properties exact status with respect to the planned development process.

3. TYPES OF PLANNED DEVELOPMENTS

Under this section, Residential Planned Developments shall be permitted, subject to the stated requirements. Planned Development will only be permitted on tracts of not less than two (2) acres, which are under one ownership or control.

The following districts shall be deemed separate zoning classifications. The procedure necessary to establish these districts shall be the same as required for any zoning ordinance map amendment:

a. PD 8

Within the PD 8 District the following uses shall be permitted:

- (1) Any use permitted in the R-1-B (Single-Family Residence) subject to all use requirements specified for the R-1-B District: and/or
- (2) The following uses: subject to being shown on a unit development plan as defined, processed and approved under the provisions of this ordinance:
 - (a) Residential uses: 1.1, 1.2, 1.4, 1.5
 - (b) Assembly uses: 2.1, 2.2, 2.3, 2.11, 2.6
 - (c) Institutional uses: 3.1, 3.2, 3.3, 3.4
 - (d) Business uses: 4.1, 4.2, 4.3, 4.4, 4.6, 4.7
 - (e) Commercial uses: 5.2

Such uses shall be part of an approved PD as provided for in this ordinance. The total project density shall not exceed eight (8) dwelling units net per acre.

b. PD 12

Within PD 12 District, the uses permitted shall be the same as PD 8 except that the total project density shall not exceed twelve (12) dwelling units net per acre.

c. PD 20

With PD 20 District, the uses permitted shall be the same as PD 8 except that the total project density shall not exceed twenty (20) dwelling units net per acre.

d. PD M

With PD M District, the uses permitted shall be the same as PD 8 except that the residential uses shall be limited to mobile home subdivisions or mobile home parks and residential use 1.2.

B. PLANNING REQUIREMENTS

1. SITE PLANNING - EXTERNAL RELATIONSHIPS

Site Planning within any PD shall provide for the protection of the development from potentially adverse surrounding influences, and shall also provide for the protection of surrounding areas from potentially adverse influence within the development.

Vehicular, pedestrian and cyclist circulation shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and cyclist traffic.

2. SCREENING OF PLANNED DEVELOPMENTS

Fence, wall or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the PD. In either case, screening shall be designed to control the existing or potential adverse views from existing or potential first floor residential windows in the PD or other residential district. Screening requirements may be waived where terrain makes protection against overview impracticable, but where the requirement is not waived, the following in particular shall be screened:

- a. Bulk Parking Areas
- b. Service Areas

3. LANDSCAPING

The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other

site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

a. Existing Vegetation

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting and are useful in protecting slopes.

b. Selection and Arrangement of Plant Materials

Plant material selected shall be in scale with the composition of the building, the site and its various uses and surrounds.

Plant material shall be selected and arranged to harmonize in size, shape, color, texture and year around characteristics with the buildings and the development of the grounds.

Plant material shall be indigenous to this area, or readily adaptable to the climate and soil conditions. It shall not be excessively weedy, in habit or growth characteristics or unduly subject to noxious pests or plant diseases which would seriously impair its function or permanence or greatly increase maintenance costs.

Plant material which might be injurious to local plants or agricultural products, such as by serving as an intermediate host to pest or plant diseases, is prohibited.

Plant material to be installed shall be true to name in accordance with the current issue to "Standardized Plant Names" published by the American Joint Committee on horticultural Nomenclature.

4. LAWNS AND GROUND COVER.

a. Primary Lawns

Lawn areas which are essential to the use and appearance of a project, shall be covered with a thick stand of permanent grass or other ground cover.

b. Secondary Lawns.

Lawn areas, consisting of large open spaces, which will be maintained as meadows and back portions of a project where a fine quality lawn is of secondary importance, shall be covered with a stand of grass or other ground cover appropriate to this type of use.

c. Maintenance

Landscaping shall be watered, replanted and maintained as necessary to preserve the original intent.

5. SITE PLANNING - INTERNAL RELATIONSHIPS

Site plans shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses and facilities and for the appropriate relation of space, interior and exterior, to intended used and structural features.

6. STREETS, DRIVES, PARKING AND SERVICE AREAS

Streets, drives, parking and service areas shall provide a safe and convenient access to dwelling units and project facilities and for service and emergency vehicles. Streets shall be so laid out as to discourage outside traffic from traversing the development on minor streets. Streets shall occupy no more land than is required to provide access as needed, nor shall they create unnecessary fragmentation of the development into small blocks. In general, block size shall be maximum consistent with use, shape of the site, and the convenience and safety of the occupants. The design of the streets shall be consistent to good engineering practices, and the cross-sections shall reflect the purposes the streets are to serve.

The following table indicates the minimum cross-sections which the Planning Commission may permit. The Planning Commission may, on the recommendations of the City Engineer and the Traffic Engineer, require cross-sections in excess of those stated when it is felt that such would be necessary to adequately provide for traffic circulation throughout the PD.

In addition, the requirements of curbs, gutters, and sidewalks may be waived and another treatment substituted, based upon recommendation from the Traffic Engineer and the City Engineer.

<u>TYPE OF STREET</u>	<u>USES SERVED</u>	<u>RIGHT OF WAY</u>	<u>REQUIRED</u>	
			<u>PAVEMENT</u>	
Residential dead parking end or local street -	1-50 dwelling units	50'	22'	No
Residential collector	51-200 dwelling units	60'	36' + offset	4 1/2' sidewalk
Neighborhood - collector	over 200 dwelling units or any commercial use	60'	40' + offset	4 1/2' sidewalk
Industrial street-	Industrial use	70'	44'	

In all cases where the street sections proposed for use within the development are less than those required by the subdivision regulations of the City of Grand

Junction, but fall within the requirements set forth in this section, the parking requirements for dwelling units whose primary vehicular access is provided by means of such a street may be increased for overflow parking. In the event of single-family detached housing, the required parking shall be two spaces on each lot plus two parking spaces to be available as overflow parking.

7. VEHICULAR ACCESS TO STREETS

Vehicular access to streets, serving 50 or more dwelling units, from off-street parking and/or service areas shall be so combined, limited located, designed, and controlled as to channel traffic to and from such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.

8. WAYS FOR PEDESTRIANS AND CYCLISTS: USE BY SERVICE VEHICLES

Bicycle ways, if provided, and walkways shall form a logical, safe and convenient system for access to all dwelling units and to all project facilities and off-site destinations likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designed to promote safety, appropriately marked and otherwise safeguarded. Pedestrian ways appropriately located, designed, and constructed, may be combined with other easements and used by emergency or service vehicles but shall not be used by other automotive traffic.

9. PROTECTION OF VISIBILITY AT INTERSECTIONS

In addition to the general requirements concerning visibility at intersections set forth in Section 6 (Supplemental Regulations) of this ordinance, similar visibility clearance shall be provided where there are pedestrian or bicycle crossings of streets. Intersections of driveways with streets shall be so designed as to provide mutual visibility by drivers of cars on the streets and drivers of cars entering the streets.

10. BUILDING SEPARATION

Within any PD, building separation shall assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the dwellings, and other essential uses. Yard depth shall assure adequate distances

between building walls on the property and on abutting offsite properties. Adequate building setbacks shall be provided from adjoining properties whose building location is fixed by codes, restrictions, or other controls, or which will be rebuilt as the result of the razing of existing structures. Every principal structure shall have access to a public street, court, walkway or other area dedicated to public use.

a. Total building coverage shall not exceed twenty percent (20%) of the gross project area. Perimeter public streets may be included, to a maximum of twenty-five feet, when computing gross project area.

b. Areas and facilities of joint use shall be retained in title by the developers, deeded to an organization composed of all owners in the development or may be dedicated to the City if such dedication is acceptable to the City. If areas and facilities of joint use are not dedicated to the City, the developer shall be required to show how these areas and facilities will be developed with provisions to insure their continued maintenance.

In the event that such provisions do not result in maintenance acceptable to the City, the City shall have the authority to cause such maintenance to be done and to assess the cost of same to the properties in the Planned Development.

- c. Signs permitted in the PD shall be as permitted and as regulated in the district first permitting the use to which the sign is accessory, except as modified under sub-section c. of this ordinance.
- d. The minimum amount of common functional open space shall be twenty-five per cent (25%) of the total acreage. Functional open space shall not include that area which is required for building construction separation under the provisions of the Building Code or street travel lanes and parking.

II. BASIC CONSIDERATIONS IN REVIEWING PD PROPOSALS

If the Planning Commission or City Council finds that any of the following conditions would be created by development to the maximum density permitted under this ordinance, they shall limit the project density sufficient to avoid the creation of any of these conditions:

a. Inconvenient or unsafe access to the planned development.

b. Traffic congestion in the streets which adjoin the planned development.

c. An excessive burden on parks, open space, recreation areas, schools, Police and fire protection and other public facilities which serve or are proposed to serve the planned development.

C. BUSINESS AND COMMERCIAL USES

When permitted in PD Districts, business and commercial uses shall be limited to neighborhood sales and service establishments and shall be subject to the following:

1. Such centers, including parking, shall be included as an integral part of the plan for the PD and shall not occupy more than 1.5% of the total area of the district.
2. Such establishments shall be limited to categories reasonably necessary to serve efficiently frequent trade area and service needs of occupants of the districts, including retail stores, eating establishments, with or without sale of intoxicating beverages, coin-operated agencies, beauty shops, barber shops, service stations and the like.
3. Such centers shall be so located and so designed as to provide direct access to secondary street, major street or major thoroughfare without creating congestion or traffic hazards on any street.
4. Orientation of buildings and parking areas shall be to such streets and not to any minor street.
5. Layout of parking and service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise and other potentially adverse influences shall be such as to protect the residential character of the Planned Development and any adjoining residential district.
6. Such establishments shall be so located, designed and operated as to serve primarily the needs of the persons within the planned development and not persons residing elsewhere and shall present no visible evidence of their character from first story windows, existing or potential, in other residential districts; provided, however, that this latter requirement may be waived where terrain makes protection against overview impracticable.
7. Where appropriate to general design, location and timing of operations within the PD shopping center parking and service areas and access ways may be located to serve other non-residential uses in the vicinity, if such multiple use will not lead to congestion or hazards to pedestrian or vehicular traffic. To the extent that multiple use without overlapping in timing of need can be assured, off-street parking requirements for other uses may be diminished.
8. Subject to the express approval by the Planning Commission, all signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, to avoid excessive advertising and insure a

harmonious relationship to the center as a whole. Signs within the center shall be limited to two types, business identification signs and shopping center identification signs.

All business identification signs within the center shall be placed flat against the building and shall not project above the roof line nor project from the face of the building more than one foot. Business identification signs shall be limited in size to one square foot of sign area for each one foot of building frontage. No more than two business identification signs will be permitted for each business use, One free-standing shopping center identification sign may be authorized on the shopping center site by the Planning Commission and shall be shown on the overall development plan for the PD. Said shopping center identification sign shall not be located closer than twenty-five feet from any property line and shall not exceed thirty-two square feet in area or twenty-five feet in height.

9. No Certificate of Occupancy for any commercial or business use shall be used prior to issuance of Certificates of Occupancy for at least forty per cent (40%) of the proposed dwelling units within the Planned Development.

D. ADMINISTRATIVE PROCEDURES

The following procedures shall be required for all Planned Developments:

1. OUTLINE DEVELOPMENT PLAN

- a. An applicant shall make application for the approval of the Planned Development to the Planning Commission. At his option, the applicant may accompany his application with an outlined development plan as specified in this section. If no outlined development plan is filed with the application, the applicant shall accompany his application, with a preliminary development plan as required by sub-section D 2 of this chapter.

- b. An outlined development plan must include both maps and a written statement and must show enough of the area surrounding the proposed Planned Development to demonstrate the relationship of the Planned Development to adjoining uses, both existing and proposed.

- c. The maps which are a part of the outlined development plan may be in general schematic form and must contain the following information:

- (1) The existing topographic character of the land at a contour interval of not less than five (5) feet.

- (2) The existing and proposed land uses and the approximate location of building and other structures.

(3) The character and approximate density of dwellings.

(4) The approximate location of major thoroughfares.

(5) Public uses, including schools, parks, playgrounds, swimming pools and other open spaces.

d. The written statement to accompany the outlined development plan must contain the following information:

(1) An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the Planned Development regulations.

(2) A statement of proposed financing.

(3) A statement of the present ownership of all the land included within the planned development.

(4) A general indication of the expected schedule of development.

e. Accompanying the application will be a filing fee of \$100.00.

2. APPROVAL OF OUTLINE DEVELOPMENT PLAN.

a. Within sixty days after the filing of the outline development plan, the Planning Commission shall hold a public hearing, and, within thirty days following such hearing, shall forward the plan to the City Council with a written report recommending that the plan be disapproved, approved, or approved with modifications and giving the reasons for these recommendation

b. The Council shall give notice of a public hearing to be held on the plan, said hearing to be held not more than thirty days after the receipt of the Planning Commission's report. The report must be made publicly available at least fifteen days before the public hearing. After the hearing, the outline development plan shall be disapproved, approved, or approved with modifications by the City Council.

c. If the outline development plan is approved or approved with modifications the Council shall amend the zoning map to show the PD District; provided, however, that if the outline development plan is approved with modifications, the Council shall not amend the zoning map until the applicant has filed with the Council written consent to the plan as modified. No building permits may be issued on land within the planned development until final plans for the development have been approved by the Planning Commission and City Council under the

procedures provided in the following sections.

3. PRELIMINARY DEVELOPMENT PLAN

a. An applicant seeking approval of a Planned Development shall submit a preliminary development plan at either of the following times:

(1) If no outline development plan has been submitted and approved, at the time of the application.

(2) If an outline development plan has been approved, within six months following its approval.

b. If an outline development plan has been submitted and approved, the Planning Commission may authorize the submission of preliminary development plans in stages. If a preliminary development plan covering at least twenty per cent (20%) of the area of the outline development plan has not been submitted within six months following the approval of the outline development plan, the Council may withdraw its approval of the Planned Development. At its discretion and for good cause, the Planning Commission may extend, for three months, the period for the filing of the preliminary development plan.

c. The preliminary development plan must include all of the following information:

(1) A map showing street systems, lot lines, and lot designs.

(2) Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.

(3) A plot plan indicating each building site and common open area, showing the approximate location of all buildings, structures, and improvements, and indicating the open space around buildings and structures.

(4) Elevations and/or perspective drawings of all proposed structures and improvements, except single family detached residences and their accessory buildings. The drawings need not be the result of final architectural design and need not be in detail.

(5) The development schedule indicating:

(a) The approximate date of which construction of the project can be expected to begin.

(b) The stages in which the project will be built and the

approximate date when the construction of each stage can be expected to begin.

(c) The anticipated rate of development.

(d) The approximate dates when the development of each of the stage in the development will be completed.

(e) The area and location of common open space that will be provided at each stage.

(6) Agreements, provisions, or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its common areas.

(7) A drainage plan indicating the location and size of any drainage structure, and the direction of flow, the areas drained by such structures and any other information which in the opinion of the City Engineer is necessary to determine the drainage requirements for the Planned Development.

(8) All existing and proposed utility lines and easements.

(9) The following plans, reports, and diagrams insofar as the Planning Commission finds that the Planned Development creates special problems of traffic, parking or landscaping:

(a) An off-street parking and loading plan.

(b) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from the existing thoroughfares. Any special engineering features and traffic regulation-devices needed to facilitate or insure the safety of this circulation pattern must be shown.

(c) A landscaping and tree planting plan.

If no outline development plan has been filed, the preliminary plan must contain the written statement required by Section D 1 d. and must include enough of the areas surrounding the proposed development to show the relationship of the planned development to adjacent uses, both existing and proposed. In the addition, the preliminary development plan will conform in all respects to the applicable provisions of the subdivision regulations of the City of Grand Junction. In cases of conflict between this ordinance and the subdivision regulations, the provisions of this ordinance shall apply.

4. APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

a. If no outline development plan has been submitted and approved, the preliminary development plan shall be considered

for approval under the procedures provided in section D 2 a.

b. If an outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Planning Commission. The Planning Commission shall give notice and provide an opportunity to be heard to each of the following:

(1) Any person who is on record as having appeared at the hearing on the outline development plan.

(2) Any other person who has indicated to the Planning Commission in writing, that he wishes to be notified.

The Planning Commission shall review the preliminary development plan and shall approve the preliminary development plan subject to minor modifications if it is in substantial compliance with the outline development plan and if it complies with all other standards for the review of Planned Developments which were not considered when the Outline Development Plan was approved.

5. APPROVAL OF FINAL DEVELOPMENT PLAN.

a. Within six months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. In addition, the final development plan will conform in all respects to the applicable provisions of the subdivision regulations of the City of Grand Junction for final subdivision plats. In such cases where this ordinance conflicts with the subdivision regulations, the provisions of this ordinance shall apply. In its discretion and for good cause, the Planning Commission may extend for six months, the period for filing the final development plan.

b. The Planning Commission shall give notice and provide an opportunity to be heard on the final development plan to:

(1) Any person who appeared on record at the hearing on the preliminary development or at the hearing of the outline development plan, if any.

(2) Any other person who had indicated to the Planning Commission, in writing, that he wishes to be notified.

c. The Planning Commission shall approve the final development plan, subject to minor modifications, if it is in substantial compliance with the preliminary development plan. The final development plan will then be transmitted to the City Council who will take action upon it as

prescribed in the subdivision regulations for final subdivision plats. The final development plan shall be recorded as if it were a final subdivision plat.

d. Utilities and Improvements.

Prior to the issuance of any building permit or sale of any lot or tract within a planned development, the following improvements shall be constructed in a manner acceptable to the City as approved in the final development plan:

- (1) Road grading and surfacing
- (2) Curbs and gutters
- (3) Sidewalks
- (4) Sanitary Sewer stubbed to each lot
- (5) Storm sewers
- (6) Water lines stubbed to each lot
- (7) Street signs and lights
- (8) Fire hydrants
- (9) Common open space and facilities
- (10) Other facilities as may be specified in the approved final development plan.

A bond or other suitable collateral in an amount sufficient to insure the installation of the above listed improvements, in a manner acceptable to the City, shall be required in the event immediate construction of such improvements was found to be impractical based upon sound development practices. The amount of such bond or collateral shall be determined by the developer's engineer, using sound engineering practices, and subject to review and approval by the appropriate city official normally responsible for such improvements.

Such bond or collateral shall be in a form which will enable the City to withdraw adequate funds from the bond or collateral in the event the developer fails to construct the required improvements and utilities within the time limit established by the development schedule.

The amount of such funds so withdrawn, shall be that amount which is determined to be sufficient to enable the City to cause such improvements to be completed at no cost to the City.

6. BUILDING PERMITS

Provided the time limit established by the development schedule has not passed, the appropriate official shall issue building permits for buildings and structures in the area covered by an approved final development plan provided that the plan has been recorded, if they are in conformity with the approved final development plan and with all other applicable ordinances and regulations. If the time limit established by the development schedule has passed, no building permits shall be issued until after the Planning Commission has reviewed the development plan and a new development schedule has been established.

7. AMENDMENTS TO THE FINAL PLAN

No changes may be made in the approved final plan during the construction of the Planned Development except upon application to the appropriate agency under the procedures provided below:

(a) Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the dimensions of any buildings or structures by any more than ten per cent (10%).

(b) All other changes in use, any re-arrangement of lots, blocks and buildings, any changes in the provision of common open spaces and all other changes in the approved final plat must be made by the City Council, under the procedures authorized by this ordinance for the amendment of the zoning map. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community, or by conditions that were unforeseen at the time of approval of the final development plan.

(c) Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.

E. ENFORCING THE DEVELOPMENT SCHEDULE

From time to time the Planning Commission shall compare the actual development accomplished in the various Planned Developments with the approved development schedules. If the owner or owners of property in the Planned Developments have failed to meet the approved development schedule, the Commission may initiate proceedings to withdraw its approval of the Planned Development reverting the land to R-1-B Zoning. Upon recommendation of the Planning Commission and for good

cause shown by the property owner, the City Council may extend the limits of the development schedule.

F. CONTROL OF PLANNED DEVELOPMENT FOLLOWING COMPLETION

1. The Planning Commission shall issue a certificate certifying the completion of the Planned Development and the City Clerk shall note the issuance of the certificate on the recorded final development plan.

2. After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development will be governed by the approved final development plan rather than by any other provisions of this zoning ordinance.

3. After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:

a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the Planning Commission, if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the dimensions of any building or structure by more than ten per cent.

b. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under paragraph D 5 of this section.

c. All other changes in the final development plan must be made by Council under the procedures authorized by this ordinance for the amendment of the zoning map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the Planned Development or unless they are required for the continued successful functioning of the Planned Development or unless they are required by changes in conditions that have occurred since the final plat was approved or by changes in the development policy of the community.

4. No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the Planned Development, and all rights to enforce these covenants against any changes permitted in this section are expressly reserved.

PASSED AND ADOPTED this 3rd day of November, 1971.

/s/ Stanley R. Anderson
President of the Council

ATTEST:

/s/ Neva B. Lockhart
City Clerk