



Case No. _____
Application Date _____
Application Fee \$100.00 _____

**Application
Zoning Change for
Planned Development District**

We, the undersigned, ask the City of Battlefield, Missouri Board of Aldermen to approve a zoning change for a planned development district on the tract of land described below. We attest to the truth and correctness of all facts and information presented with this application and agree to pay all advertising and mail notification costs for the public hearings as required by the *Battlefield Zoning Regulations*. The City of Battlefield is authorized to prepare and publish all required legal advertising and mail notifications, the cost of which is to be billed to the name listed below for payment.

Present Zoning Classification(s) _____ Requested Zoning Classification _____

Type of Planned Development: _____ Residential _____ Mixed Use

Legal Description of Property Requested to be Rezoned (attach additional sheet if needed):

Street Address or Other Common Property Description _____

Property Owner's Name(s) _____

If corporation, Corporate Official Name and Seal: _____

Mailing Address _____

Telephone Number _____ Fax Number _____

PROPERTY OWNER'S SIGNATURE:

(Not necessary if there is an authorized representative. Authorized representative must sign below).

AUTHORIZED REPRESENTATIVE:

I hereby certify that I am authorized to represent all of the property owners of the above described tract in this application. A power of attorney is attached.

Name _____

Address _____ Telephone _____

AUTHORIZED REPRESENTATIVE'S SIGNATURE:

BILL ADVERTISING AND NOTIFICATION COSTS TO:

Name _____ Telephone _____

Address _____

QUESTIONS ON REZONING APPLICATION (Attach additional sheets if necessary):

1. What is the current use of the property? _____

2. Why are you requesting a change in zoning? _____

3. Are there any deed restrictions or restrictive covenants that would affect the use of this property? If so, what are they?

4. Has a rezoning ever been requested for this property in the past by the current owner? What zoning classification was requested and when?

5. If the rezoning is approved, does the applicant intend to develop the property?

**CHECKLIST
ZONING CHANGE FOR
PLANNED DEVELOPMENT DISTRICT
City of Battlefield, Missouri**

This checklist is provided to help you make sure that you submit everything that is required for a complete rezoning application for a planned development. The application must be complete and all items listed on the checklist must accompany the application or this case will not be processed. The application must be submitted no later than 4:30 p.m. to the Battlefield City Hall, 30 working days prior to the Planning and Zoning Commission public hearing at which the request for rezoning will be heard. Contact the City Clerk at the telephone number below for filing deadlines and meeting dates.

APPLICATION FORM:	
	Current zoning classification(s) of the property.
	List the zoning classification requested. See the <i>Zoning Regulations</i> , Article V, for specific zoning district classifications.
	Indicate if the application is for a residential planned development or mixed use planned development.
	Provide the legal description of the property to be rezoned. You may attach the legal description on a separate sheet.
	List the current property owner's name, address, and telephone number. If a corporation, list the corporate official and include the corporate seal.
	Current property owner must sign the application unless there is an authorized representative. If authorized representative, include power of attorney.
	List the name and address for billing the legal advertising and mail notices for the public hearings before the Planning Commission and Board of Aldermen.
	Provide an answer to questions 1-5 on the application.
PROPERTY OWNERS NOTIFICATION:	
	Provide a list of property owners' names and addresses within 185 feet of the area to be rezoned that has been prepared by a title company authorized to issue title policies in the State of Missouri.
	Provide an addressed, stamped (not metered) business envelope for every property owner listed on the property owners' list.
PRELIMINARY DEVELOPMENT PLAN:	
	Submit ten copies of a preliminary development plan for the proposed planned development. See Section 5.9 of the Battlefield Zoning Regulations for details on Planned Developments. The preliminary development plan is to include the following information:
	1. Survey of the tract to be developed, showing streets, alleys, easements, utility lines, and topographic and physical features.
	2. Site plan showing the location and arrangement of existing and proposed structures, proposed traffic circulation within the development, parking and loading areas, ingress and egress points, proposed and existing land uses, zoning districts, proposed lots and blocks, public and common open spaces, parks, playgrounds, school sites and recreation facilities.
	3. Statement of anticipated residential density (when applicable), proposed total gross floor area, and percentage of development to be occupied by structures.
	4. Preliminary sketches of proposed structures and landscaping.
	5. Schedule of development for each phase or unit, if applicable.
	6. Evidence that applicant has sufficient control over the tract to effectuate the plan, including statement of all ownership and beneficial interests in the property.
	7. Traffic impact analysis of the proposed development on traffic circulation and number of trips in the vicinity of the proposed development.
	8. Statement showing relationship of the proposed development to the <i>Battlefield Comprehensive Plan</i> .

PRELIMINARY DEVELOPMENT PLAN (continued):	
9.	In Mixed Use Planned Developments, a statement indicating types of businesses or industries to be included in the development.
10.	If the development includes common open space, recreation or other common public facilities, a statement describing the provisions for maintaining common facilities. If non-governmental authority will be responsible for maintenance, submit copy of the entity's proposed articles of incorporation and bylaws.
11.	Statement of proposed restrictive covenants to be recorded with respect to property included in the planned development.
PRELIMINARY PLAT:	
	If the proposed planned development involves the subdivision of land, applicant may submit preliminary plat concurrently with this application for zoning change to a planned development district. See Section 5.11.2 of the <i>Battlefield Subdivision Regulations</i> for platting requirements. Also see applications and checklists for subdivision.
APPLICATION FEE:	
	Include the \$100.00 application fee. Applicant also responsible for advertising and notification costs for public hearings. City will bill applicant for public notification costs.
ENGINEERING REVIEW FEE:	
	Submit the \$500.00 engineering review deposit fee. If engineering review costs are greater, City will bill applicant for additional costs.
See Attachment "A" for details on Planned Development Districts and approval procedures.	
Note: The Planning and Zoning Commission <u>shall not</u> forward its recommendation to the Board of Aldermen when the applicant or the applicant's agent does not appear at the public hearing to provide evidence regarding the request for a change in zoning classification. Also, final action by the Board of Aldermen shall not be taken until the applicant has reimbursed the City for the costs of advertising and mail notifications to adjacent property owners.	

Submit Applications To:

Battlefield City Hall
5434 Tower Drive
Battlefield, MO 65619
(417) 883-5840
(417) 883-8189 FAX

Attachment A

Planned Development Districts Battlefield Zoning Regulations

Section 5.9 Planned Development District

5.9.1 **Purpose.** The purpose of Planned Development Districts is to enable greater flexibility, creativity, and innovation in land development and design than is normally possible under traditional zoning regulations. Planned Development Districts must meet specific criteria to ensure the protection of health, safety, and welfare, and be in accordance with the intent and purposes of the Battlefield Comprehensive Plan.

Specifically, it is the purpose of Planned Development Districts to achieve one or more of the following goals:

- A. Careful, creative design that is architecturally harmonious and maintains a positive visual impact on the community and that creates a sense of place.
- B. More efficient use of land, public services and infrastructure.
- C. Preservation and protection of significant natural features such as streams, trees, topographic features, and significant cultural features.

5.9.2 **Authority.** The Board of Aldermen is authorized to establish Planned Development Districts which may differ from the provisions of the other zoning districts of this Ordinance, but are congruent with the spirit and intent of this Ordinance and the Battlefield Comprehensive Plan.

5.9.3 Planned Development Districts -- General Provisions

- A. Planned Development Districts shall be established on a parcel of sufficient size to be planned and developed. Mixed-Use Planned Development Districts shall be established on a minimum of five (5) acres, and Residential Planned Development Districts shall be established on a minimum of ten (10) acres. The entire tract or parcel of land for the Planned Development District must be held in single ownership, or the application for the Planned Development District must be filed jointly by multiple owners.
- B. All Planned Development Districts shall comply with the following guidelines:
 - 1. The Planned Development District should not have an adverse impact on the property value of adjacent land, nor should it hinder the implementation of the Battlefield Comprehensive Plan.
 - 2. Planned Development Districts must provide for adequate traffic circulation within the development, and must provide adequate connectivity with all modes of the city-wide transportation network.
 - 3. No Planned Development District should impose an undue burden on public services, facilities and infrastructure.
 - 4. The location of structures, parking areas, walks, lighting, and streets shall be compatible with surrounding land uses; landscaping should be used where there are no structures, parking and loading areas, or accessways.
 - 5. A Planned Development District may be developed in phases, provided that no phase or unit of development shall be constructed without proportional

development of common open space (if any is to be provided). The residential density at any phase shall not exceed more than twenty (20) % of the proposed residential density of the entire development.

6. The Commission may modify the period of time for completing the entire development and commencement date for each phase of the planned development if the applicant can show good cause for doing so, provided that in no case shall any extension exceed twelve (12) months.
 7. The applicant shall provide and record easements and covenants and furnish other guarantees deemed necessary by the Board of Aldermen to assure performance in accordance with the final development plan and to protect the public interest in the event of abandonment before the development's completion.
 8. Planned Development Districts shall comply with the off-street parking and loading area requirements of Article IX of this Ordinance.
 9. Specifications for the design of streets and highways, alleys, public utilities, curbs, sidewalks, street lights, public playgrounds and parks, storm water drainage, water supply and distribution, and sanitary sewers and collection shall comply with the City of Battlefield Design Standards for Public Improvements.
 10. The Commission may waive or modify such requirements if the Commission finds that the specifications will not harm the health, safety, and welfare of the residents of Battlefield, and that amended specifications would conform to the Battlefield Comprehensive Plan and the intent of this Ordinance. However, no modification shall:
 - (a) Allow the use of other than public sewers and public water supply.
 - (b) Permit private or gated streets in a Planned Development District.
- C. The total number of dwelling units in a Planned Development District shall not exceed the maximum number of units allowed in the development's underlying zoning district or districts. The density of dwelling units in a Planned Development District shall also conform with the lot and bulk regulations of this Ordinance unless the Commission approves a development plan that includes design and infrastructure elements to accommodate greater densities in localized areas of the development using these guidelines:
1. Any reduction in minimum lot size shall be compensated by equivalent common open space in the balance of the development.
 2. The Commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in a particular location.
 3. The total ground area occupied by buildings and structures shall not exceed thirty-five (35%) percent of the total ground area of the planned development. If previous development in the neighborhood exceeds coverage of thirty-five (35%), the coverage area of the Planned Development District may be increased to correspond with that of the neighborhood as a whole.

4. All residential lots in a Planned Development District shall meet the following minimum lot requirements:
 - (a) Minimum 35-ft. front yard setback.
 - (b) Minimum 45-ft. rear yard setback.
 - (c) Minimum 10-ft. side yard setbacks.
 - (d) A minimum lot width of 80 ft.

D. Common Open Space

1. The amount and location of common open space in a Planned Development District shall be consistent with its declared function in the application.
2. The development plan shall include provisions for the ownership and maintenance of common open space as is necessary to ensure its continued care and conservation. The development plan shall also provide for remedial measures that will be available to the City of Battlefield should the common open space deteriorate or not be maintained in a manner consistent with the interests of the residents of the Planned Development District or the residents of Battlefield.
3. Adequate safeguards such as recorded covenants shall be provided in the Planned Development District to ensure that no residential structure is ever constructed in the common open space and to prevent use of the common open space which is inconsistent with the intent of the development plan.
 - (a) The development plan shall specify and identify all facilities and structures to be included in common open space.
 - (b) Any change in the number or type of facilities and structures located in common open space shall constitute a significant change in the planned development plan, and must be reviewed by the Planning and Zoning Commission and approved by the Board of Aldermen, after public hearings have been held before both bodies.

5.9.4 Residential Planned Development Districts

- A. Residential Planned Development Districts include dwelling units in detached, semi-detached, and attached dwelling units, and cultural or recreational uses intended to serve residents of the neighborhood. The purpose of a Residential Planned Development District is to allow for creativity in residential design, allow for a mixture of residential density within the same development, and encourage the conservation of significant natural or cultural features.
- B. Residential planned developments may be located in the R-2 and R-3 Residence Districts and may include any of the permitted and conditional uses allowed in the districts, contingent on the design, intensity, and context of surrounding land uses:
- C. The highest intensity of residential use in a Residential Planned Development District shall not exceed the highest intensity use allowed in the parcel's underlying zoning district. The Board of Aldermen may, however, allow a higher intensity use than would normally be allowed in the underlying zoning district if the applicant can show that the design of the development will minimize the impact of the greater intensity, and that the

greater intensity will not jeopardize the health, safety and welfare of Battlefield residents or the provision of public services.

5.9.5 Mixed-Use Planned Development Districts

- A. The purpose of a Mixed-Use Planned Development District is to promote greater convenience and innovative use of land within the same planned development. Mixed-Use Planned Development Districts may include a combination of residential, office, commercial, and light industrial uses. A mixed-use planned development must include a commercial or light industrial use; any development including only residential uses must be developed as a Residential Planned Development District. A Mixed-Use Planned Development District must be located in a C-1, C-2, or M-1 zoning district.
- B. Mixed-Use Planned Development Districts are also subject to the following provisions:
 - 1. Screening and buffering in accordance with the provisions of Article VIII may be required between commercial, industrial, and/or residential uses within a Planned Development District or adjacent to the Planned Development District.
 - 2. The Board of Aldermen may restrict or require restrictive covenants prohibiting certain uses normally permitted in any of the above districts and their hours of operation if those uses will have an adverse impact on other properties located in or adjacent to the planned development. Considerations for the limitations of such uses include:
 - (a) The impact of dust, chemicals, noise, and other pollutants on surrounding properties.
 - (b) The impact of the hours of operation of a use and the enjoyment of surrounding property.
 - (c) The impact of traffic, freight pickup or deliveries, and lighting on surrounding uses.
 - (d) Outdoor storage and the storage or manufacturing of hazardous materials.
 - 3. Residential uses may share the same multi-story structure with a commercial use, provided that residential dwelling units are limited to the secondary floors of the structure, and that the Board of Aldermen determines that any such an arrangement will not adversely affect the health, safety, and welfare of the residents of any such units.

5.9.6 Preliminary Development Plan-All Planned Development Districts

- A. The applicant shall prepare a preliminary development plan for a Planned Development District and submit it to the City Clerk. The applicant shall also submit a preliminary plat concurrent with the preliminary development plan. The application for the preliminary development plan must include the following:
 - 1. Survey of the tract that is to be developed, showing streets, alleys, easements, utility lines, and topographic and physical features.
 - 2. A site plan showing the location and arrangement of existing and proposed structures, proposed traffic circulation within the development, parking and loading areas, ingress and egress points, proposed and existing land uses,

zoning districts, proposed lots and blocks, public and common open spaces, parks, playgrounds, school sites, and recreational facilities.

3. A statement that includes the anticipated residential density (when applicable), proposed total gross floor area, and the percentage of the development to be occupied by structures.
4. Preliminary sketches of proposed structures and landscaping.
5. A schedule of development for each phase or unit, if the development is to be constructed in phases or units.
6. Evidence that the applicant has sufficient control over the tract of land to effectuate the plan, including a statement of all ownership and beneficial interests in the parcel.
7. A survey of the impact of the Planned Development District on traffic circulation and number of trips in the vicinity of the proposed development.
8. A statement showing the relationship of the Planned Development District to the Battlefield Comprehensive Plan.
9. In Mixed-Use Planned Development Districts, a statement indicating the types of business and/or industries to be included in the development.
10. If common open space, common recreational facilities, or common public facilities are part of the proposed development, a statement describing the provisions for maintaining common facilities. If a non-governmental authority will be responsible for common areas, copies of that entity's proposed articles of incorporation or bylaws must be included.
11. Statement of proposed restrictive covenants that are to be recorded with respect to property included in the Planned Development District. The proposed restrictive covenants shall include, at a minimum, the following provisions:
 - (a) The developer shall remain responsible for all common areas until at least sixty (60%) percent of all lots are sold.
 - (b) The developer may transfer interest in and to the common areas of the planned development after at least sixty (60%) percent of the lots are sold, but said developer shall remain responsible for the common areas until all lots in the development are sold, should the Homeowners' Association fail to do so.
 - (c) There shall be established a Homeowners' Association, which shall be responsible for the common areas of the planned development.
 - (d) The Homeowners' Association shall establish a Board of Directors and the Board of Directors shall have responsibility of collecting the assessment and maintaining the common areas.
 - (e) Responsibility for the planned development's common areas shall include maintenance, repairs, regular mowing, clean-up, and any other action necessary to maintain and keep in proper condition, all common areas in the development.

- (f) The Homeowners' Association shall be required to establish an annual assessment for each lot, which assessment shall be a lien on each lot owner's property, and which accumulatively shall be in sufficient amounts to pay for the costs of all maintenance of the common areas.
- (g) The City shall have the right, but not the duty, to enforce maintenance of the common areas.
- (h) Any proposed dissolution of the Homeowners' Association shall be subject to the approval of the City and shall include a proposal for continued maintenance of the common areas.

5.9.7 Actions of the Planning Commission

- A. The Commission shall hold a public hearing on the preliminary development plan in accordance with the provisions of Article III within sixty (60) days after the preliminary development plan application has been filed with the City Clerk.
- B. The Commission shall determine its findings regarding the compliance of the preliminary development plan with the standards in Subsection 5.9.3 and Subsection 5.9.4, and transmit those findings to the Board of Aldermen and the applicant within thirty (30) days of the public hearing of the preliminary development plan.
- C. The Commission shall also submit its recommendations regarding approval, disapproval, approval with amendments, conditions, or restrictions of the preliminary development plan to the Board of Aldermen at the same time that it submits its findings concerning compliance with Sections 5.9.3 and 5.9.4.

5.9.8 Actions of the Board of Aldermen

- A. The Board of Aldermen shall hold a public hearing and approve or disapprove the preliminary development plan within thirty (30) days after it received the findings and recommendations of the Commission concerning the preliminary development plan.
- B. If the preliminary development plan is disapproved, the City shall provide the applicant with a written statement of the reasons for disapproval of the plan.
- C. The Board of Aldermen may alter the preliminary development plan, and impose such restrictions and conditions on the planned development as it may deem necessary to ensure that the development will be in harmony with the general purpose and intent of this ordinance and with the Battlefield Comprehensive Plan.
- D. When the Board of Aldermen alters the preliminary development plan, or imposes any restrictions or conditions on such plan, the applicant shall have fifteen (15) days within which to file an acceptance of such alteration, restriction or condition with the Board of Aldermen.
- E. When an acceptance is required by this Section, no ordinance approving a preliminary development plan and establishing a planned development district shall be adopted until such acceptance had been filed with the Commission.

5.9.9 Approval of Planned Development District

- A. A Planned Development District shall be considered an amendment to the zoning regulations. Any ordinance approving the planned development shall specify the zoning regulations and restrictions that will apply to the Planned Development District pursuant

to the preliminary development plan, and shall set such boundaries on a map that is incorporated and published as a part of such ordinance, with the designation RPD for Residential Planned Development Districts and MPD for Mixed-use Planned Development Districts.

- B. Any such ordinance shall also specify the conditions and restrictions that have been imposed by the Board of Aldermen on the planned development, and the extent to which the otherwise applicable district regulations have been varied or modified. When the Commission has designated divisible geographic sections of the development that may be developed as a unit, the ordinance shall authorize the Commission to modify the schedule of development to the extent set out in Section 5.9.3.B.
- C. When the preliminary development plan is approved, and the applicant has accepted any restrictions, conditions, or alterations to the plan, the Board of Aldermen shall specify the zoning regulations and restrictions that apply in the planned development district, pursuant to the preliminary development plan, or set such boundaries out on a map that is incorporated as a part of such ordinance.
- D. The City Clerk shall transmit a copy of the ordinance approving and adopting the Planned Development District to the applicant. The Planned Development District will also be noted on the official zoning map maintained at Battlefield City Hall.
- E. Preliminary approval of a development plan shall not qualify as a final plat of the planned development for recording.
- F. A preliminary development plan which has been approved, or approved with modifications which have been accepted by the applicant, shall not be modified, revoked or otherwise impaired, pending the application for approval of a final development plan or plans, by any action of the City without the consent of the applicant. However, such a plan may be modified if the applicant fails to meet time schedules for filing a final development plan, fails to proceed with development in accordance with the plans as approved, or fails to comply with any condition of this Section or any approval granted pursuant to it in any other manner.
- G. If no time is specified in the ordinance approving the preliminary development plan, then an application for approval of a final development plan, or of each of its phases, shall be filed within one (1) year.
- H. The preliminary development plan may be revoked if the applicant, after the approval of the preliminary development plan but before the approval of the final development plan:
 - 1. Chooses to abandon the development plan and provide written notification to the Commission of such action.
 - 2. Fails to file an application(s) for approval of a final plan within the required time period
- I. Any portion or total of the planned development not given final approval shall be subject to all provisions of the zoning regulations as amended and any other ordinance as amended that was applicable prior to the approval of the preliminary plan. The Board of Aldermen shall adopt an ordinance repealing the Planned Development District for that portion not given final approval and re-establishing the zoning and other ordinances applicable to the land immediately prior to the Planned Development District. Any such revocation shall be noted on the official zoning map.

5.9.10 Final Development Plan-All Planned Development Districts

- A. An application for the approval of a final development plan must be filed for all the land in the planned development or one of its phases. Such application shall be filed by the applicant with the City Clerk and shall be in substantial compliance with the preliminary development plan as approved. The final development plan application shall be filed at least fifteen (15) working days prior to the Commission meeting at which the development plan will be considered. The applicant shall not submit a final development plan for approval until the preliminary plat for the development has been approved by the Board of Aldermen. The applicant shall also submit a final plat, if applicable, in conformance with the requirements of the Battlefield Subdivision Regulations, concurrent with the final development plan. Substantial compliance of the final development plan with the preliminary development plan shall mean that the final plan does not:
1. Vary the proposed gross residential density or intensity of use by more than five percent.
 2. Increase the floor area of non-residential uses by more than five percent.
 3. Increase the total ground area covered by buildings more than five percent.
 4. Involve a reduction of the area set aside for common open space.
- B. The application for approval of a final development plan shall include:
1. A site plan in conformance with the requirements of Article III.
 2. Preliminary building plans, including floor plans and exterior elevations.
 3. Landscaping plans in accordance with Article VIII.
 4. Copies of any easements and restrictive covenants.
 5. Proof of the establishment and activation of any entity that is to be responsible for the management and maintenance of any common open space or facilities.
 6. Evidence that no lots, parcels or tracts or dwelling units in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such planned development.
- C. The applicant may elect to apply for the final approval of a portion or unit of a phased development, provided that the applicant is in accordance with the schedule approved in the preliminary plan and the time limits in the ordinance adopting the preliminary development plan.
- D. Although no public hearing is required on a final development plan that is in substantial compliance with the preliminary development plan as approved, the applicant shall have the burden to show the Commission good cause for any variation between the preliminary and final development plans.
- E. The Commission shall grant the final development plan approval within fifteen (15) days of the Commission meeting at which the final development plan is considered, if the following conditions are met:
1. The final development plan is in substantial compliance with the preliminary development plan.

2. No public hearing is required for the final development plan.
 3. The application for final development plan approval has been submitted with all required components to the Commission.
- F. In the interest of the public's safety, health and welfare, the Commission may, after a meeting with the applicant, refuse a final development plan that has variations from the preliminary plan but still is in substantial compliance with the preliminary plan.
1. The Commission must take such action with twenty-one (21) working days from the filing of the application for final approval and advise the applicant in writing the reasons of such refusal.
 2. The applicant shall have the opportunity to reapply for approval of the final development plan with a reverted version that does not include the objectionable variations from the preliminary plan.
 3. If the Commission informs the applicant of the refusal after the time limit for reapplication has expired, the applicant may have sixty (60) additional days to file the final development plan without the objectionable variations.
 4. If the applicant fails to file within this time period, it will be presumed that the applicant has refused to accept the requirements set forth by the Commission and final approval is deemed to be denied.
- G. Should the final development plan not be in substantial compliance with the preliminary development plan as approved, the Commission shall notify the applicant in writing of this fact within ten (10) working days of the date the decision was made, specifying the reasons why the final development plan is not in substantial compliance with the preliminary development plan.
1. The applicant may make the changes required by the Commission to bring the final development plan into compliance, or the applicant may request that the Commission hold a public hearing on the application for final approval.
 2. Any such public hearing shall be conducted in the manner prescribed in Article III.
 3. Within thirty (30) days of the conclusion of the public hearing the Commission shall by resolution either grant or deny approval of the final development plan.
 4. The grant or denial of approval of the final development plan shall follow the form and contain the findings of the preliminary development plan, as set out in Section 5.9.8 of this Article.
 - (a) The applicant must take either alternative action within the time period specified for final approval. In the event that the Commission informs the applicant of the matter when the time to request for final approval has expired, the applicant shall have sixty (60) additional days to apply for final approval.
 - (b) If the applicant takes no action, it will be presumed that the applicant has abandoned the plan.

- H. A final development plan, or any unit thereof, that has been approved by the Planning Commission shall be so certified by the City Clerk and shall be filed in the Office of the City Hall and shall be recorded by the Greene County Recorder of Deeds. No final development plan shall be recorded nor shall any lot be sold or transferred until all public improvements have been installed in accordance with the final development plan and final plat, if applicable. In the event the Commission fails to act, either by grant or by denial of final approval within the prescribed time, the final plan shall be deemed to be approved.
- I. Pending the completion of the planned development within a reasonable time, any approved final development plan, as approved, shall be immune to modification except with the consent of the applicant.
- J. If a final development plan or one of its phases is approved, and the applicant abandons part or all of the development plan and notifies the City in writing; or fails to complete the planned development or one of its phases within a reasonable period of time after final approval has been granted, then no further development shall take place on the property until that property has been reclassified by enactment of an amendment to this Ordinance as prescribed in Article III.

5.9.11 Amendments to Planned Development District

A Planned Development District ordinance or an approved preliminary or final development plan may be amended by the Board of Aldermen, but only after a finding of fact and recommendations have been prepared by the Commission and transmitted to the Board of Aldermen in the manner required by Article III. Both the Commission and the Board of Alderman shall hold public hearings on any such amendment before taking action on the amendment, in accordance with the provisions of Article III.