

ARTICLE 9

PLANNED UNIT DEVELOPMENT

9-101 **PREAMBLE:** The City of Merriam desires to take full advantage of modern design, construction, technology and planning methods that will advance and promote the sound growth and general welfare of the City; strengthen and sustain it's economic potentials; and provide safe, efficient, economic municipal services and establish appropriate patterns for the distribution of population, commerce and industry in a variety of accommodations which are free and compatible with a modern way of life and are coordinated with the protection and enhancement of natural beauty and resources and in harmony with their surroundings, both within and outside the City. The City also desires to provide parks, playgrounds and recreational facilities in relationship to each other and in conformity to the development of the City as a whole.

- A. The municipal administrative authority designated to act under these Regulations shall be the Merriam City Planning Commission provided the Governing Body shall also approve all Planned Unit Development as specified herein.
- B. The person designated to receive plans shall be the Zoning Administrator.

9-102 **GENERAL PROVISIONS:**

- A. The Governing Body may by ordinance approve the establishment of a Planned Unit Development District for any parcel or tract of land which is suitable for and which consists of a minimum of one acre in size to be planned and developed or redeveloped, as a unit in a manner consistent with the intent and purpose of these Regulations and with the comprehensive plan.

By maintaining this architectural control, a form of aesthetics as regards to light, air, open space, green grass, trees, shrubbery, lighting and relationship to other buildings is achieved by the City.

- 9-102 B. A Planned Unit Development District may be established for a Residential Planned Unit Development or for a General Planned Unit Development. A development shall be deemed to be a Residential Planned Unit Development when it is limited to dwelling units in detached, semi-detached, attached or multi-storied structures, modular units or any combination thereof; and non-residential uses of a religious, cultural, recreational or restricted character that are primarily designed and intended to serve the residents of the Residential Planned Unit Development. A development shall be deemed to be a General Planned Unit Development when it contains office, commercial and/or industrial structures and uses exclusively: or when it blends residential

structures or dwelling units in a unified plan with office, commercial and/or industrial structures and uses.

9-102 C. Residential, commercial and industrial structures and uses in Planned Unit Development Districts shall comply with the limitation of use standards and the applicable bulk regulations, standards for any residential, office, commercial, or industrial district in which any contemplated use is first permitted in these regulations and with the off-street parking and loading requirements contained in Article 7. These Regulations shall apply unless modified by the Planning Commission or Governing Body.

9-102 D. The Kansas statutes annotated, which direct the method of establishment of conventional zoning, shall not be applied to the improvement of land by other than lot by lot development.

9-103 STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS

- A. FOR ALL PLANNED DEVELOPMENTS: A development plan that is consistent with the standards set out in this Section 9-102 or with such general policies or specific rules and regulations for Planned Unit Development Districts as may be adopted from time to time by the Governing Body or the Planning Commission and placed on public record in the Office of the Zoning Administrator shall be prima facie qualified for preliminary approval. No such policies, rules or regulations shall be revised or added to so as to be applicable to a specific proposal for a Planned Unit Development after an application for preliminary approval of a specific development has been filed. A development plan shall be consistent with the following standards for use of land and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:
1. The Planned Unit Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
 - 9-103 2. The Planned Unit Development will not substantially injure or damage the use, value and enjoyment of surrounding property and/or will not hinder or prevent the development of surrounding property in accordance with the recommended Land Use Plan.
 3. The site will be accessible from public roads which are adequate to carry the traffic that shall be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided

without expense to the City when the City Governing Body determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

4. The development will not impose an undue burden on public services and facilities, such as but not limited to, fire, police protection, streets, and the highway system, stormwater drainage, or sanitary sewers. A stormwater drainage study and/or a traffic study may be required,
 5. The entire tract or parcel of land to be occupied by the planned development shall be contiguous and held in a single ownership, or if there are two or more owners, the application for such planned development shall be filed jointly by all such owners.
 6. The development plan shall contain such proposed covenants, easements and other provisions relating to; the bulk, location and density of residential buildings, nonresidential uses and structures and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the development plan as finally approved, may be modified, removed or released only with the consent of the Governing Body after a public hearing before and with recommendations by the Planning Commission as provided in Section 9-104(B)(1) of this Article. All such covenants shall specifically provide for enforcement by the City in addition to that of the landowners within the development. Maintenance of stormwater easements shall be the responsibility of the property owner.
- 9-103
7. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit and shall, in such case, specify reasonable periods within which development of each such unit must be commenced. In the case of Residential Planned Unit Development and General Planned Unit Developments which contain residential buildings, the Planning Commission may permit in each Unit deviations from the number of dwelling units per acre established for the entire Planned Unit Development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected. The period of time established for the completion of the entire development and the commencement date for each section thereof may be modified from time to time by the Planning Commission, upon the showing of good cause by the developer, provided that in no case shall any extension of time exceed 12 months. The developer shall provide and record easements and

covenants, shall make such other arrangements and shall furnish such performance bond, escrow deposit or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and the City Subdivision Regulations and to protect the public interest in the event of abandonment of said plan before completion.

- 8. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, parking and loading areas or accessways, shall be landscaped or otherwise aesthetically improved. A portion of the areas being developed shall be devoted to landscape beautification and natural plant growth. The purpose of this requirement is to improve the appearance, environment and value of the total urban area and to protect nearby properties thereby promoting the public health and general welfare.
- 9. When business or manufacturing structures or uses in a Planned Unit Development district abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or manufacturing structure in a planned development district be located nearer than 100 feet to a residential building outside the development.
- 9-103 10. Notwithstanding any of the other provisions of this ordinance, when a shopping center is developed as a Planned Unit Development district, such shopping center shall comply with the provisions of Article 7 of these Regulations.
- 11. The specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, aesthetic considerations, stormwater drainage, water supply distribution, and/or sanitary sewers, as established in the Subdivision Regulations of the City as may be amended from time to time, within the limits hereinafter specified, may be waived or modified by the Planning Commission where the Commission finds that such specifications are not required in the interests of the residents or occupants of the Planned Unit Development and that the waiver or modification of such specifications would not be inconsistent with the interests of the entire City Planning Area. The City should set out:

- a. Any customary public service specifications and platting design controls which it will not modify or waive under any circumstances; and
- b. In cases where it is willing to modify any specifications, the limits of such modifications.

An example of the former might relate to sewer, water and street design construction standards. Examples of the latter might be to modify or totally waive a requirement for sidewalks or a specified reduction in street widths.

- 12. Any modifications of the zoning or other regulations that would otherwise be applicable to the site must be warranted by the design of the development plan and the amenities incorporated in it and must not be inconsistent with the interest of the general public.
- 13. Private streets may be permitted instead of public streets in dedicated right-of-way. Design standards contained in Chapter 24, Merriam Code of Ordinances shall not be modified for private or public street.

9-103 B. STANDARDS FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS AND GENERAL PLANNED UNIT DEVELOPMENTS CONTAINING RESIDENTIAL BUILDINGS:

- 1. Any development plan that does not propose to increase the number of dwelling units per acre otherwise applicable to and permitted on the property under these regulations shall be prima facie qualified for preliminary approval regarding residential density. If there are unique and unusual circumstances, a development plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the zoning regulations applicable to the site. However, the developer has the burden to show that such excess density will not have an adverse or undue impact on existing public facilities and/or on the reasonable enjoyment of neighboring property. In determining the reasonableness of a proposed increase in the number of dwelling units per acre, the Planning Commission shall recognize that increased density may be compensated for by a request for additional private amenities and by increased efficiency in public services to be achieved by negotiating:
 - a. The location, amount, and use of common open space.
 - b. The location, design, and type of dwelling units.

The Planning Commission shall also consider that the physical characteristics of a site may make increased densities appropriate in a particular location.

2. When common open space is provided in a development plan, the amount and location of such common open space shall be consistent with the declared function of the common open space as set forth in the application for a Planned Unit Development district. The development plan shall include such provisions for the ownership and maintenance of the common open space as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the Planned Unit Development or of the entire City Planning Area.
- 9-103 3. When a Planned Unit Development includes common open space and permanent easements, such common open space shall never be used for the construction of any structure, nor shall such open space ever be computed as a part of the required minimum lot area, or any required yard of any other structure. Adequate safeguards, including recorded easements and covenants shall be provided to prevent the subsequent development of, and the future construction of structures on, such open space, except for stormwater control structures or public utilities.
4. A minimum of 35% of the land area devoted to residential use shall be set aside and developed for open air recreation uses, common open space or green area. Land devoted to residential use is defined as the total noncommercial ground area of the PUD exclusive of the area set aside for nonresidential structures and public streets. Common open space shall be defined as an open green area designed and developed primarily for the use and benefit of the residents of the development for recreation, courts, gardens, or open space; it shall not include space devoted to public or private streets, and parking for residential and nonresidential uses.
5. Nonresidential uses of a religious, educational or recreational nature shall be designed or intended primarily for the use of the residents of the Planned Unit Development.
6. Nonresidential uses of a business character shall be designed or intended to serve principally the residents of the Planned Unit Development. No structure designed or intended to be used, in part or in whole, for commercial or office purposes shall be constructed prior

to the construction of less than 50 percent of the dwelling units proposed in the development plan.

7. Planned Unit Developments in areas that are on the fringes of urban development or are in largely undeveloped areas shall maintain the following minimum yards:
 - (a) The distance at the closest point between any structure and the boundary of the lot shall be at least two times the perpendicular distance from the lowest first floor window sill to the highest point on the roof of the structure.
 - (b) When two or more structures are located in any proposed Planned Unit Development, the distance at the closest point between any two structures containing residential uses or between a structure containing residential uses and any other structure, shall be equal to two times the perpendicular distance from the lowest first-floor window sill of any structure containing residential uses to the highest point on the roof of the other structure.

9-104 **PROCEDURE FOR SECURING APPROVAL OF A PLANNED UNIT DEVELOPMENT AND THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT**

A. **PRELIMINARY DEVELOPMENT PLAN:**

1. A developer seeking the establishment of a Planned Unit Development District shall prepare and submit to the Planning Commission a preliminary development plan for such Planned Unit Development District.
2. The preliminary development plan shall contain the following documents and information:
 - a. A survey of the tract that is to be developed showing the existing features of the property, including streets, alleys, easements, utility lines, existing land use, general topography, stormwater channels and physical features.
 - b. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress, including access streets where required, the relationship of

abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites, sidewalks and recreational facilities.

- 9-104
- c. A preliminary plat of subdivision for which approval has been secured pursuant to the applicable rules and regulations relating to the City Subdivision Regulations.
 - d. A statement documenting the anticipated residential density (when applicable), the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
 - e. Preliminary sketches of the proposed structures, parking, lighting and landscaping.
 - f. When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a residential density that exceeds by more than 20 percent the proposed residential density of the entire planned development. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development.
 - g. Evidence must be submitted documenting that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
 - h. When it deems it to be necessary, the Planning Commission may require a traffic study analyzing the effect that the Planned Unit Development will have upon traffic in the streets in an effort to minimize the burden of traffic on streets, highways and thoroughfares adjacent to and in the vicinity of the proposed development.
 - i. A statement showing the relationship of the Planned Unit Development to the Comprehensive Plan and Future Land Use Plan for the City Planning Area.

- 9-104
- j. In the case of a General Planned Unit Development, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.
 - k. When a Planned Unit Development includes provisions for common open space, permanent easements or recreational facilities, a statement is required describing the provision made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
 - l. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development District.
 - m. Sketches showing the size, type and location of signs, which shall conform with Article 6 of these Regulations.
 - n. A stormwater management study by a licensed engineer.
 - o. When deemed necessary, the Planning Commission may require an environmental impact study. Such study shall be prepared by a qualified independent person or agency.

9-104 B. ACTION ON PRELIMINARY DEVELOPMENT PLAN:

- 1. Hearing, Findings and Recommendation of Planning Commission: The Planning Commission shall, within 60 days after a preliminary development plan is filed, hold a public hearing on the preliminary development plan after giving the notice required by Section 11-202 of these Regulations for hearings on amendments. Such public hearing shall consider all aspects of the preliminary development plan including all proposed stages and/or units of development. Within 30 days after the last public hearing on such plan, the Planning Commission shall prepare and transmit to the Governing Body and to the developer specific findings of fact with respect to the extent to which the preliminary development plan complies with the standards set out in Section 9-104 of this Article, together with its recommendations to the Governing Body with respect to the action to be taken on the preliminary development plan. The Commission may recommend disapproval, approval or approval with amendments,

conditions or restrictions. Copies of the findings and recommendations of the Planning Commission shall be made available to any other interested persons.

- 9-104 2. Action by the Governing Body: The Governing Body shall approve or disapprove the preliminary plan within 30 days after it has received the findings and recommendations of the Planning Commission. If the preliminary development plan is disapproved, the developer shall be furnished with a written statement of the reasons for disapproval. If the preliminary development plan is approved and a valid protest petition has been submitted, the signers of the petition shall be furnished with a written statement of the reasons for approval. If the preliminary development plan is approved, the Governing Body shall, after receiving from the developer any acceptance required by Section 9-104 (B) (3), adopt an ordinance approving the preliminary development plan and establishing a Planned Unit Development district for the parcel or tract of land included in the preliminary development plan.
- 3. Disapproval of Planning Commission Recommendation or Modification or Changes in Preliminary Plan: The Governing Body may disapprove the recommendation of the Planning Commission. When so disapproved, the Governing Body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval and/or the need for further study.

The Governing Body may modify or 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 these Regulations and with the Comprehensive Plan of the City.

When the Governing Body requests a modification or alters the design or density of the development plan, said recommendations shall be returned to the Planning Commission and the developer shall have 45 days to accept such changes and file an amended preliminary plan with the Planning Commission. The Governing Body shall take no action approving a preliminary development plan and establishing a Planned Unit Development District until such acceptance is filed with and acted upon by the Planning Commission and their recommendation forwarded to the Governing Body for consideration.

- 9-104 4. Restrictions, Covenants or Conditions: The Governing Body may impose restrictions, covenants or conditions on the planned development as it deems necessary to insure that the development will be in harmony with the general purpose and intent of these

Regulations. When such action is taken the developer shall have 15 days within which to file an acceptance of such restrictions, covenants or conditions with the Governing Body. When an acceptance is required by this section, no action approving a preliminary development plan and establishing a Planned Unit Development District shall be taken until such acceptance has been filed with the Governing Body.

5. Form of Approval: An ordinance adopted by the Governing Body approving a planned development and establishing a Planned Unit Development district shall specify the zoning regulations and restrictions that will, pursuant to the development plan, apply in the planned development district and shall describe the boundaries of such district or set such boundaries out on a map that is incorporated and published as a part of such motion.

Such ordinance shall also specify the conditions and restrictions that have been imposed by the Governing Body on the Planned Unit Development and the extent to which the otherwise applicable district regulations have been varied or modified. When the Planning Commission has designated divisible geographic sections of the development that may be developed as a unit, the motion shall authorize the Planning Commission to modify the schedule of development to the extent set out in Section 9-103(A)(7).

9-105 STATUS OF PRELIMINARY DEVELOPMENT PLAN AFTER APPROVAL

- A. Within seven days after the adoption of a motion by the Governing Body approving a preliminary development plan and establishing a Planned Unit Development district, such minutes shall be certified by the Clerk of the City and shall be filed in the office of the Zoning Administrator. A certified copy shall be mailed to the developer.
- 9-105 B. Preliminary approval of a development plan shall not qualify a Planned Unit Development for recording. A development plan, which has been given preliminary approval as submitted or which has been given preliminary approval with alterations, conditions and restrictions which have been accepted by the developer, and the developer has not defaulted nor violated any of the conditions of the preliminary approval, shall not be modified or revoked nor otherwise impaired by the action of the City pending an application or applications for approval of a final development plan without the consent of the developer. An application for final approval shall be filed, or in the case of staged developments, applications shall be filed, within the time specified in the ordinance granting approval of the preliminary plan. If no time is specified in the ordinance regarding the granting of approval of the

preliminary plan, then an application for approval of the final development plan or all stages thereof, shall be filed within one year.

- 9-105 C. In the event that a development plan is given preliminary approval and thereafter, but prior to approval of final development plan, the developer shall: (1) choose to abandon said plan and shall so notify the Planning Commission in writing; or (2) shall fail to file an application or applications for approval of a final plan within the required time period, the preliminary plan shall be deemed to be revoked. When a preliminary plan is revoked, all that portion of the preliminary plan for which final approval has not been given shall be subject to those provisions of the Zoning Regulations and other legal ordinances, that were applicable thereto immediately prior to the approval of the preliminary plan, as they may be amended from time to time. The Governing Body shall forthwith adopt an ordinance repealing the Planned Unit Development District of any portion of the development that has not received final approval and re-establish the prior zoning and other regulatory provisions that would otherwise be applicable.
- 9-105 D. The Governing Body's approval of the preliminary Planned Unit Development plan does not imply any permission to begin grading or any other work in a Planned Unit Development district; provided, however, that the Planning Commission, in its sole discretion, may authorize the issuance of permits for demolition of existing structures, removal of subsurface improvements, rough grading of the site and installation of utility or drainage improvements prior to approval of a final Planned Unit Development plan. (Ord. No. 1250, § 1, 9-25-95)

9-106 **APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN:**

- A. An application for approval of a final development plan may be filed for all the land included in a Planned Unit Development or for a stage or unit thereof. Such application shall be filed by the developer with the Planning Commission within the time specified in Section 9-103(B) of these Regulations and shall be in substantial compliance with the preliminary development plan as approved. The application shall include:
1. A detailed site plan showing the physical layout and design of all streets, easements, rights-of-way, lots, sidewalks, parking, blocks, green space, structures and uses.
 2. Preliminary building plans, including floor plans and exterior elevations.
 3. Landscaping plans.

- 4. Copies of any easements and restrictive covenants and proof of recording of the same.
- 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.
- 6. Evidence that no lots, parcels, 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.
- 7. Such bonds and other documents that may have been required pursuant to Section 9-103 (A)(7), 9-104(B)(4), and 9-104(B)(5).
- 8. Drawings showing size, type and location of signs.
- 9. Final lighting plan.
- 10. Final stormwater control plan.

In accordance with the schedule proposed in the application for approval of the preliminary plan, the developer may elect to file an application for final approval of only a geographic unit or units of the land included in the plan and may delay, within the time limits authorized by the Governing Body, application for final approval of other units. A public hearing by the Planning Commission on an application for approval of the final development plan or a unit thereof shall not be required, provided that the final plan for the unit thereof submitted for final approval is in substantial compliance with the Preliminary Development Plan theretofore given approval.

9-106 B. A public hearing is not required if the development plan submitted for final approval shall be in substantial compliance with the preliminary plan, as approved.

9-106 C. Although a public hearing need not be held on an application for approval of a final development plan when said plan as submitted for final approval is in substantial compliance with the preliminary plan, as approved, the burden shall be upon the developer to show the Planning Commission good cause for any variations between the preliminary plan, as approved, and the final development plan as submitted. In the event a public hearing is not required for final approval, and the application for final approval has been filed, together with all drawings, specifications and other documents required in support thereof, the Planning Commission shall, within 45 days of

such filing, grant such plan final approval; provided, however that in the event the final plan as submitted contains variations from the preliminary plan, as approved, but remains in substantial compliance with the preliminary plan, as approved, the Planning Commission may, after a meeting with the developer, refuse to approve the final plan and shall, within 45 days from the filing of the Final Development Plan for final approval, so advise the developer in writing of such refusal setting out the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the developer may refile his Final Development Plan for final approval without the variation objected to by the Planning Commission at any time within which he shall be entitled to apply for final approval. If the time for applying for final approval shall have expired at the time when the Planning Commission advised the developer that the variations were not in the public interest, then the developer shall have 60 additional days within which to refile his Final Development Plan for final approval without the said variation. If the developer shall fail to refile within said period, he shall be deemed to have refused to accept such requirements and final approval shall be deemed to have been denied.

- 9-106 D. In the event the Final Development Plan, as submitted for approval, is not in substantial compliance with the preliminary plan, as approved, the Planning Commission shall, within 14 days of the date the application for approval of the final plan is filed, so notify the developer in writing, setting out the particular ways in which the final plan is not in substantial compliance with the preliminary plan, as approved. The developer may make such changes in the final plan as are necessary to bring it into compliance with the preliminary plan, and he may file a written request with the Planning Commission that it hold a public hearing on his application for final approval. The developer may take either such alternative action at any time within which he would be entitled to apply for final approval, or within 60 additional days if the time for applying for final approval shall have expired at the time when the Planning Commission advised the developer that the final plan was not in substantial compliance. In the event the developer shall fail to take either of these alternative actions within said time, he shall be deemed to have abandoned the plan. Such public hearing shall be held, notice thereof shall be given, and the hearing shall be conducted in the manner prescribed in Chapter 20, Sec. 16 through 21, of the Municipal Code. Within 30 days after the conclusion of the public hearing, the Planning Commission shall by resolution either grant or deny approval of the final plan. The denial or approval of the final plan shall, in cases arising under this paragraph (D), be in the form and contain the findings required for a

recommendation on an application for approval of a preliminary development plan set out in Section 9-104(A) of these regulations.

- 9-106 E. A Final Development Plan or any unit thereof, that has been approved by the Planning Commission shall be so certified without delay by the Clerk of the City and shall be filed of record in the offices of the Zoning Administrator and the Register of Deeds before any development shall take place in accordance therewith. In the event the Planning Commission fails to act, either by grant or by denial of final approval within the time prescribed, the final plan shall be deemed to be approved by the Planning Commission and shall be forwarded to the Governing Body for final approval. Pending completion within a reasonable time of said planned development or of any unit thereof, that has been finally approved, no modification of the provisions of said plan or unit thereof, as finally approved, shall be made by the City except with the consent of the developer. When final approval has been granted, the same shall be noted on the Zoning Map by the Zoning Administrator.

- 9-106 F. In the event that a Final Development Plan or unit thereof is approved, and thereafter the developer shall: (1) abandon part of all of said development plan and shall so notify the Planning Commission in writing; or (2) shall fail to commence the planned development or unit thereof within 180 days after final approval has been granted, then no development or further development shall take place on the property included in the Final Development Plan until after the said property has been reclassified by enactment of an amendment to these Regulations in the manner prescribed for such amendments in Chapter 20, Sec. 16 through 21, of the Municipal Code.

9-107 **AMENDMENTS**

- A. A Planned Development District Ordinance or an approved preliminary or final development plan may be amended by the Governing Body, but only after a public hearing has been held pursuant to notice as set forth in Section 20-21 of the Merriam Code of Ordinances, and findings of fact and recommendations have been prepared by the Planning Commission and transmitted to the Governing Body in the manner required by Section 9-102(B)(1) hereof. (Ord. No. 1178 § 10/25/93)

- B. The above procedure shall also apply if the use of an existing building or structure within a Planned Unit Development is to be changed.

