

ARTICLE XII

"P" PLANNED OVERLAY DISTRICT

SECTION 6. FINAL PLAN APPROVAL.

1. After approval of a preliminary plan, the applicant shall submit an application for final approval. Said final application may include the entire planned development or may be for a unit or section thereof as set forth in the approval of the preliminary plan and shall include changes required in the approval of the preliminary plan. The application shall include twenty (20) copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in the zoning regulations for the "P" Overlay District.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification by the landowner of the plan as tentatively approved does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five (5%) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, or
 - b. Increase by more than ten (10%) percent the floor area proposed for non-residential use, nor
 - c. Increase by more than five (5%) percent the total neither ground area covered by buildings nor involve a substantial change in the height of buildings.
 - d. Substantially change the design of plan so as to significantly alter, as determined by the Ulysses City/County Planning Commission:
 - (1) Pedestrian or vehicular traffic flow.
 - (2) The juxtaposition of different land uses.
 - (3) The relation of open space to residential development.
 - (4) The proposed phasing of construction.

3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilities for water, storm water, sanitary sewers, or other public facilities.

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 in support thereof, the Ulysses City/County Planning Commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the Governing Body for its final approval.

4. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.

In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or section, he shall so notify the city thereof in writing. In the event the land owner shall fail to commence the planned development within eighteen (18) months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Ulysses City/County Planning Commission upon written application by the land owner.