

SECTION 5    EFFECT OF FINAL APPROVAL

- A.    The requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to this ordinance, whether conditionally or otherwise, shall not be changed for a period of two (2) years from the date of the resolution adoption, provided that in the case of major subdivisions, the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in this ordinance. If the developer has followed the standards prescribed for final approval and, in the case of a subdivision, has duly recorded the plat as required by this ordinance, the reviewing board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provision of this ordinance, the granting of final approval terminates the time period of preliminary approval, pursuant to this ordinance for the section granted, final approval.
- B.    In the case of a subdivision or site plan for a planned development of 50 acres or more or a conventional subdivision or a site plan of 150 acres or more, the reviewing board may grant the rights referred to in Subsection A. of this section for such period of time longer than two (2) years, as shall be determined by the reviewing board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible after final approval, economic conditions and the comprehensiveness of the development. The developer may apply for thereafter and the reviewing board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the reviewing board to be reasonable, taking into consideration: the number of dwelling units and nonresidential floor area permissible under final approval; the number of dwelling units and nonresidential floor area remaining to be developed; economic conditions; and the comprehensiveness of the development.
- C.    Whenever the planning board grants an extension of final approval pursuant to subsection A or B of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

SECTION 5 EFFECT OF FINAL APPROVAL (Cont'd)

- D. The planning board shall grant an extension of final approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before; what would otherwise be the expiration date of final approval ; or the ninety-first day after the developer receives the last legally required approval from other government entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection A or B of this section.