

SECTION 2 TIME FOR DECISION ON SUBDIVISION, SITE PLAN AND  
CONDITIONAL USES (Cont'd)

- G. The reviewing board will not provide any professional review outside the reviewing board meeting to applicants without the payment of a required escrow fee for review costs, as established in Section 31 of this Article.

SECTION 3 RIGHT UNDER PRELIMINARY APPROVAL

- A. Preliminary approval of a major subdivision or site plan, except as provided in subsection B of this section, shall confer upon the applicant following rights for a three year period from the date on which the resolution of preliminary approval is adopted.

1. The general terms and conditions on which preliminary approval was granted should not be changed, including but limited to;
  - a. use requirements;
  - b. layout and design standards for streets, curbs and sidewalks, if any;
  - c. lot size, yard dimensions and off-tract improvements;
  - d. and, in the case of a site plan, any requirements peculiar to site plan approval;

Except that nothing herein shall be construed to prevent the City Council from modifying, by ordinance, such general terms and conditions of preliminary approval, as related to public health and safety.

2. The applicant may submit for final approval on or before the expiration date of preliminary approval the entire or a section or sections of the preliminary subdivision plat or site plan.
3. The applicant may apply for, and the reviewing board may grant, extensions of such preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that, if the design standards have been revised by ordinance, such revised standards may govern.

SECTION 3 RIGHT UNDER PRELIMINARY APPROVAL (Cont'd)

4. In the case of a subdivision of or site plan for an area of 50 acres or more, the planning board may grant the rights referred to in sections 1, 2, or 3 of this section for such period of time, no longer than three years, as shall be determined by the planning board to be reasonable taking into consideration: (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development.

The applicant may apply for thereafter and the planning board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions, and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

5. Whenever the planning board grants an extension of preliminary approval pursuant to subsection 3 or 4 of this section and preliminary 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.
6. The planning board shall grant an extension of preliminary approval for a period determined by the board but not to exceed 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 the required approvals. A developer shall apply for the extension before; (1) what would otherwise be the expiration date of the preliminary approval or (2) the ninety-first day after the developer receives the last legally required approval from other governmental entities, which ever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection 3 or 4 of this section.

SECTION 3 RIGHT UNDER PRELIMINARY APPROVAL (Cont'd)

- B. In the case of a subdivision or site plan of an area of fifty (50) acres or more, the reviewing board may grant the rights referred to in subsection A.(1), (2) and (3) above for such period of time longer than three (3) years, as shall be determined by the reviewing board to be reasonable and taking into consideration: the number of dwelling units and non-residential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the reviewing board may grant an extension of preliminary approval for such an additional period of time as shall be determined by the reviewing board to be reasonable and taking into consideration: the number of dwelling units and nonresidential floor area permissible under preliminary approval; the potential number of dwelling units and non- residential floor area of the section or sections awaiting final approval; economic conditions; and the comprehensiveness of the development, provided that, if the design standards have been revised by ordinance, such revised standards may govern.