

## ARTICLE V

### PROCEDURE FOR APPROVAL OF MAJOR SUBDIVISIONS

#### 501 APPLICABILITY

This Article shall apply to all subdivisions that propose eleven (11) or more lots and to all subdivisions that propose the construction of a public street, regardless of the number of lots proposed.

#### 502 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary Approval of a Major Subdivision, the applicant or his representative may meet with the County Planning Director to obtain application forms and to discuss application procedures and applicable ordinance requirements.

The applicant shall contact the local municipality in which the proposed development is located to determine which local ordinances affect the proposed development and to obtain the necessary application forms for submitting the required applications to the local municipality, if any. At the time that Preliminary Application for approval of a Major Subdivision is filed with the Greene County Planning Commission, the applicant shall provide written evidence that he or she has contacted the local municipality and has determined the applicability of all local ordinances affecting the proposed development.

If the Municipality in which the proposed development is located has adopted a Zoning Ordinance, evidence of zoning approval from the Municipal Zoning Officer shall be submitted with an application for Preliminary Approval of a Major Subdivision.

ANo plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 402 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the AState Highway Law, before driveway access to a State highway is permitted.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared

by the Greene County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

The pre-application conference with the County Planning Director is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

A pre-application conference with the County Planning Director shall not constitute formal filing of any application for approval of a Major Subdivision, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the pre-application conference and the official date of filing of an application for Preliminary and Final Approval of a Major Subdivision under the terms of this Ordinance.

### **503 PRELIMINARY APPLICATION SUBMISSION**

The applicant shall file the application for Preliminary Approval of a Major Subdivision required by Section 504 to the County Planning Director at least thirty (30) calendar days prior to the regular meeting of the Planning Commission. If the thirtieth day falls on a Saturday, Sunday or holiday, the application shall be filed by the close of business on the preceding working day immediately preceding.

The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 504 of this Ordinance, including the Application Fee, have been received.

Upon receipt, the application shall be stamped with the date of receipt by the County Planning Director. Upon receipt, two (2) copies of the application shall be distributed to the Municipal Secretary of the local municipality in which the proposed development is located, if they have an engineer, they can send copy to them, two (2) copies to the Greene County Conservation District for review by the District and the Natural Resources Conservation Service. Additional copies may be requested for referral to any other appropriate review agency at the discretion of the County Planning Director.

The fee for these reviews shall be paid by the applicant in accordance with Section 1102.2 of this Ordinance.

During the review period between the date of receipt of the Preliminary Application by the County Planning Director and the next regular Planning Commission

meeting, the County Planning Director shall provide a written review of the Preliminary Application to the applicant with a copy to the Chairman of the Planning Commission. The County Planning Director's review letter shall require a written and/or graphic response and submission of the corrected Preliminary Application from the applicant by the close of business three (3) working days prior to the Planning Commission meeting, not including the day of the meeting in order for the Preliminary Application to be considered complete and officially filed by the Planning Commission at their next regular meeting.

At least three (3) working days prior to the regular meeting of the Planning Commission, the County Planning Director shall forward the complete and properly filed Preliminary Application to the Chairman of the Planning Commission along with a copy of his or her review and any comments from other review agencies or consultants.

In the event that the applicant fails to meet the deadline for submission of additional information or revised drawings, the Preliminary Application shall be tabled until the next regular meeting of the Planning Commission.

In all cases, the official date of filing of the Preliminary Application shall be the date of the Planning Commission meeting at which the Commission accepts the application as complete in content and properly filed, subject to the County Planning Director's written review. The official date of filing represents the beginning of the ninety (90) day period for review and action by the Planning Commission.

#### **504 PRELIMINARY APPLICATION CONTENT FOR MAJOR SUBDIVISIONS**

All applications for Preliminary Approval of a Major Subdivision shall be submitted in accordance with Section 503 of this Ordinance and shall include the following information:

- A. One (1) copy of the completed application form supplied by the County Planning Director;
- B. Application filing fee, as required by Section 1102.1 of this Ordinance;
- C. At least ten (10) days prior to the Planning Commission meeting at which the subdivision is being considered, the developer shall notify all property owners and adjacent municipalities within two hundred (200) feet of the subject property, as their names appear on the County Assessment Office tax records, by certified mail, return receipt requested. Said notice shall state the time and place of the meeting, a brief description of the plan, and shall indicate that said plan has been filed with the Planning Commission and is available for public inspection.

The developer shall also cause notice of the Planning Commission meeting to be published in a newspaper of general circulation in the County at least ten (10) days prior to the meeting.

Evidence of publication of the notice and copies of the return receipts shall be submitted to the County Planning Commission at least three (3) days prior to the meeting.

- D. Eight (8) copies of a Preliminary Plat, all drawings on sheets not exceeding thirty-four inches by forty-four inches (34" x 44") accurately drawn to a scale of not less than one inch equals one hundred feet (1" = 100') for subdivisions and at a scale of not less than one inch equals fifty feet (1" = 50') for a land development certified by a Pennsylvania Registered Land Surveyor as to existing features, design features and boundaries. (See Appendix A for additional plat specifications).

The Preliminary Plat shall contain or shall be supplemented with the following information:

1. Date. All revisions shall be noted and dated.
2. A key map showing the location of the tract with reference to the surrounding properties, existing streets and streams within one thousand (1,000) feet of the subdivision.
3. Title of development; North arrow; scale; County Assessment Office Map and Parcel Number; the name and address of the record owner; the name and address of the applicant; the name and address, license number and seal of the person preparing the subdivision. If the owner of the premises is a corporation, the name and address of the president and secretary shall be submitted on the application.
4. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten (10) seconds.
5. The names, as shown on current tax records, of all owners of property within two hundred (200) feet of the subdivision, together with the Map and Parcel numbers of the Greene County Assessment Office for said property.
6. If the Municipality in which the property is located has enacted a Zoning Ordinance, the Zoning District in which the parcel is located, together with the zone boundaries within two hundred (200) feet of the extreme limits of the property in question.

7. Survey data showing boundaries of the property, building or setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature, and seal of the surveyor shall be indicated.
8. A copy of any existing or proposed covenants, deed restrictions, modifications to this Ordinance or zoning variances covering all or any part of the parcel, shall be submitted with the application and, where appropriate, plat notations made.
9. The distance, measured along the right-of-way lines of existing streets abutting the property, to the nearest intersections with other public streets, if it is within two hundred (200) feet.
10. Location of existing buildings and all other structures, including walls, fences, culverts and bridges, with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
11. If applicable, Flood Hazard Zone boundaries.
12. Parcels of land, if any, proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes as may be required by the Planning Commission.
13. Existing and proposed contours, referred to United States Coast and Geodetic Survey datum, with a contour interval of two (2) feet for slopes of less than ten percent (10%) and an interval of five (5) feet for slopes of ten percent (10%) or more. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines.
14. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including previous flood elevations of watercourses, ponds and marsh areas as determined by survey.
15. All proposed streets, with profiles, indicating grading; cross sections showing the width of roadways and sidewalks.

16. Acreage, to the nearest thousandth of an acre of the tract to be subdivided and the acreage, in square feet, of all lots.

17. Plans of proposed sanitary and stormwater systems showing feasible connections to existing or any proposed utility systems. Pipe sizes, grades and direction of flow, locations and inlets, manholes or other appurtenances and appropriate invert and other elevations shall be indicated.

a. Stormwater

All stormwater facility plans shall be prepared in accordance with Section 810 of this Ordinance and shall be accompanied by a separate sketch showing all existing drainage within five hundred (500) feet of any boundary, and all areas and any other surface area contributing to the calculations, and showing methods used in the drainage calculations.

b. Sewage

When an individual sewage disposal system is proposed, the plan for such must be approved by the State Department of Environmental Protection and the Local Sewage Enforcement Officer.

In cases where either public sewage is available or extension of existing public sewage lines are needed, a letter from the Local Sewer Authority that they have been contacted in regard to the construction requirements for said facilities and that the necessary hook-up will be provided and approved by the Department of Environmental Protection (DEP). A notation should be on the plat identifying the Authority that will provide service.

18. The location and size of all existing and proposed waterlines, valves and hydrants.

For a public system, documentation is required from the local water authority indicating that they have been contacted in regard to the construction requirements for said facilities and that the source of supply will provide the necessary quantity and quality of potable water to each lot.

A statement indicating the type of water supply proposed. Where a public system is not proposed, the preliminary plat shall indicate the following declarations:

"The developer of the subdivision shown on this plat does not intend to provide potable water to lots or parcels shown on this plat from a public source; therefore the provision of an on-lot water source is the sole responsibility of the purchaser".

19. The location and size of all existing and proposed utilities, including rights-of-way and lines, proposed to serve the subdivision, including gas, electric and water.

Written documentation is required indicating that the appropriate utility company has been contacted and arrangements will be made for the installation of the utility system.

20. Plans for sediment and erosion control prepared in accordance with the requirements of Section 802.2 of this Ordinance.
21. If disturbance is over five (5) acres, evidence of application for the required N.P.D.E.S. Permit from the Greene County Conservation District.
22. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
23. If applicable, a notation on the plat that access to a municipal street requires a driveway permit from the local Municipality.
24. Such other information or data as may be required by the County Planning Commission or other governmental agencies for determination that the details of the subdivision are in accordance with the standards of this Ordinance and all other applicable laws, ordinances or resolutions.
25. Documentation in the form of a letter from the Municipality in which the proposed development is scheduled to take place, indicating that they have reviewed the proposed design.
26. Spaces for the signature of the Chairman and Secretary of the Planning Commission.

## 505 PRELIMINARY APPLICATION APPROVAL

### 505.1 Planning Commission Recommendation

At the first regular meeting of the County Planning Commission after submission of a Preliminary Application, the County Planning Commission shall either accept the application as complete in content and properly filed or table the application until the County Planning Director's review is addressed, if the application is incomplete or improperly filed. The acceptance of the application or tabling of the application by the Planning Commission shall be by motion adopted by the majority of the members present. If the application is tabled, as incomplete, a copy of the County Planning Director's written review citing the specific requirements of this Ordinance which have not been met shall be provided to the applicant or his representative by the Planning Commission.

The date of the County Planning Commission meeting at which the Preliminary Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the ninety (90) day period for County Planning Commission review and action on the application, unless the applicant agrees, in writing, to an extension of time. When possible, the Planning Commission may take action on the plan at the next regular meeting.

The County Planning Director shall present a written report at the County Planning Commission meeting which states whether an application complies with the requirements of this Ordinance and that report shall be included in the minutes at the County Planning Commission meeting. The County Planning Commission shall not act on the application until the report of the County Planning Director has been received and until the report from the local Municipality in which the development is located has been received or until forty-five (45) days has passed from the date of transmittal to the Municipal Secretary of the local Municipality.

Within ninety (90) days of the official date of filing of the Preliminary Application, the County Planning Commission shall either approve, approve with conditions or disapprove the Preliminary Application at a public meeting.

A letter indicating approval, approval with conditions or disapproval shall be mailed to the applicant within fifteen (15) days of the date of the decision. If the Preliminary Application is not approved, the County Planning Commission shall specify the defects found in the Preliminary Application and cite the requirements of this Ordinance which have not been met.

## 505.2 Conditional Approval

If at the time of Preliminary or Final Approval it is found that some items which had been applied for in a timely manner, had not been received, the Planning Commission may (as a Modification) give approval specifically conditional upon completion of these items.

## 505.3 Deemed Approval

Failure of the County Planning Commission to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

## 506 FINAL APPLICATION SUBMISSION

The applicant shall file the application for Final Approval of a Major Subdivision as required by Section 507 to the County Planning Director at least thirty (30) calendar days prior to the regular meeting of the Planning Commission. If the thirtieth (30th) day falls on a Saturday, Sunday or holiday, the application shall be filed by the close of business on the preceding working day immediately preceding.

The Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 507 of this Ordinance, including the Application Fee, have been received.

Upon receipt, the application shall be stamped with the date of receipt by the County Planning Director. Upon receipt, two (2) copies of the application shall be distributed to the Municipal Secretary of the local municipality in which the proposed development is located, if they have an engineer they can send them a copy, two (2) copies to the Greene County Conservation District for review by the District and the Natural Resources Conservation Service. Additional copies may be requested for referral to any other appropriate review agency at the discretion of the County Planning Director.

The fee for these reviews shall be paid by the applicant in accordance with Section 1102.2 of this Ordinance.

During the review period between the date of receipt of the Final Application by the County Planning Director and the next regular Planning Commission meeting, the County Planning Director shall provide a written review of the Final Application to

the applicant with a copy to the Chairman of the Planning Commission. The County Planning Director's review letter shall require a written and/or graphic response and submission of the corrected Final Application from the applicant by the close of business three (3) working days prior to the Planning Commission meeting, not including the day of the meeting in order for the Final Application to be considered complete and officially filed by the Planning Commission at their next regular meeting.

At least three (3) working days prior to the regular meeting of the Planning Commission, the County Planning Director shall forward the complete and properly filed Final Application to the Chairman of the Planning Commission along with a copy of his or her review and any comments from other review agencies or consultants.

In the event that the applicant fails to meet the deadline for submission of additional information or revised drawings, the Final Application shall be tabled until the next regular meeting of the Planning Commission.

In all cases, the official date of filing of the Final Application shall be the date of the Planning Commission meeting at which the Commission accepts the application as complete in content and properly filed, subject to the County Planning Director's written review. The official date of filing represents the beginning of the ninety (90) day period for review and action by the Planning Commission. When possible, the Planning Commission may take action on the plan at the next regular meeting.

#### **507 FINAL APPLICATION CONTENT FOR A MAJOR SUBDIVISION**

All applications for Final Approval of a Major Subdivision shall include the following:

- A. One (1) copy of the completed application form supplied by the County Planning Director.
- B. Application filing fee, as required by Section 1102.1 of this Ordinance.
- C. One (1) copy of the approved Preliminary Plat.
- D. Eight (8) copies of a Final Plat drawn at a scale of not less than one (1) inch equals one hundred (100) feet on sheets no larger than twenty-four inches by thirty-six inches (24" x 36") with a border of one-half (1/2) inch on all sides except the twenty-four (24) inch binding edge which shall be one inch. (See Appendix A for additional Plat specification). The Final Plat shall show or be accompanied by the following information:
  1. Date, name and location of the subdivision, the name of the owner, graphic scale.

2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land reserved or dedicated to public use, all lot lines and other boundary lines; with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves; and the area of each lot.
3. The names, exact location and widths of all existing and recorded streets intersecting or paralleling the plot boundaries within a distance of two hundred (200) feet.
4. The purpose of any easement or land reserved for or dedicated to public use shall be designated and the proposed use of the sites, other than residential, shall be noted.
5. Map and Parcel numbers as assigned by the County Assessor's Office, including Map and Parcel numbers of abutting property.
6. Minimum building setback line on all lots and parcels.
7. Location and description of all monuments, including any to be reset.
8. Names of the owners of adjoining land within two hundred (200) feet.
9. Certification by the applicant's surveyor as to accuracy of details of plat. The error of closure shall not be more than one (1) in five thousand (5,000).
10. Certification that the applicant is the agent or owner of the land or the owner has given consent under an option agreement.
11. When approval of a plat is required by any other officer or body of a municipality, county or state, such approval shall be certified on the plat, or evidence shall be submitted that an application has been made for such approval.
12. Proposed final grades of all streets shall be shown to a scale of one inch equals five feet (1" = 5') vertical and one inch equals fifty feet (1" = 50') horizontal, and drawings shall include both plans and profiles and shall show elevations of all monuments referred to United States Coast and Geodetic Survey level bench marks, and such elevations shall be shown in feet and hundredths of a foot.
13. Plans and profiles of storm and sanitary sewers and water mains.

14. Copies of permits where required for construction of the sewage system, water system and any other necessary permits.
15. Certification from the electric utility that service will be provided to each and every habitable lot within the subdivision.
16. Certification from the local jurisdiction stating that the design and construction requirements have been met, or in lieu of the completion of the improvements, a performance guarantee or other acceptable security has been agreed upon by the developer and the Municipality.
17. The certifications shown in Appendix B shall appear on the final plat.
18. An affidavit signed and sworn to by the applicant that the final plat is drawn and presented exactly the same as the preliminary plat approved by the Planning Commission, and if there be any changes, all changes shall be set forth in the affidavit as exceptions to the general statement. Said affidavit shall be submitted in an original and two (2) copies and shall be prepared in the form provided in Appendix C.
19. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
20. If applicable, a notation on the plat that access to a municipal street requires a driveway permit from the local Municipality.

## 508 FINAL APPROVAL

### 508.1 Planning Commission Approval

At the first regular meeting of the County Planning Commission after submission of a Final Application, the County Planning Commission shall either accept the application as complete in content and properly filed or table the application until the County Planning Director's review is addressed, if the application is incomplete or improperly filed. The acceptance of the application or tabling of the application by the Planning Commission shall be by motion adopted by the majority of the members present. If the application is tabled, as incomplete, a copy of the County Planning Director's written review citing the specific requirements of this Ordinance which have not been met shall be provided to the applicant or his representative by the Planning Commission.

The date of the County Planning Commission meeting at which the Final Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the ninety (90) day period for County Planning Commission review and action on the application, unless the applicant agrees, in writing, to an extension of time.

The County Planning Director shall present a written report at the County Planning Commission meeting which states whether an application complies with the requirements of this ordinance and that report shall be included in the minutes at the County Planning Commission meeting. The County Planning Commission shall not act on the application until the report of the County Planning Director has been received and until the report from the local municipality in which the development is located has been received or until forty-five (45) days has passed from the date of transmittal to the Municipal Secretary of the local municipality.

Within ninety (90) days of the official date of filing of the Final Application, the County Planning Commission shall either approve, approve with conditions or disapprove the Final Application at a public meeting. When possible, the Planning Commission may take action on the plan at the next regular meeting.

A letter indicating approval, approval with conditions or disapproval shall be mailed to the applicant within fifteen (15) days of the date of the decision. If the Final Application is not approved, the County Planning Commission shall specify the defects found in the Final Application and cite the requirements of this Ordinance which have not been met.

#### **508.2 Approval with Conditions**

Approval when certain required items have not been received although, applicant requested them in adequate time (circumstances beyond their control).

#### **508.3 Deemed Approval**

Failure of the County Planning Commission to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

#### **508.4 Alternate Procedure for Final Approval Without Posting a Performance Guarantee**

In subdivisions which propose the construction of public improvements, the Performance Guarantee required by Section 511 of this Ordinance shall not be required, if the applicant elects to install the required public improvements prior to obtaining Final Plat Approval for recording purposes. The application for Final Approval shall contain all the items required by Section 506 of this Ordinance for Final Plat Approval; however, Final Approval shall be granted for the construction of public improvements only, and the proper officers of the County Planning Commission shall not affix their signatures to the Final Plat for recording purposes unless and until the required public improvements have been installed and the applicant provides written evidence that the public improvements have been inspected and accepted by the governing body of the Municipality in which the public improvements are located.

#### 509 THE MEDIATION OPTION

The County Planning Commission may offer the mediation option as an aid in completing the proceedings authorized by this Article. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting County's police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. In offering the mediation option, the County Planning Commission shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- A. Funding mediation.
- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- C. Completing mediation, including time limits for such completion.
- D. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or the County Planning Commission, if either is not a party to the mediation.
- E. Identifying all parties and affording them the opportunity to participate.
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the County Planning Commission pursuant to the procedures for approval set forth in this Article.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

#### 510 RESOLUTION INDICATING APPROVAL

When requested by the developer, in order to facilitate financing, the County Planning Commission shall furnish the developer with a signed copy of a Resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The Final Plat shall not be signed nor recorded until the Performance Guarantee and Development Agreement are executed. The Resolution shall expire and be deemed to be revoked if the Performance Guarantee and Development Agreement are not executed within ninety (90) days, unless a written extension is granted by the County Planning Commission. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

#### 511 POSTING OF PERFORMANCE GUARANTEE

When required by the Municipality, in lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a Performance Guarantee, as defined by this Ordinance, in favor of the Municipality, in an amount equal to one hundred and ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Municipality may adjust the amount of the Performance Guarantee by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the developer to post additional security in order to assure that the Performance Guarantee equals said 110%. Any additional security shall be posted by the developer in accordance with this Sub-Section.

The amount of the Performance Guarantee required shall be based upon a written estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The local Municipality, upon the recommendation of the Municipal Engineer or the Consulting Engineer retained by

the County Planning Commission to review the plans and specifications for construction of the public improvements required by this Ordinance may refuse to accept such estimate for good cause shown. If the applicant or developer and the local Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the local Municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the local Municipality and the applicant or developer.

If the party posting the Performance Guarantee requires more than one (1) year from the date of posting of the Performance Guarantee to complete the required improvements, the Municipality may increase the amount of the Performance Guarantee by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of the Performance Guarantee or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above procedure.

All matters relating to the posting, release and enforcement of the Performance Guarantee shall be within the sole discretion of the local Municipality in which the improvements are being constructed.

## **512 DEVELOPMENT AGREEMENT**

As a condition of granting Final Approval of a subdivision or land development that requires the posting of a Performance Guarantee or to which conditions are attached to the grant of Final Approval, the County Planning Commission shall require that the developer execute a Development Agreement with the County, in a form acceptable to the County Solicitor, if the plan contains conditions attached to the approval of the plan or proposes private improvements. A Development Agreement shall be executed with the local Municipality if public improvements are proposed to be constructed including provisions that are reasonably required to guarantee the proper installation of public and private improvements related to the subdivision and/or land development and provisions necessary to indemnify the local Municipality in connection therewith. A sample Development Agreement appears in Appendix D.

If there are no outstanding conditions attached to Final Approval and/or a Performance Guarantee is not required, a Development Agreement shall not be required as a condition of Final Plat Approval.

Said agreement shall be executed, the required Performance Guarantee shall be posted and all required fees shall be paid before the Chairman and Secretary of the County Planning Commission shall affix their signatures and the County Seal to the

Final Plat for recording purposes.

**513 RECORDING OF FINAL PLAT**

Upon approval of a Final Plat by the County, the developer shall, within ninety (90) days of such Final Approval, record such plat in the Office of the Greene County Recorder of Deeds.

**514 REINSTATEMENT OF APPROVAL**

In the event that the plan has not been recorded within the required ninety (90) days, the County Planning Director is authorized to reinstate the signatures of the proper officers of the County indicating approval, provided there are no changes in the subdivision or land development plan previously granted approval and all the requirements of this Ordinance regarding posting of a Performance Guarantee and execution of a Development Agreement have been met and, further, provided the plan is submitted for reinstatement of approval within ninety (90) days following the expiration of the original ninety (90) days following the expiration of the original ninety (90) days from the date of Final Approval.

Any request for Final Approval which is submitted after one hundred eighty (180) days from the date of the original granting of Final Approval shall be required to resubmit an application for Final Approval in conformance with the requirements of Sections 503 through 508 and Sections 510 through 514 of this Ordinance.

**515 FILING OF COPIES**

Upon recording of the Final Plat in the Office of the County Recorder of Deeds, the developer shall deliver to the County Planning Director, one (1) paper print of the final plat as recorded, containing all required signatures and dates of approval. One (1) paper print of the final plat, as recorded, shall be delivered by the applicant to the Municipal Secretary of the local Municipality in which the plan is located.