

**ARTICLE VI
PLANNED DEVELOPMENTS**

§ 130.35. PLANNED RESIDENTIAL DEVELOPMENTS.

130.35.1. Purposes. To encourage innovations in the type, design, and layout of RESIDENTIAL BUILDINGS; promote more efficient USE of LOTS and conservation of open space; permit AUTHORIZED MIXED USES within PLANNED RESIDENTIAL DEVELOPMENTS; provide greater flexibility in the application of SITE development and USE regulations and to otherwise promote the goals of the COMPREHENSIVE PLAN and COMMUNITY DEVELOPMENT OBJECTIVES. [**Amended 10-1-90 by Ord. No. 1453**]

130.35.2. General regulations.

130.35.2.1. The BOARD OF COMMISSIONERS shall administer the provisions and procedures for PLANNED RESIDENTIAL DEVELOPMENT.

130.35.2.2. The BOARD OF COMMISSIONERS shall consider whether proposed modifications in any of the requirements of this chapter for each ZONING DISTRICT, except the provisions of this §130.35.2., contained in an APPLICATION FOR DEVELOPMENT of a PLANNED RESIDENTIAL DEVELOPMENT will make for a more efficient, attractive and harmonious PLANNED DEVELOPMENT. If such modifications, in the judgment of the BOARD OF COMMISSIONERS, constitute a more beneficial USE of the SITE than provided for under the requirements of the ZONING DISTRICT in which the SITE of the PLANNED RESIDENTIAL DEVELOPMENT is located, then the BOARD OF COMMISSIONERS may grant the modifications.

130.35.2.3. DWELLING UNIT DENSITY for the PLANNED RESIDENTIAL DEVELOPMENT may not exceed that density permitted in the ZONING DISTRICT in which the PLANNED RESIDENTIAL DEVELOPMENT SITE is located.

130.35.2.4. All COMMON AREAS are reserved as permanent open space, except where STRUCTURES are required to fulfill the educational, cultural, recreational or civic pursuits of the residents of the PLANNED RESIDENTIAL DEVELOPMENT.

130.35.2.5. AUTHORIZED USES are limited to those specified for the given ZONING DISTRICT in Article IV.

130.35.2.6. A BUFFER AREA at least ten (10) feet in depth, as measured from the LOT LINE or PUBLIC RIGHT-OF-WAY, must be provided within all PERIMETER SETBACKS of PLANNED RESIDENTIAL DEVELOPMENTS

containing MULTIFAMILY DWELLINGS or AUTHORIZED MIXED USES where the MULTIFAMILY DWELLINGS or AUTHORIZED MIXED USES adjoin a single-family ZONING DISTRICT.

130.35.2.7. Pedestrian walkways must be included in each PLANNED RESIDENTIAL DEVELOPMENT.

130.35.2.8. Provisions for all PLANNED RESIDENTIAL DEVELOPMENTS must be in accordance with the MPC.¹ **[Amended 10-1-90 by Ord. No. 1453]**

130.35.2.9. No modification may be granted for any CONSTRUCTION, DEVELOPMENT, USE or activity within any Floodway ZONING DISTRICT (FW) that would cause any increase in the ONE-HUNDRED-YEAR FLOOD elevation. **[Added 4-7-86 by Ord. No. 1194]**

130.35.2.10. Under no circumstances will a modification be granted to the prohibitions of §130.21.4. entitled “DEVELOPMENT which may endanger human life prohibited.” **[Added 4-7-86 by Ord. No. 1194]**

130.35.2.11. **[Added 4-7-86 by Ord. No. 1194]** Whenever a modification is granted to construct a STRUCTURE below the ONE-HUNDRED-YEAR FLOOD elevation, the TOWNSHIP shall notify the APPLICANT in writing that:

130.35.2.11.1. The granting of the modification will result in increased premium rates for FLOOD insurance; and

130.35.2.11.2. The modification increases the risk to life and property. **[Added 6-6-88 by Ord. No. 1327]**

130.35.2.12. All provisions of Chapter 114 of the CODE, entitled Subdivision and Land Development, which are not specifically modified by Article VI of this Chapter of the CODE, Chapter 130, or by the BOARD OF COMMISSIONERS in approving a PLANNED DEVELOPMENT, will apply to any PLANNED DEVELOPMENT. **[Added 6-6-88 by Ord. No. 1327]**

130.35.2.13. All official written communications regarding TENTATIVE APPROVAL of a PLANNED RESIDENTIAL DEVELOPMENT from the TOWNSHIP to an APPLICANT will be certified by the TOWNSHIP secretary or clerk, in accordance with the MPC, especially MPC Section 710. **[Added 10-1-90 by Ord. No. 1453]**

§ 130.36. Procedure for approval

¹Editor’s Note: See Ch. A140. Zoning Addendum A.

130.36.1. Preapplication conference. Before submission of an application for TENTATIVE APPROVAL, the DEVELOPER must meet with the PLANNING COMMISSION, the ZONING ADMINISTRATOR, the Building Official, and such other personnel as may be necessary to determine the feasibility, suitability, and timing of the application. This step is intended so that the DEVELOPER may obtain information and guidance from the TOWNSHIP personnel before entering into any commitments or incurring substantial expenses with regard to the SITE and PRELIMINARY DEVELOPMENT PLAN preparation.

130.36.2. APPLICATION FOR TENTATIVE APPROVAL.

130.36.2.1. [Amended 12-3-84 by Ord. No. 1110; 10-1-90 by Ord. No. 1453; 5-2-94 by Ord. No. 1626; 3-3-08 by Ord. No. 1992] Submission of application². Seventeen (17) copies of the APPLICATION FOR TENTATIVE APPROVAL (including the PRELIMINARY DEVELOPMENT PLAN) must be submitted to the ZONING ADMINISTRATOR by the DEVELOPER on the PLANNING COMMISSION FILING DEADLINE. The APPLICATION FOR TENTATIVE APPROVAL must meet the requirements for the PRELIMINARY APPLICATION for LAND DEVELOPMENT. The information in the APPLICATION FOR TENTATIVE APPROVAL must be submitted in writing and must include:

130.36.2.1.1. Supplemental materials necessary to clarify required modifications to this Chapter otherwise applicable to the SITE.

130.36.2.1.2. A written statement by the DEVELOPER setting forth the reasons he believes a PLANNED DEVELOPMENT would be in the public interest and consistent with the COMPREHENSIVE PLAN or STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES.

130.36.2.1.3. In the case of DEVELOPMENT plans which call for DEVELOPMENT over a period of years, a schedule showing the proposed times within which APPLICATIONS FOR FINAL DEVELOPMENT of all sections of the PLANNED DEVELOPMENT are intended to be filed. Such schedule must be updated annually, on the anniversary of its approval, until the PLANNED DEVELOPMENT is completed and accepted.

130.36.2.1.4. An ENVIRONMENTAL IMPACT STATEMENT.

130.36.2.1.5. PRELIMINARY DEVELOPMENT PLAN which must include a PLAN; the name of the PLANNED DEVELOPMENT; all covenants relating to USE; location, size, height and bulk of BUILDINGS

² Editor's Note: See Ch. A140. Zoning Addendum A.

and other STRUCTURES; intensity of USE or DWELLING UNIT DENSITY; PARKING AREAS; location and size of COMMON AREAS; and USES submitted for TENTATIVE APPROVAL in accordance with Article VI of this Chapter and the MPC. The PRELIMINARY DEVELOPMENT PLAN must also include the following information:

130.36.2.1.5.1. The location and size of the COMMON OPEN SPACE and the form of the organization proposed to own and maintain the COMMON AREAS.

130.36.2.1.5.2. The nature of the APPLICANT'S interest in the SITE proposed to be developed.

130.36.2.1.5.3. The location, layout, widths, and percent of grades of all proposed PUBLIC or PRIVATE IMPROVEMENTS, and the proposed method of connecting the proposed PUBLIC or PRIVATE IMPROVEMENTS to existing PUBLIC IMPROVEMENTS.

130.36.2.1.5.4. Preliminary delineation of grading, showing existing and proposed contours at intervals not to exceed two-foot contour lines, based on United States Geological Survey datum, and a GRADING PLAN.

130.36.2.1.5.5. A map showing and identifying with SITE and block numbers all LOTS within two hundred (200) feet of the LOT for which the PLANNED RESIDENTIAL DEVELOPMENT is proposed.

130.36.2.1.5.6. Complete lists of the Lot/Block numbers of all LOTS adjacent to and all LOTS otherwise within two hundred (200) feet of the SITE for which the PLANNED RESIDENTIAL DEVELOPMENT is proposed and the names and addresses of the owners thereof from the most current records of the Allegheny County Tax Assessment Office.

130.36.2.2. Recommendation of PLANNING COMMISSION. At the first regular meeting of the PLANNING COMMISSION after the submission of the APPLICATION FOR TENTATIVE APPROVAL, the PLANNING COMMISSION shall hold an open meeting where the public will be heard on the APPLICATION FOR TENTATIVE APPROVAL, and, within thirty (30) days of the filing of the APPLICATION FOR TENTATIVE APPROVAL, the PLANNING COMMISSION shall make a written recommendation to the BOARD OF COMMISSIONERS on any APPLICATION FOR TENTATIVE APPROVAL of a PLANNED DEVELOPMENT. In the recommendation, the

PLANNING COMMISSION shall set forth, with particularity, the explicit reasons for its recommendation either that the proposal be approved or denied.

130.36.2.3. PUBLIC HEARINGS. The BOARD OF COMMISSIONERS shall hold a PUBLIC HEARING on the APPLICATION FOR TENTATIVE APPROVAL within sixty (60) days of the filing of same pursuant to the PUBLIC NOTICE. The PUBLIC NOTICE will state the general nature of the proposed PLANNED DEVELOPMENT. **[Added 10-1-90 by Ord. No. 1453]**

130.36.2.3.1. The BOARD OF COMMISSIONERS may continue the PUBLIC HEARING from time to time and may refer the matter back to the PLANNING COMMISSION for the report, provided that the PUBLIC HEARING or HEARINGS is concluded within sixty (60) days of the date of the first PUBLIC HEARING. **[Added 10-1-90 by Ord. No. 1453]**

130.36.2.3.2. The BOARD OF COMMISSIONERS will conduct the PUBLIC HEARING according to the same procedures as used for ZONING HEARING BOARD hearings, as required by MPC. **[Added 10-1-90 by Ord. No. 1453]**

130.36.2.4. Findings. The BOARD OF COMMISSIONERS within sixty (60) days following the conclusion of the PUBLIC HEARING, or within 180 days after the date of filing of the application, whichever comes first, will by official written communication to the DEVELOPER either: **[Amended 10-1-90 by Ord. No. 1453; 3-7-05 by Ord. No. 1934]**

130.36.2.4.1. Grant approval of the APPLICATION FOR TENTATIVE APPROVAL as submitted; or **[Added 10-1-90 by Ord. No. 1453]**

130.36.2.4.2. Grant approval of the APPLICATION FOR TENTATIVE APPROVAL subject to specific conditions; or **[Added 10-1-90 by Ord. No. 1453]**

130.36.2.4.3. Deny approval of the APPLICATION FOR TENTATIVE APPROVAL. **[Added 10-1-90 by Ord. No. 1453]**

130.36.2.4.4. The written communications will include a statement of findings of fact and the reasons for the grant or denial of the application and will set forth in detail the manner in which the proposed PLANNED RESIDENTIAL DEVELOPMENT would or would not serve the public interest in the manner provided by the MPC. **[Added 10-1-90 by Ord. No. 1453]**

130.36.2.4.5. The written communications will also state where TENTATIVE APPROVAL has been granted, a specified period of time

by which the DEVELOPER must submit his APPLICATION FOR FINAL APPROVAL, or in the case of DEVELOPMENT over a period of years, specified periods of time for the filing of such applications. If no such time is stated in the official written communication, then the time for filing of the APPLICATION FOR FINAL APPROVAL will be deemed to be one (1) year from the date of the official written communications.

[Added 10-1-90 by Ord. No. 1453]

130.36.3. APPLICATION FOR FINAL APPROVAL. **[Amended 10-1-90 by Ord. No. 1453]** This application shall meet the requirements for a final application for a LAND DEVELOPMENT. The application for FINAL APPROVAL must include the items hereinafter set forth:

130.36.3.1. Submission of application. **[Amended 10-1-90 by Ord. No. 1453; 8-7-95 by Ord. No. 1677; 3-3-08 by Ord. No. 1992]** Seventeen (17) copies of the APPLICATION FOR FINAL APPROVAL of a PLANNED RESIDENTIAL DEVELOPMENT must be submitted to the ZONING ADMINISTRATOR on PLANNING COMMISSION FILING DEADLINE and within one (1) year after TENTATIVE APPROVAL, unless the BOARD OF COMMISSIONERS grants an extension upon written request of the DEVELOPER to a date not to exceed eighteen (18) month from the date not to exceed eighteen (18) months from the date of TENTATIVE APPROVAL. Phased PLANNED RESIDENTIAL DEVELOPMENTS, however, must apply for FINAL APPROVAL made pursuant to the phase schedule submitted with the application for TENTATIVE APPROVAL. The APPLICATION FOR FINAL APPROVAL will be deemed to satisfy the requirements for a Final Application for LAND DEVELOPMENT. The APPLICATION FOR FINAL APPROVAL shall include the following:

130.36.3.1.1. Drawings:

130.36.3.1.1.1. FINAL DRAWINGS for all STRUCTURES and BUILDINGS, other than SINGLE-FAMILY DWELLINGS, prepared by a registered architect, including all proposed SIGNS, all exterior illumination and all outside storage areas.

130.36.3.1.1.2. FINAL DRAWINGS prepared by a registered engineer for all PUBLIC IMPROVEMENTS and all PRIVATE IMPROVEMENTS, if any.

130.36.3.1.1.3. FINAL landscape DRAWINGS prepared by a registered architect or registered landscape architect.

130.36.3.1.1.4. FINAL grading DRAWINGS prepared by a registered engineer or surveyor in accordance with Chapter 71 of the CODE.

130.36.3.1.2. **[Amended 10-1-90 by Ord. No. 1453; 3-3-08 by Ord. No. 1992]** An original line tracing, drawn in India ink and seventeen (17) black or blue line prints of a FINAL DEVELOPMENT PLAN containing, in addition to those items approved in the PRELIMINARY DEVELOPMENT PLAN, the following information, if applicable:

130.36.3.1.2.1. Delineation and indication of all PUBLIC IMPROVEMENTS to be dedicated, including names of STREETS.

130.36.3.1.2.2. Proposed LOT LINES, nonresidential USES and COMMON AREAS and, if applicable, common elements as defined in the Unit Property Act of the Commonwealth of Pennsylvania.

130.36.3.1.2.3. Vehicular and pedestrian circulation features; vehicular entrances and exits to and from the SITE (directional flow by arrows); PARKING AREAS and LOADING BERTHS, including wheelstops, bumper guards, access drives, planting areas and PARKING SPACES; and existing TOWNSHIP PUBLIC IMPROVEMENTS adjacent to the SITE.

130.36.3.1.2.4. Watercourses, easements and PUBLIC and PRIVATE RIGHTS-OF-WAY and all other physical features or encumbrances that relate to the development of the SITE.

130.36.3.1.2.5. Space for the proper execution by all municipalities and other entities necessary for recording and properly executed by the DEVELOPER for recording.

130.36.3.1.3. A DEVELOPMENT schedule showing:

130.36.3.1.3.1. The order of CONSTRUCTION of the proposed sections delineated in the FINAL DEVELOPMENT PLAN.

130.36.3.1.3.2. The proposed date for the beginning of CONSTRUCTION on said sections.

130.36.3.1.3.3. The proposed date for the completion of CONSTRUCTION on said sections.

130.36.3.1.3.4. The proposed schedule for the CONSTRUCTION and improvement of the COMMON AREAS.

130.36.3.1.4. LANDSCAPE PLAN.

130.36.3.1.5. **[Added 10-1-90 by Ord. No. 1453]** GRADING PLAN which shows:

130.36.3.1.5.1. As a part of the DEVELOPMENT schedule or otherwise, a plan to re-seed the graded area within two (2) weeks of the completion of grading where grading occurs between April 1 and October 31, or a plan to re-seed the graded area during the next month of April where grading occurs between November 1 and May 31; and **[Added 10-1-90 by Ord. No. 1453]**

130.36.3.1.5.2. Where a hillside exceeding twenty-five percent (25%) in slope is to be graded, that no more than twenty percent (20%) by area of the natural vegetative cover may be removed or that all natural cover together with any additional cover or trees necessary for conservation and other environmental purposes may be planted after grading is complete. **[Added 10-1-90 by Ord. No. 1453]**

130.36.3.1.6. Deed restriction proposals to preserve the character of the COMMON AREAS.

130.36.3.1.7. If the DEVELOPER elects the association or nonprofit corporation method of administering COMMON AREAS, the proposed bylaws of the association or the certificate of incorporation and the incorporated bylaws of the nonprofit corporation.

130.36.3.1.8. If the DEVELOPER elects the condominium method of ownership of COMMON AREAS, the proposed declaration of condominium bylaws and related documents.

130.36.3.1.9. Instruments dedicating all PUBLIC and PRIVATE RIGHTS-OF-WAY, easements and other PUBLIC LOTS shown on the FINAL DEVELOPMENT PLAN from all persons having any interest in said LOTS.

130.36.3.1.10. SECURITY. **[Amended 4-20-81 by Ord. No. 947]** The DEVELOPER shall guarantee the installation of the PRIVATE and PUBLIC IMPROVEMENTS specified in the FINAL DEVELOPMENT PLAN through one (1) of the following methods:

130.36.3.1.10.1. Filing of a performance bond, naming the TOWNSHIP as obligee, by the DEVELOPER in the amount of one hundred ten percent (110%) of the estimated construction cost

of the PRIVATE and PUBLIC IMPROVEMENTS as determined by the TOWNSHIP. Any bond required must be from a company licensed as a surety in the Commonwealth of Pennsylvania listed by the United States Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all PUBLIC IMPROVEMENTS by the TOWNSHIP, the performance and payment bond will be released.

130.36.3.1.10.2. Depositing or placing in escrow a certified check, cash or other acceptable pledge in the amount of one hundred ten percent (110%) of the estimated construction costs, and determined by the TOWNSHIP.

130.36.3.1.10.3. Provide such other security as may be acceptable to the TOWNSHIP.

130.36.3.1.11. A title insurance policy or an attorney's certificate of title showing the status of the title to the SITE encompassed by the FINAL DEVELOPMENT PLAN and all liens, encumbrances and defects, if any, in a form acceptable to the TOWNSHIP ATTORNEY.

130.36.3.1.12. Tax receipts. Paid receipts from the taxing bodies indicating taxes have been paid in full up to and including the current period.

130.36.3.1.13. Evidence that a commitment from a responsible financial institution has been issued to the APPLICANT for CONSTRUCTION financing. **[Added 10-1-90 by Ord. No. 1453]**

130.36.3.2. PLANNING COMMISSION. The COMMISSION shall, at its next regular meeting after the filing of the APPLICATION FOR FINAL APPROVAL, examine the application and determine if the application meets the criteria and includes the items hereinafter set forth and if the APPLICATION FOR FINAL APPROVAL complies with the conditions of TENTATIVE APPROVAL, if any. The COMMISSION shall forward its written report to the BOARD OF COMMISSIONERS within twenty (20) days of the filing of the APPLICATION FOR FINAL APPROVAL, setting forth its findings and recommendations. **[Amended 10-1-90 by Ord. No. 1453]**

130.36.3.3. BOARD OF COMMISSIONERS. In the event the APPLICATION FOR FINAL APPROVAL complies with the conditions of the TENTATIVE APPROVAL, the BOARD OF COMMISSIONERS shall grant FINAL APPROVAL within forty-five (45) days of the filing of the APPLICATION FOR FINAL APPROVAL. **[Added 10-1-90 by Ord. No. 1453]**

130.36.3.4. Other action on APPLICATION FOR FINAL APPROVAL. In the event the APPLICATION FOR FINAL APPROVAL does not conform to the conditions of TENTATIVE APPROVAL, the BOARD OF COMMISSIONERS shall refuse FINAL APPROVAL and the APPLICANT may take such action as is provided at Section 711 (c) of the MPC. **[Amended 10-1-90 by Ord. No. 1453]**

130.36.3.5. Recording of FINAL DEVELOPMENT PLAN. Recording of the FINAL DEVELOPMENT PLAN must be in accordance with the MPC. **[Amended 10-1-90 by Ord. No. 1453]**

130.36.3.6. ZONING APPROVAL. No ZONING APPROVAL will be issued until the FINAL DEVELOPMENT PLAN has been approved and recorded. Upon proof of recording and certification of FINAL APPROVAL by the BOARD OF COMMISSIONERS, ZONING APPROVAL will be issued by the ZONING ADMINISTRATOR.

130.36.4. Procedure for approval of amendments to PLANNED DEVELOPMENTS after FINAL APPROVAL or RECORDING. Any amendment to a PLANNED DEVELOPMENT submitted after FINAL APPROVAL for recording which does not violate any of the conditions or requirements of the TENTATIVE APPROVAL or of the ZONING DISTRICT classification may be approved at an open meeting of the BOARD OF COMMISSIONERS after recommendation by the COMMISSION provided, if the amendment entails only a minor adjustment to the location of a STRUCTURE or to an improvement of a minor LOT LINE change but does not entail any enlargement of a STRUCTURE or any increase in the number of DWELLING UNITS, then such amendment may be approved by the ZONING ADMINISTRATOR. Amendments involving substantive changes or modifications to conditions must require a PUBLIC HEARING following PUBLIC NOTICE as required by §130.36.2.3. of this Chapter. Upon approval of the amendment, the recorded FINAL DEVELOPMENT PLAN must be amended and rerecorded to conform to the amendment. **[Amended 10-1-90 by Ord. No. 1453]**

130.36.5. The time for recording of a FINAL DEVELOPMENT PLAN granted FINAL APPROVAL by the BOARD OF COMMISSIONERS is governed by the provisions of Chapter 114, entitled "SUBDIVISION and LAND DEVELOPMENT," Article III, §114.20.1. **[Added 4-4-83 by Ord. No. 1024]**

130.36.6. Upon completion of the PUBLIC and PRIVATE IMPROVEMENTS in a FINAL DEVELOPMENT PLAN, the provisions of Chapter 114, entitled "SUBDIVISION AND LAND DEVELOPMENT," §§114.17, 114.23, and 114.24, shall apply to the release of the SECURITY required under § 130.36.3.1.10. . **[Added 4-4-83 by Ord. No. 1024]**

130.36.7. The release of the SECURITY required under §130.36.3.1.10. is governed by Chapter 114, entitled "SUBDIVISION and LAND DEVELOPMENT," and the

acceptance of PUBLIC IMPROVEMENTS and the required maintenance bond is governed by §114.23. thereof. **[Added 4-4-83 by Ord. No. 1024]**

130.36.8. The remedies available to the TOWNSHIP to effect completion of PUBLIC IMPROVEMENTS are governed by Chapter 114, entitled, "SUBDIVISION and LAND DEVELOPMENT," Article VI, §114.19. **[Added 4-4-83 by Ord. No. 1024]**

130.36.9. The provisions of Subsections 130.36.5., 130.36.6., 130.36.7., and 130.36.8. above are intended to make uniform the requirements of this chapter and the SUBDIVISION AND LAND DEVELOPMENT Chapter. Whenever the above-cited provisions of the SUBDIVISION Ordinance are amended, those amendments will be incorporated into this chapter as of the effective date of the amendment. **[Added 4-4-83 by Ord. No. 1024]**

§ 130.37. PLANNED SHOPPING CENTER, OFFICE CENTER AND INDUSTRIAL PARK DEVELOPMENT.

130.37.1. Administration. PLANNED SHOPPING CENTER, OFFICE CENTER and INDUSTRIAL PARK DEVELOPMENTS are permitted as CONDITIONAL USES and LAND DEVELOPMENTS granted by the BOARD OF COMMISSIONERS. **[Amended 10-1-90 by Ord. No. 1453]**

130.37.2. Procedure for application and approval of a CONDITIONAL USE for PLANNED SHOPPING CENTER, OFFICE CENTER and INDUSTRIAL PARK DEVELOPMENTS. The procedure for the application and approval of a PLANNED SHOPPING CENTER, OFFICE CENTER and INDUSTRIAL PARK DEVELOPMENT is the same as the procedure for PLANNED RESIDENTIAL DEVELOPMENTS as set forth in §130.36., except that requirements for the APPLICATION FOR TENTATIVE APPROVAL or the APPLICATION FOR FINAL APPROVAL, which specifically relate to residential LOT USE requirements (i.e. DWELLING UNIT DENSITY), will not be submitted in the APPLICATION FOR TENTATIVE APPROVAL or FINAL APPROVAL. The procedure set forth in §130.36. must also satisfy the requirements of Chapter 114 of the CODE entitled SUBDIVISION and LAND DEVELOPMENT. All other LOT USE requirements, engineering and design requirements, recording requirements and the procedural requirements of TENTATIVE and FINAL APPROVAL will be considered part of the CONDITIONAL USE and LAND DEVELOPMENT procedure as applied to PLANNED SHOPPING CENTER, OFFICE CENTER and INDUSTRIAL PARK DEVELOPMENTS. **[Amended 10-1-90 by Ord. No. 1453]**

130.37.3. **[Amended 4-7-86 by Ord. No. 1194]** Discretion of grant modifications. The BOARD OF COMMISSIONERS shall consider whether proposed modifications contained in the application to any of the applicable requirements of this chapter will make for a more efficient, attractive and harmonious PLANNED DEVELOPMENT. If such modifications, in the judgment of the BOARD OF COMMISSIONERS, constitute a more beneficial USE of the SITE than provided for under the provisions of this Chapter,

then the BOARD OF COMMISSIONERS may grant the modifications. However, in the IDENTIFIED FLOODPLAIN AREA, the following provisions will apply:

130.37.3.1. No modification will be granted for any CONSTRUCTION, DEVELOPMENT, USE or activity within any Floodway ZONING DISTRICT (FW) that would cause any increase in the ONE-HUNDRED-YEAR FLOOD elevation.

130.37.3.2. Under no circumstances will a modification be granted to the prohibitions of § 130.21.4., entitled “DEVELOPMENT which may endanger human life prohibited.”

130.37.3.3. Whenever a modification is granted to construct a STRUCTURE below the ONE-HUNDRED-YEAR FLOOD elevation, the TOWNSHIP shall notify the APPLICANT in writing that:

130.37.3.3.1. The granting of the modification will result in increased premium rates for FLOOD insurance; and

130.37.3.3.2. The modification increases the risk to life and property.

130.37.4. Standards and conditions for PLANNED OFFICE CENTER, PLANNED SHOPPING CENTER and PLANNED INDUSTRIAL PARK DEVELOPMENTS.

130.37.4.1. PLANNED SHOPPING CENTER DEVELOPMENTS must be provided in accordance with the provisions of Article IV for the ZONING DISTRICT in which they are authorized and the foregoing Subsections 130.37.1., 130.37.2., and 130.37.3.

130.37.4.2. PLANNED OFFICE CENTER DEVELOPMENTS must be provided in accordance with the provisions of Article IV for the ZONING DISTRICT in which they are authorized and the foregoing Subsections 130.37.1., 130.37.2., 130.37.3.

130.37.4.3. PLANNED INDUSTRIAL PARK DEVELOPMENTS must be provided in accordance with the provisions of Article IV for the ZONING DISTRICT in which they are authorized and the foregoing Subsections 130.37.1., 130.37.2., and 130.37.3.

§ 130.38. – 39. Reserved for Future Use.

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