

South Brunswick Township Checklist

Sec. 62-159. General Development Plan

- (a) *Short title.* This section shall be known as the general development plan ordinance.
- (b) *Applicability.* Any developer of a parcel of land greater than 300 acres in size for which the developer is seeking approval of a planned office/commercial development under section 62-1352 or a planned office/corporate development under section 62-1311 may submit a general development plan to the planning board prior to the granting of preliminary subdivision approval or preliminary site plan approval. For the purpose of this requirement, existing streets, rights-of-way for interior roads to be constructed, zone district boundary lines, utility lines and railroads shall not be deemed to divide acreage.
- (c) *Plat required.* Except for required reports and other written documentation, the general development plan shall be submitted in plat form at a scale of approximately one inch equals 200 feet or such other scale permitting the entire site to be shown on one sheet not larger than 42 inches by 60 inches. Enlargements of portions of the plan may be submitted on separate sheets of the same size.
- (d) *Contents.* A general development plan shall include the following:
- (1) A general land use plan indicating the tract area and general locations of the land uses to be included in the planned development. The total amount of floor area to be provided and proposed land area to be devoted to such use shall be set forth. In addition, the proposed types of uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and the floor area ratio shall be provided.
 - (2) A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access, within the planned development and any proposed improvements to the existing transportation system outside the planned development.
 - (3) An open space plan showing the proposed land area and general location of parks and any other land area to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of such parks and recreational lands.
 - (4) A utility plan indicating the need for and showing the proposed location of sewer and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities.
 - (5) A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site.
 - (6) An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site; existing manmade structures or features; and the probable impact of the development on the environmental attributes of the site.
 - (7) A community facility plan indicating the scope and type of supporting community facilities, which may include but not be limited to educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.
 - (8) A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.
 - (9) A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by municipalities or school districts as a result of the completion of the planned

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development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under this chapter, and following the completion of the planned development in its entirety.

(10) A proposed timing schedule for a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the occupants of any section of the planned development prior to the completion of the development in its entirety.

(11) An agreement between the developer, the planning board and the township relating to the planned development.

(e) *Time for decision when planning board reviews application for plan approval.* The planning board shall grant or deny the general development plan within 95 days after submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute general development plan approval of the planned development.

(f) *Effect and duration of approval.* The effect and the duration of approval shall be as follows:

(1) The planned development shall be developed in accordance with the general development plan approved by the planning board notwithstanding any provision of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or of any ordinance or regulation adopted pursuant thereto after the effective date of the approval.

(2) The term of the effect of the general development plan approval shall be determined by the planning board using the guidelines set forth in subsection (f)(3) of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development.

(3) In making its determination regarding the duration of the effect of approval of the general development plan, the planning board shall consider the following:

- a. The amount of floor area to be constructed;
- b. Prevailing economic conditions;
- c. The timing schedule to be followed in completing the development and the likelihood of its fulfillment;
- d. The developer's capability of completing the proposed development;
- e. The contents of the general development plan; and
- f. Any conditions which the planning board attaches to the approval thereof.

(g) *Modification of proposed timing schedule.* If the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the planning board. The planning board shall, in deciding whether or not to grant approval of the modification, take into consideration the following:

- (1) Prevailing economic and market conditions;
- (2) Anticipated and actual needs for residential and nonresidential space within the township and the region; and

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(3) The availability and capacity of public facilities to accommodate the proposed development.

(h) *Variations in location of land uses or increase in density or floor area ratio.* The developer shall be required to gain the prior approval of the planning board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development.

(i) *Amendment or revision of plan; allowable reductions within original approval.* Procedures for amendment or revision of the general development plan and allowable reductions within the original approval shall be as follows:

(1) Except as provided under this section, once a general development plan has been approved by the planning board, it may be amended or revised only upon application by the developer approved by the planning board.

(2) A developer, without violating the terms of the approval pursuant to this section, may, in undertaking any section of the planned development, after written notice to the planning and engineering department, reduce the amount of floor space by no more than 15 percent or reduce floor area ratio by no more than 15 percent.

(j) *Notice of completion of section of development; notice by township of nonfulfillment; hearing; termination of approval; causes.* Notice of completion of a section of the development, notice by the township of nonfulfillment, hearing procedures and termination of approval shall be in accordance with the following:

(1) Upon completion of each section of the development as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purposes of this subsection, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every structure, as set forth in the approved general development plan and pursuant to section 15 of the Uniform Construction Code, N.J.S.A. 52:27D-133. If the township does not receive such notification at the completion of any section of the development, the township shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

(2) If a developer does not complete any section of the development within eight months of the date provided for in the approved plan or if at any time the township has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the township shall notify the developer, by certified mail, and the developer shall have ten days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The planning board thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the planning board finds good cause to terminate the approval, it shall provide written notice of the termination to the developer, and the approval shall be terminated 30 days thereafter.

(3) If a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the planning board, the planning board shall have cause to terminate the approval. However, the planning board, in establishing the timing schedule pursuant to subsection (d)(10) of this section, and the township, in negotiating a developer's agreement relating to the planned development in accordance with subsection (d)(11) of this section, may allow for preliminary approval for a section of the planned development to be applied for subsequent to five years of the date upon which the general development plan has been approved by the planning board, provided at least one section of the planned development has been applied for within five years of the date upon which the general development plan has been approved by the planning

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board, in which case the planning board shall not have cause to terminate the general development plan approval as long as the developer shall fulfill his obligations under the approved plan.

(k) *Termination of approval upon completion of development.* If a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

(Ord. No. 16-03, § II(175-47.1), 4-1-2003)