

**Highland Township Subdivision and Land Development Ordinance No. 2009 - 3**  
**Article III – Procedures for Subdivision and Land Development**

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	<b>Minor Subdivision or Land Development</b>	<b>Major Subdivision or Land Development</b>
Pre-Application Meeting	Recommended	Recommended
Existing Resources and Site Analysis Plan (ERSAP)	May be required based on existing published information	Required
Site visit with Township representatives	Recommended	Recommended
Four-Step Design Process	Not required	Required as part of plan submission
Sketch Plan	Recommended	Recommended
Preliminary Plan	Not required	Required
Final Plan	Required	Required

- D. Sketch Plan Required for Remaining Lands. When an application includes only a portion of a landowner's entire tract, or where the lands the subject of an application are contiguous to an adjoining tract of the same landowner, a sketch layout shall be included showing future potential subdivision or land development of all the contiguous lands belonging to the landowner to ensure that future development can be accomplished in accordance with current law and with appropriate access. Submission and review of the sketch plan described in this Section shall not constitute approval of the future subdivision or land development shown thereon.
- E. MPC Requirements. Preliminary and final plans shall be reviewed in accordance with the requirements of the MPC and as set forth herein.
- F. Site Access for Purposes of Plan Review. The owner of the parcel of land to be subdivided or developed shall, as part of the initial submission, submit a written statement granting the Highland Township Board of Supervisors, its authorized agents and representatives, the Planning Commission, and the representatives of the County and municipal departments and agencies having responsibility for review and/or approval under this Ordinance, the right to enter the parcel of land for the purpose of inspection and enforcement of the requirements, terms, and conditions herein.
- G. Plan Review by Adjacent Municipalities.

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1. Any plan applications involving tracts of land along the Township's boundary shall include one additional complete set of plans and documentation which shall be forwarded by the Township to the adjacent municipality for its comments.
2. The Township may solicit comments from an adjacent municipality even if the plan is not on the boundary of the Township where a plan, in the opinion of the Township, affects the adjacent municipality, in which case additional plan sets may be required.
3. When comments are solicited from any adjacent municipality, the Planning Commission and the Board of Supervisors shall review the reports from the adjacent municipality as part of the plan review process.

H. Required Notification of Surrounding Property Owners.

1. All applicants for major subdivision or land development approval shall notify in writing all individuals or entities who own real estate where any portion of which is adjacent to or within fifteen hundred (1,500) feet of the proposed major subdivision or land development, including property all or partly within adjacent municipalities, of the pendency of such major subdivision or land development proposal.
2. All applicants for minor subdivision or land development approval shall notify in writing all individuals or entities who own adjacent real estate, including property all or partly within adjacent municipalities, of the pendency of such minor subdivision or land development proposal.
3. The notice required under this Section shall be made by Registered Mail, Return Receipt Requested, to the landowner's last known address within fifteen (15) days of the submission of the preliminary or final plan. The address on the tax rolls shall be considered the last known address. Verification of mailing, including a copy of the names, addresses and tax parcel numbers of each person to whom the notice was mailed, including copies of the appropriate Return Receipts from Registered Mail, shall be delivered to the Township within thirty (30) days of submission.
4. Upon verification of compliance with this notification requirement, the Township shall not be further obligated to provide affected landowners with written notice of meetings held on the application except as may be required by any other legal authority. The failure of any person or entity to receive notice given pursuant to this Section shall not constitute grounds for any court to invalidate any action of the Township for which the notice was given.

- I. Re-filing of Plans. Any plan which meets any one of the criteria below shall be considered to be a new plan and shall be accompanied by an application, appropriate fees and all required information.

1. A plan which is submitted after a previous plan for the same property has been withdrawn shall constitute a new plan.
2. A plan which is submitted after a plan for the same property has been approved or rejected shall constitute a new plan.
3. A plan which is re-submitted during the course of plan review by the Township and is deemed by the Township to contain a substantially altered lot layout, road configuration, building location(s) or use, for the same land that was involved in a prior plan submission, shall constitute a new plan.

### **Section 301 Pre-Application Planning and Design Procedures**

While the content of plan submissions is set forth in Article IV, the actual procedure to be followed in processing such submissions shall be as follows:

- A. Pre-Application Meeting. Prior to any formal plan submission, it is strongly recommended that the applicant for any major subdivision or land development approval schedule a pre-application meeting with representative(s) designated by the Township (e.g., Township Engineer). The purpose of the pre-application meeting is to inform the applicant of the Township's planning objectives and applicable regulations and procedures and to discuss the applicant's objectives. At this meeting, applicants should provide the Township's representative(s) with the required Existing Resources and Site Analysis Plan (ERSAP), to the extent that required information is available at the time of the pre-application meeting.
- B. Existing Resources and Site Analysis Plan. The purpose of the ERSAP submission is to familiarize Township representatives with existing conditions on the applicant's property and within its immediate vicinity, and to provide a complete and factual reference for a site visit and a basis for planning and design that is consistent with the Township's natural and cultural resource protection and design objectives. As provided in Section 400, the ERSAP may make use of existing published information.
  1. All applicants for major subdivision or land development approval shall submit an ERSAP prepared in accordance with the requirements in Section 400. While this analysis is a required component of a Preliminary Plan submission, it is strongly recommended that it be provided to the Township prior to scheduling a site visit, if not provided at the pre-application meeting.
  2. To the extent required by the Township, applicants for minor subdivision or land development also shall submit an ERSAP at the time of Sketch Plan or Final Plan submission, as applicable. It is strongly recommended that the ERSAP be provided to the Township prior to scheduling a site visit.

- C. Site Visit. All applicants for major subdivision or land development approval shall arrange for a site visit of the property by the Township Engineer and any other representatives or consultants as the Township deems appropriate. Applicants shall reimburse the Township for any reasonable costs charged by Township consultants in relation to any such site visit. To the extent available, applicants shall distribute copies of the ERSAP to the Township prior to the site visit. Applicants for minor subdivision or land development approval also are encouraged to arrange for site visits and, to the extent available and as appropriate, to provide copies of the ERSAP to the Township. Applicants are encouraged to accompany Township representatives on these site visits. The purpose of the site visit is to familiarize Township representatives with the property's existing conditions and special features, to identify potential site design issues and to provide an informal opportunity to discuss site design concepts, including the general layout of open space, undisturbed areas and landscaped areas, potential locations for proposed buildings and road alignments, stormwater management concepts and the protection of natural and cultural (including historic) resources. Comments made by the Township or its staff and consultants on site visits are only advisory and shall not be binding on either the Township or the applicant. No formal recommendations can be offered and no official decisions can be made at the site visit or during the sketch plan process.
- D. Four-Step Design Process. All applicants for major subdivision or land development approval shall use the following four-step design process to assist in determining the most suitable approach to development of the subject site. The layout of lots or development shall be designed so that areas or features identified as being important in the ERSAP or upon the site visit are preserved and the areas of secondary importance are used for development. While compliance with the four-step design process is a required component of Preliminary Plan submission, it is strongly recommended that it be accomplished prior to formal plan submission. The steps in the four-step design process are as follows:
1. Step 1: Establishment of Site Context and Delineation of Resources to be left undisturbed, protected, or incorporated into development plans.
    - a. Site resources and open areas proposed to be left undisturbed or incorporated into development plans shall be identified and described based on review and assessment of mapping and other information in the ERSAP, including open space, agricultural resources, woodlands, other significant vegetation, slopes, views, and historic resources, as relevant. The pre-application meeting and the site visit shall be used to determine those areas that should have minimal or no disturbance.
    - b. Special design considerations relative to structural placement, architecture, and landscape treatment shall be identified based on review of the Highland Township Comprehensive Plan and Highland Township Zoning Ordinance, as applicable, as well as an assessment of relevant relationships to neighboring properties.

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- c. The areas that are identified at this stage of the design process as open and undisturbed shall depend upon, among other things, stormwater management considerations, taking into account areas suitable for groundwater recharge and infiltration, wherever feasible.
  2. Step 2: Location of Structures and Alignment of Infrastructure: Buildings, roads, trails, utilities, and stormwater management
    - a. Potential building area(s) and zones of land disturbance shall be identified in a manner which provides for maximal conservation of significant site resources as inventoried in the ERSAP and considered in Step 1. The conservation of historic resources may require their incorporation into development plans. Building sites should generally be located not closer than fifty (50) feet from the boundary of any designated open space lands, taking into consideration the potential negative impacts of development on such areas as well as the potential positive benefits of locations which provide attractive views and visual settings for buildings.
    - b. An access and circulation plan shall provide pedestrian and vehicular access to the development having a logical relationship to topographic conditions and neighboring properties and which minimizes further land disturbance and negative impacts to resource protection objectives.
    - c. Locations of and methods available for providing facilities for water service, wastewater disposal, stormwater management and other utilities, as necessary, shall be defined and indicated.
  3. Step 3: Preparation of Schematic Design, Building and Conservation Plan.
    - a. Narrative and plans shall be provided as appropriate indicating the ways in which the applicant proposes to undertake development, as defined in Step 2, in order to implement identified design objectives and respect the significant features of the land described in the ERSAP and areas designated for non-disturbance in Step 1.
    - b. Proposed limits to land disturbance on the subject site, including limits to grading and soil disturbance activities, shall be stated.
    - c. How proposed limits to land disturbance comply with any applicable disturbance limitations in the Highland Township Zoning Ordinance in respect to natural and cultural resources shall also be set forth.
    - d. Plans as necessary to demonstrate how existing natural contours and vegetation will be respected shall be described.

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- e. How stormwater will be captured on site for maximum infiltration shall be described, indicating that the areas best suited for stormwater infiltration have been selected for that purpose, based on hydrologic soil groups and the stormwater management requirements of this Ordinance.
  - f. A building plan, including schematic architecture and the incorporation of necessary infrastructure, road improvements and landscaping, shall be described and presented, as necessary.
  - g. A description of any historic resources on the site and proposed efforts to preserve their historical integrity, including where incorporated into any building program.
5. Step 4: Drawing Lot Lines/Defining Ownership Responsibilities
- a. Lot lines shall be drawn as required to delineate the boundaries of individual lots, public and private rights-of-way, and open space areas. In all cases, ownership responsibilities shall be defined in a manner which will implement the Schematic Design, Building and Conservation Plan defined in Step 3. Where permanently restricted from development, and where approved by the Board of Supervisors, designated open space areas may be included within the bounds of private lots.
  - b. Documentation. Applicants shall be prepared to submit maps indicating the findings of each step of the design process, if so requested by the Planning Commission or the Board of Supervisors at the time of Preliminary and/or Final Plan application.

**Section 302 Sketch Plans**

- A. Purpose and Applicability. The purpose of the Sketch Plan, which is an optional but strongly encouraged submission for all plans, is to afford the applicant the opportunity to consult early and informally with the Planning Commission and the Township before submission of formal plans (preliminary or final, as applicable) for subdivision or land development approval. The sketch plan is an important, valuable, and highly recommended submittal that can speed the review process and may result in lower costs for the project. It is strongly recommended that all applicants for sketch plan review follow the Pre-Application Planning and Design Procedures set forth in Section 301 and, for major subdivision or land development applications, that the Sketch Plan fully embodies the results of the Four-Step Design Process and the Schematic Design, Building and Conservation Plan that is part thereof.

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B. Sketch Plan Submission and Review.

1. Applicant shall submit the minimum number of copies of the Sketch Plan application to the Township as specified in the Highland Subdivision & Land Development Submission Checklist. Submitted applications shall be prepared in accordance with the requirements contained in Section 401 hereof. Applications for major subdivision or land development approval shall be accompanied by an ERSAP, if not previously submitted, and documentation of fulfillment of the Four-Step Design Process. Applications for minor subdivision or land development approval shall be accompanied by an ERSAP, if not previously submitted, reflecting existing published information to the extent available and where not otherwise waived by the Township. Where submitted, the Sketch Plan and supporting materials shall be filed with the Township at least thirty (30) calendar days prior to the Planning Commission meeting at which they are to be discussed.
2. Where feasible, and at the request of the Township upon the recommendation of the Township Engineer, the Sketch Plan also shall be submitted to the Township electronically in the format specified by the Township Engineer.
3. Copies of the Sketch Plan application shall be distributed by the Township to the Township Planning Commission.
4. At the next regularly scheduled public meeting subsequent to submission in accordance with Section 302.B.1, above, the Applicant shall present the Sketch Plan and supporting materials to the Township Planning Commission.
5. The Township Planning Commission shall review the Sketch Plan. As a result of its review, the Planning Commission shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant Township ordinances, to Township planning, design and historic preservation objectives, and to environmentally responsible design, and may suggest plan modifications. To the extent that sufficient information has been submitted to the Planning Commission, the Commission shall undertake a general review which may encompass but shall not be limited to:
  - a. the compatibility of the proposal with respect to the objectives and policy recommendations of the Highland Township Comprehensive Plan;
  - b. its consistency with the Highland Township Zoning Ordinance;
  - c. the compatibility of the plan with the input from the pre-application meeting, site visit, ERSAP, and the Four-Step Design Process where requested;

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- d. the location of all areas proposed for land disturbance (roads, foundations, yards, utilities and wastewater disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's ERSAP;
  - e. the proposed building density and impervious coverage;
  - f. the potential for vehicular and pedestrian connections with existing roads, other proposed roads, and existing or potential development on neighboring properties;
  - g. the location of proposed access points along the existing road network; and
  - h. the need for any waivers or modifications from otherwise applicable ordinance standards, including any waivers or modifications which the Planning Commission would recommend in order to permit the proposal to better conform to Township planning objectives.
6. Prior to making recommendations on the proposed Sketch Plan, the Planning Commission may request the preliminary input of the Township's planning and engineering consultants and other Township commissions or committees where relevant (e.g., Historical Commission), and may hear comments from surrounding or affected landowners present at its public meeting(s). All planning and engineering review fees shall be the responsibility of the applicant.
7. The Planning Commission shall communicate its comments and recommendations in regard to the proposed Sketch Plan to the Applicant within forty-five (45) days of the first public meeting of the Planning Commission after sketch plan submittal, except where an extension of time is requested in writing by the Applicant.
8. All comments and recommendations made by Township representatives in regard to Sketch Plan review are non-binding. No comment or recommendation, nor the failure of the Planning Commission or any Township representative, to proceed or act in accordance with this Section, shall be deemed to be a decision with respect to any subdivision or land development plan or to vest any rights in the applicant.

**Section 303 Preliminary Plans**

A. Purpose and Applicability.

1. All applicants for major subdivision or land development approval shall submit a Preliminary Plan application which is a set of documents demonstrating compliance with zoning provisions, showing existing features, proposed road and



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lot layout, storm water management facilities and engineering detail sufficient to ensure proper functioning of proposed improvements and sufficient to meet the plan requirements of this Ordinance. Applicants for minor subdivision or land development approval are not required to submit a Preliminary Plan application but may proceed with Final Plan application.

2. All applicants for Preliminary Plan approval should follow the Pre-Application Planning and Design Procedures set forth in Section 301, and should submit a Sketch Plan as set forth in Section 302, prior to formal submission of a Preliminary Plan application. Applicants who choose to submit Preliminary Plans without taking advantage of Pre-Application and Sketch Plan options may incur added engineering expenses. Evaluation of planning, design, and ordinance issues occurring during pre-application and sketch plan review can facilitate the Final Plan review process.
3. Preliminary Plan applications shall conform with any recommendations made during Sketch Plan review and all information requirements and procedures set forth herein.

**B. Preliminary Plan Submission and Acceptance for Review.**

1. The Preliminary Plan application shall include all information as set forth in Section 402, specifically the ERSAP and documentation of fulfillment of the Four-Step Design Process. Steps which have been satisfactorily completed during the Pre-Application or Sketch Plan review stages need not be undertaken again. Submitted plans and accompanying documentation shall be clearly marked "Preliminary Plans."
2. Applicants shall submit the minimum number of copies of the Preliminary Plan application, including all required supporting information and materials, to the Township as specified in the Highland Subdivision & Land Development Submission Checklist. The Preliminary Plan application shall be submitted to the Township at least twenty-one (21) calendar days prior to the Planning Commission meeting at which the Preliminary Plan is first to be discussed.
3. If requested by the Township, plans in the Preliminary Plan application also shall be submitted to the Township electronically in the format specified by the Township Engineer.
4. Within ten (10) business days from the date the Preliminary Plan application is received, the Township Secretary shall determine whether the submission is administratively complete. To be considered administratively complete, all of the documentation required by this Ordinance shall be included with the application and required escrow and review fees shall be paid to the Township in accordance with the municipal fee schedule, along with any required fees for Chester County Planning Commission review.

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5. The date upon which a Preliminary Plan application is determined to be administratively complete shall be considered the date of filing, and on that date the submission shall be accepted for review. If a Preliminary Plan application is determined not to be administratively complete, it shall be returned to the Applicant with a specific indication of the missing materials or fees which rendered it incomplete.

C. Distribution of Preliminary Plans. The Applicant shall file the Preliminary Plan and accompanying documentation, as appropriate, with the Chester County Planning Commission, appropriate Emergency Services representatives, and other agencies as deemed appropriate and requested by the Township. Time stamped verification of such filings shall be provided to the Township.

D. Review of the Preliminary Plan and Rendering of Decision.

1. Official Review Period.

The Board of Supervisors shall render a decision in regard to the preliminary plan application not later than ninety (90) days following the date of the next regular meeting of the Township Planning Commission following the date of filing, provided that should the next regular meeting be more than 30 days following the date of filing, said ninety (90) day period shall be measured from the 30<sup>th</sup> day following the date of filing.

2. Review by Township Engineer and other Township Staff and Consultants.

a. The review by the Township Engineer shall assure the following:

- i. that all information required by this Ordinance is presented in the plans submitted;
- ii. compliance with all other Township ordinances;
- iii. compliance with the Four-Step Design Process and Sketch Plan recommendations, where requested by the Township;
- iv. that any conditions set forth in any previous order or conditional use approval have been complied with, if applicable;
- v. that, in the opinion of the Township Engineer, the various schemes presented for the location, alignment and grade of roads, stormwater management/Best Management Practices, erosion and sedimentation control, physical site constraints, site grading, sanitary sewers, water supply, and any other proposed improvements are feasible from an engineering perspective.

b. The Township Engineer shall submit his or her written comments to the Township. The Township's engineering review fees shall be the responsibility of the Applicant.

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- c. The Township may request additional review by the Township Engineer, Township staff, Township commissions or committees (e.g., Historical Commission), land planning consultant, or other consultants to ascertain the accuracy of the preliminary plan and submitted supplementary data or materials, as it may deem necessary based on the specific circumstances. All additional review fees shall be the responsibility of the Applicant.
3. Review by Chester County and Other Agencies.
  - a. Chester County Planning Commission. The Chester County Planning Commission will be provided with the opportunity to review and comment on the preliminary subdivision plan as required by the MPC.
  - b. Chester County Health Department. The CCHD will be provided with the opportunity to review and comment on matters relating to water and sewer systems, as applicable.
  - c. Other Agencies. County, state, federal, or other reviewing or regulatory agencies having jurisdiction over all or a portion of the property subject to the application will be provided the opportunity to review and comment on permit or other agency-specific matters.
4. Review by the Township Planning Commission.
  - a. The Township Planning Commission shall, at its regularly scheduled public meetings, review the preliminary plan application in accordance with this Ordinance and any other applicable ordinances, with any conditions of approval contained in any applicable Order or Conditional Use Approval, with the results of any sketch plan review or discussion and any previously submitted documentation of the Four-Step Design Process, and in consideration of the comments submitted by the Township Engineer and any other Township consultants, where applicable. Where not previously requested, the Planning Commission may request that the Applicant submit documentation of compliance with the Four-Step Design Process. The Planning Commission review shall further include, but is not limited to, those items set forth in Section 302.B.5.a through h.
  - b. The applicant or designated representative should be present at such meeting. The Commission shall advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance and the Highland Township Zoning Ordinance, any conditions contained in any applicable Order or Conditional Use Approval, the need for or acceptability of any waivers or modifications of design standards contained herein, and any suggested plan modifications that would increase the subdivision's or land

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development's degree of conformance in order to obtain a Planning Commission recommendation of approval.

- c. Prior to communicating its recommendations to the Board of Supervisors regarding any Preliminary Plan application, the Commission may request the input and/or may review the written comments or testimony of any of the Township's planning and engineering consultants or other agencies involved in the review of the subject plan as provided in Sections 303.D.2 and 3 above; it may receive comments from surrounding or affected landowners; and it may also conduct a site visit(s) to facilitate its review.
- d. Except where an extension of time is requested in writing by the Applicant, the Planning Commission shall communicate its comments and recommendations to the Township Board of Supervisors by the time of the last scheduled meeting of the Board prior to the expiration of the ninety (90) day review period. The communication from the Planning Commission to the Board of Supervisors may include any recommended conditions of approval, and may cite specific sections of the Ordinance or other reasons relied upon for the Commission's recommendations. Failure of the Planning Commission to communicate its recommendations to the Board of Supervisors within the prescribed time frame shall not affect the status of the Preliminary Plan application nor cause any extension of the applicable review period.

5. Review and Decision by the Board of Supervisors.

- a. Prior to the expiration of the ninety (90) day review period, as set forth above, unless an extension of time is requested in writing by the applicant, the Board of Supervisors shall render a decision in regard to the Preliminary Plan application.
  - i. The decision shall be in writing and shall be communicated to the applicant personally or be mailed to him at his last known address not later than fifteen (15) days following the decision.
  - ii. When the application is not approved as filed, the decision shall specify the defects in the application, shall describe requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.
  - iii. When the application is approved with conditions (i.e., but not as filed), the decision shall contingently comply with Section 303.D.5.a.ii above. The Applicant shall inform the Township in writing within thirty (30) days of the date of such approval whether the condition(s) imposed by the Board of Supervisors are acceptable or not to the Applicant. Failure to so timely inform the Township of Applicant's acceptance of such condition(s) shall

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void the plan approval and the subject Preliminary Plan application shall be deemed denied for the reasons so specified in such decision.

- b. The Board of Supervisors may require that Final Plan application for the subject property be submitted within twelve (12) months of the date of Preliminary Plan approval. In such case, the Applicant may request an extension beyond the twelve (12) months subject to approval by the Board of Supervisors.
- c. Upon approval of the Preliminary Plan application, the Board shall designate one copy of the preliminary plan as the official copy. This copy shall include all necessary corrections as required by the Board of Supervisors. It shall be retained in the Township files.
- d. Approval of the preliminary plan shall not constitute approval of the Final Plan or authorize the sale of lots or construction of buildings.

**Section 304 Final Plans**

- A. Purpose. The purpose of the Final Plan application for subdivision or land development is to assure full compliance with this Ordinance, with applicable zoning provisions and with all other applicable laws and regulations prior to formal recording of all relevant planning documents and land records, and to ensure long-term proper functioning, maintenance and funding for all proposed improvements.
- B. Applicability. Upon submission of any Final Plan application, the Township shall determine within ten (10) business days whether the Plan is a Major or Minor Plan submission, as defined in Section 300.B., and whether the submitted plans are administratively complete as provided in Section 304.C.
  1. If the application is a Major Plan submission, but no Preliminary Plan application has previously been submitted and approved, the application shall be returned to the applicant or, upon the request of the applicant, submitted as a Preliminary Plan in accordance with Section 303 hereof.
  2. If the application is a Major Plan submission following a Preliminary Plan application previously submitted and approved, or if the application is a Minor Plan submission, the application shall be retained by the Township for review in accordance with this Section.
  3. For a Major Plan application, the Final Plan shall conform to the terms of the approved Preliminary Plan.