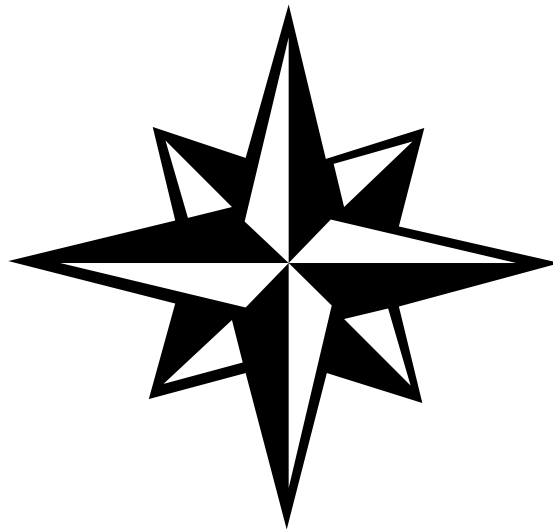


ARTICLE I



GENERAL PROVISIONS

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Section 101 Short Title

This ordinance shall be known as the “Clearfield County Subdivision and Land Development Ordinance.”

Section 102 Purpose

This Ordinance is adopted for the following purposes:

- 102.1** To assure sites suitable for building purposes and human habitation
- 102.2** To provide for the harmonious, orderly, efficient and integrated development of the County.
- 102.3** To assure new development will be coordinated with existing County development.
- 102.4** To provide for adequate easements and rights-of-way for drainage and utilities.
- 102.5** To make provisions, as needed, for the reservation of land as it may be needed for public grounds.
- 102.6** To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.
- 102.7** To make provisions for appropriate standards for streets, storm drainage, sanitary sewers, water facilities, curbs, gutters and such other improvements as shall be considered needed by the County.
- 102.8** To promote the sound layout and design for subdivisions and land development.
- 102.9** To allow for new and flexible standards of design, where appropriate.
- 102.10** To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- 102.11** To implement the Comprehensive Plan.

Section 103 Authority

The County of Clearfield is vested by law with jurisdiction and control of the subdivision of land within its boundaries in accordance with Article V of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, Number 247, as reenacted and amended (“Municipalities Planning Code or MPC”). The power to regulate and approve subdivisions and land developments is conferred on the Clearfield County Planning Commission and the Clearfield County Planning Department.

Section 104 Jurisdiction

104.1 In accordance with Section 502 of Article V of the MPC, this Ordinance and any amendments shall be limited to land in those municipalities within Clearfield County which have no subdivision and land development ordinance in effect at the time the Ordinance or amendment is introduced before the governing body of Clearfield County, and until the municipal subdivision and land development ordinance is in effect and a certified copy of such ordinance is filed with the Clearfield County Planning Department.

104.2 Plans for subdivisions within the County shall be submitted to, and approved by, the County before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions, or regulations of the County or local municipalities.

104.3 Land Development Control

- A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvements of rights-of-way, streets and roads, and the payment of fees and charges as established by Resolution of Clearfield County.
- B. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easement, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

104.4 Exemptions.

- A. Subdivisions and/or land developments platted and recorded prior to January 15, 1996 shall be exempt from the requirements of this Ordinance.
- B. Subdivisions and/or land developments incorporated by reference in a deed or other instrument recorded prior to January 15, 1996, including Wills probated prior to January 15, 1996, shall be exempt from the requirements of this Ordinance.

Section 105 Municipal Responsibility and Liability

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 102. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and landowners in the County is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with minimum requirements for subdivision and land developments will be free from inconveniences, conflicts, dangers or damages.

Therefore, this Ordinance shall not create liability on the part of the individual members of the Board of County Commissioners, The Clearfield County Planning Commission or any officer, appointee or employee of the County for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 106 Responsibility for those municipalities who have their own Subdivision and Land Development Ordinance

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, applications for subdivision and/or land developments located within a city, borough, or township having adopted a subdivision and land development ordinance or subdivision ordinance shall, upon receipt by the municipality, be forwarded to the Director for review and report. Such municipalities shall not approve applications until the Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the Commission.

Section 107 Municipal Adoption of this Ordinance by reference

This Ordinance may be adopted by any local municipality by reference, in accordance with Section 502 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended. In addition, The Clearfield County Planning Commission may be designated as the official administrative agency for the review and approval of plans for such municipality by separate ordinance, contingent upon formal notice of such action by the municipality to the Clearfield County Planning Commission and the Commission's acceptance of such designation in writing.

Section 108 Effective Date and Repealer

This Ordinance shall become effective January 1, 1996 and shall remain in effect until modified or rescinded by the Board of County Commissioners. This Ordinance shall supercede and replace all other conflicting regulations issued by the County previous to the approval date of this Ordinance.

Section 109 Copies

Copies of the County of Clearfield Subdivision and Land Development Ordinance shall be made available to the general public at the Office of County Planning at a fee adequate to compensate the County for the cost of reproduction.

Section 110. Compliance.

No sale of lots and/or application for building permits or occupancy permits shall occur prior to compliance with the requirements of this Ordinance.

Section 111. General Exclusion.

The definitions, sections, or articles of this Ordinance are not intended to apply and shall not be construed to apply to the lease, severance, conveyance, assignment, ownership, subdivision or development of oil, gas, minerals or other subsurface ownership rights, nor surface operations, including but not limited to, drilling, hauling, grading, and digging, conducted therewith.