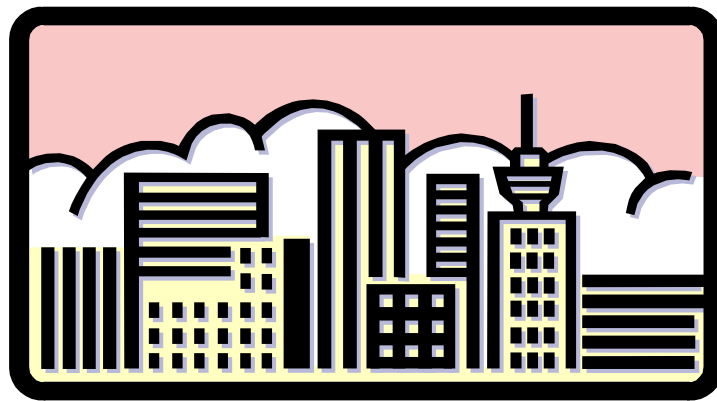


## ARTICLE III



PROCEDURES – MAJOR  
SUBDIVISION & LAND  
DEVELOPMENT

## ARTICLE III

### PROCEDURES – MAJOR SUBDIVISIONS AND LAND DEVELOPMENT

#### **Section 301    Pre-Application Investigation**

- 301.1** Developers are urged to discuss possible development sites with the Planning Commission or the Planning Office Staff prior to submission of the Preliminary Plan. The purpose of the pre-application meeting is to afford the developer an opportunity to avail himself of the advice and assistance of these offices. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is encouraged to further discuss his proposal with the local municipality, the local sewage enforcement officer, Pennsylvania Department of Transportation (Penn DOT) or utility companies as may be appropriate.
- 301.2** A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should generally include those items listed under Plan Requirements, Article VII, Section 701 of this Ordinance.
- 301.3** Such discussion and/or sketch plan review will be considered as confidential between the developer and the Planning Office. Submission of a sketch plan shall not constitute formal filing of a plan.

#### **Section 302    Preliminary Plan Application**

- 302.1** The Preliminary Plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance when submitted to the County. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies.
- 302.2** Six (6) copies of the Preliminary Plan and all required exhibits shall be received during regular office hours of the Planning Office and must be received during regular business hours and at least two (2) weeks prior to the Planning Commission meeting. Plans submitted less than two (2) weeks prior to the Planning Commission meeting shall be automatically tabled to the Commission's next meeting.
- 302.3** Information to be filed with the Preliminary Plans shall generally include those items listed under Plan Requirements, Article VII, Section 702 of this Ordinance, and shall be prepared in accordance with, and submitted with the number of copies, as specified herein.
- 302.4** In cases where the subdivision fronts on an existing or proposed State Highway, or has proposed streets entering on such highways, the developer shall submit the plans to Penn DOT for review and permit(s) if required.

- 302.5** The developer shall deliver the six (6) copies of the Preliminary Plan, with all attachments to the local municipality for its review and (if elected) written comments. No later than two (2) weeks prior to the meeting of the Planning Commission at which the Preliminary Plan is to be considered, the developer shall deliver to the Planning Department: 1) five (5) of the six (6) copies of the Preliminary Plan with the local municipality's confirmation of review endorsed thereon (one copy shall be retained by the municipality); and 2) a review letter with any comments, objections and/or suggestions from the local municipality to the Planning Commission. Also see Article VIII, Design Standards.

**Section 303 Approval of Preliminary Plan**

- 303.1** Upon the Planning Office Staff review (and Penn DOT review, if required) and submission to the local municipality for review and comment, or after thirty (30) days, whichever comes first, the six (6) copies of the Preliminary Plan and other exhibits required for approval will be submitted to the Planning Commission. The Planning Commission will review the Preliminary Plan to determine its conformity to the design standards and requirements contained in this Ordinance and take in into consideration the recommendations of the Clearfield County Planning Office Staff, the local municipality, the utility companies and Penn DOT (if required).
- 303.2** Before acting on the Preliminary Plan, the Planning Commission may arrange for a public hearing thereon. Adequate public notice shall be given.
- 303.3** The Planning Commission shall take final action on the Preliminary Plan within ninety (90) days of the Plan being submitted to the Planning Office. The Planning Commission shall render its decision during a public meeting. Within fifteen (15) days after the public meeting, the Planning Commission shall notify the developer, in writing, of the action taken at the public meeting, and specifying what revisions or additions, if any, will be required prior to the approval of the Final Plan. A copy of the Planning Commission's action shall be sent to the local community.
- 303.4** Any revisions of the Preliminary Plan required, as prerequisites to approval, will be noted on two (2) copies of the Preliminary Plan. One (1) copy of the conditionally approved Preliminary Plan will be returned to the developer and one (1) copy will be retained by the Planning Commission.
- 303.5** Approval of the Preliminary Plan is necessary precedent to approval of the final plan.

**Section 304 Final Plan Application**

- 304.1** After the developer has received official notification that the Preliminary Plan has been approved and what changes, if any, must be made if the Plan is to proceed to consideration as a Final Plan, the developer has five (5) years in which to submit a Final Plan. If the developer does not do so within the five (5) year period, the approval of the Preliminary Plan shall become null and void unless an extension of time is requested by the developer in writing and is granted in writing by the Commission before the expiration date.

**304.2** The information and number of plans to be filed with the Final Plan application shall include those items listed under Plan Requirements, Article VII, Section 703 of this Ordinance, and the submission shall be prepared in accordance with that Article and in the number of copies specified therein. The Final Plan shall be filed at the Clearfield County Planning Office during regular business hours and at least two (2) weeks prior to the Planning Commission meeting.

See Section 304.9 regarding local municipality written review and comments on the Final Plan.

**304.3** Assurance of completion where required shall be submitted in accordance with Article V.

**304.4** The original and six (6) copies of the Final Plan and all other exhibits required for approval shall be filed with the Clearfield County Planning Office. A copy of Typical exhibits is found in the Appendix.

**304.5** When an extension of time is granted for the submission of a Final Plan, the Planning Commission shall do one (1) of two (2) things when the Final Plan is submitted: (1) make a finding that the conditions on which its approval of the Preliminary Plan were based have not changed substantially, or (2) require changes in the Plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surrounding that have taken place since the grant of preliminary approval.

**304.6** It is not necessary for the whole Plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

**304.7** The developer must provide sewerage and water system plans for the entire development site of the Preliminary Plan regardless of the number of sections or stages to be initially developed. In addition to the sewerage plan, the developer must submit the appropriate sewage facilities planning modules, components and waivers.

**304.8** The developer shall investigate the existence of wetlands and flood plains and shall cause such existence to be shown on the plan. When necessary, the developer will be responsible to provide a wetland delineation by a qualified “engineer”.

**304.9** The developer shall deliver the six (6) copies of the Final Plan, with all attachments to the local municipality for its review and (if checked) written comments no less than two (2) weeks prior to the meeting of the Planning Commission at which the Final Plan is to be considered. The developer shall deliver to the Planning Department (1) five (5) of the six (6) copies of the Preliminary Plan with the local municipality's confirmation of review endorsed thereon (one copy shall be retained by the municipality); and (2) a review letter with any comments, objections and/or suggestions from the local municipality to the Planning Commission. Also see Article VIII, Design Standards. Final Plans submitted less than two (2) weeks prior to the Planning Commission meeting shall be automatically tabled to the Commission's next meeting.

**Section 305 Approval of Final Plan**

**305.1** If the Planning Commission finds that the Final Plan and Preliminary Plan, where required, are in conformance with this Ordinance, it shall sign the Final Plan. One (1) copy of the Final Plan will be retained by the Planning Office Staff for the Commission's records.

**305.2** If the Planning Commission finds that the Preliminary Plan, where required, and/or the Final Plan is not in conformance with this Ordinance, it shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Ordinance that is not being complied with.

**305.3** The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship to the developer. All requests for modification shall then be reviewed by the Planning Commission and reviewed and considered by the County Board of Commissioners in accordance with Section 1407 of this Ordinance.

**305.4** The Planning Commission shall take final action on the Final Plan within ninety (90) days of the Plan being submitted to the Planning Office. The Planning Commission shall render its decision during a public meeting. The decision of the Planning Commission shall be communicated to the developer in writing no later than fifteen (15) days following the date the decision was made.

**305.5** No final plan shall receive approval by the Planning Commission unless the developer shall have filed with local municipal financial security in the amount of 100% of the municipal engineer's estimate for such improvements, or shall have completed all required improvements listed in Article IX or as local municipality may require in the public interest.

**305.6** Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the local municipality, the developer shall take steps to dedicate the improvements and have the same accepted by the local municipality.

- 305.7** The developer shall provide copies of the Department of Environmental Protection approved modules, components and waivers for proposed sewage facilities and permits or letters of approval. From the Pennsylvania Department of Transportation, the developer shall provide driveway openings or highway (rights-of-way) occupancy permits or letters of approval.
- 305.8** The filing of any application under this Ordinance shall constitute expressed consent for entry by Commission members and/or staff of property proposed for subdivision and/or land development with reasonable advanced notice to the applicant. Failure to prevent entry and inspection shall constitute a basis for denying the application.

**Section 306 Recording of Plan**

- 306.1** After completion of all procedures and upon approval of the Final Plan, the Plan shall then be immediately recorded with the County Recorder of Deeds. In no case shall the Final Plan be recorded after ninety (90) days from the date of the Final Plan approval by the Planning Commission. For plans that have not been recorded within (90) days, the chairman and secretary of the Clearfield County Planning Commission may reinstate their names provided that no major changes have been made. Reapproval thereafter may be granted by the Planning Commission provided no changes have been made to the Final Plan.

Within ten (10) days after the recording of the Final Plan, a copy of the receipt of the County Recorder of Deeds confirming the recording shall be filed with the Clearfield County Planning Department.

- 306.2** The Final Plan shall be recorded with the County Recorder of Deeds before proceedings with the sale of lots, issuance of building permits or the construction of buildings.
- 306.3** Recording the Final Plan after approval shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the County or the local municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the local municipality shall have made actual appropriation of the same by ordinance or resolution, or by entry, use or improvement.
- 306.4** The developer may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated public areas, or streets or alleys, in which event the title to such areas shall remain with the owner, and the local municipality shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the Final Plan.