

*CLEARFIELD COUNTY SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE*

**CLEARFIELD COUNTY SUBDIVISION
AND LAND DEVELOPMENT ORDINANCE**

ORDINANCE NUMBER 95-2

AN ORDINANCE OF THE COUNTY OF CLEARFIELD DEFINING AND REGULATING THE SUBDIVISION OF LAND AND THE DEVELOPMENT THEREOF; ESTABLISHING PROCEDURES FOR THE CONSIDERATION OF MINOR AND MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS; REQUIRING THE PREPARATION OF SKETCH, PRELIMINARY, FINAL AND AS-BUILT PLANS; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER OR DEVELOPER AND ESTABLISHING DESIGN STANDARDS FOR IMPROVEMENTS; REGULATING SALE OF LOTS, ERECTION OF STRUCTURES, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES AND PUBLIC IMPROVEMENTS; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; AND PRESCRIBING PENALTIES FOR VIOLATION.

PREAMBLE STATEMENT

PURPOSE, OVERALL GOAL, POLICIES, RECOMMENDATIONS AND BENEFITS

WHEREAS, The Board of County Commissioners of Clearfield County, Pennsylvania desires to adopt rules and regulations establishing minimum standards for the subdivision and development of land in the County; and

WHEREAS, The County of Clearfield has, through a comprehensive planning process, including the official adoption of the Clearfield County Comprehensive Plan (1991) Update*, recognized certain land use Policies and Recommendations which are more fully described as the following:

* The Clearfield County Comprehensive Plan (1991) Update was accepted and endorsed by the Clearfield County Planning Commission on October 15, 1991. The Comprehensive Plan was subsequently adopted by the Clearfield County Commissioners on December 10, 1991

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A. The Clearfield County Comprehensive Plan (1991) Update*, recognizes as its first Goal of the Clearfield County Planning Program is “TO ENSURE THE ORDERLY AND EFFICIENT DEVELOPMENT OF CLEARFIELD COUNTY THROUGH CAREFUL LAND USE PLANNING.”

B. The Clearfield County Commissioners, as part of the adopted Clearfield County Comprehensive Plan (1991) Update* recognized certain land use policies which are as follows:

A Policy for Development

The majority of future residential, commercial, industrial, transportation, and public facilities development in Clearfield County should be encouraged to occur within our existing urban communities. These communities are the major growth areas of the future and are now providing a level of services that make them attractive for people and are capable, in varying degrees, of absorbing growth. Expansion of additional services can be done at the same time will not overburden, or put excessive pressure on, lands which should remain in a less developed state; e.g., agricultural lands. At the same time, rural communities and villages could accept a limited amount of growth compatible with their local environments.

C. The adopted Clearfield County Comprehensive Plan (1991) Update also recognized that there are certain features of Clearfield County that must be considered which either pose Developmental Limitations or are Sensitive Areas. These Policies related to Development Limitations and the Sensitive Areas are as follows:

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1. Development Limitations

a. *Recommendations for Floodplains*

Floodplains should be either maintained in their developed state or be put to uses compatible with floodplain environment. Such uses include agriculture, parks and other non-structural recreational uses, and wildlife areas. The development, which already exists in the floodplains, should be encouraged to take the necessary precautions against damage and loss through floodproofing and participation in the Federal Flood Insurance Program.

b. *Recommendation for Soil Resources*

The limitations of the soil are a major factor in determining the use of the land. Development should not take place in areas where the soils present severe engineering or environmental restrictions; likewise, areas that have soils suitable for non-development uses such as agriculture, forested, floodplains, should remain as non-developed areas.

c. *Recommendation for Sloping Land*

Lands with slopes of seventeen (17) percent or greater have had limited development in the past. Future uses, such as sensitively designed residential development, should maintain the sloping lands for their scenic, watershed, recreational, forested and mineral repository roles.

d. *Recommendation for Mine Subsidence Areas*

Due to the potential severity of mine subsidence, development should not be encouraged in those areas where known abandoned deep mines exist.

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However, as an alternative to prohibiting all development in areas of underground mines or requiring extensive engineering tests, another approach to this problem is the recognition of this Development Limitation by local government agencies, landowners, developers, and prospective lot purchasers.

2. Sensitive Areas

a. *Recommendation for Agricultural Land*

The best protection for keeping agricultural land is to preserve and enhance the agricultural economy. Development to accommodate population, commercial and industrial growth should take place on non-agricultural lands (not on prime agricultural Class I & II soils) whenever and wherever possible. Alternate uses of agricultural land could be recreational, forested or vacant; other uses could destroy this irreplaceable source.

WHEREAS, it is the intent of the Clearfield County Commissioners that in addition to the above, it is further the Purpose of the Ordinance that the adoption of these rules and regulations which establish minimum standards for subdividing and development of land within the County will be of benefit to the lessee or purchaser of land, to the sub-divider or developer, and to the municipality in which the development is located. These benefits include the following:

A. Benefits to the Lessee or Purchaser

1. Accurate descriptions of the land to be leased or sold;
2. Assurance that soils are satisfactory for home sites and sewage disposal, and that adequate steps will be taken to prevent soil erosion and sedimentation.

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3. Assurances that lots will either abut a public road or have access via a right-of-way agreement, which also sets forth responsibility for maintenance;
4. Assurances that the sources of public water are identified, and that suitable easements are provided to reach the land;
5. Assurances that roads will be adequate to provide fire and ambulance protection, and that fire hydrants will be provided in large developments;
6. A minimum of hidden expenses by placing the burden of providing necessary facilities on the developer, or by clearly stating on the plan who is responsible for such facilities; and

B. Benefits to the Sub-divider or Developer

1. Accurate description of the soils and the limitations of the soil on the land to be subdivided;
2. Assistance in the design of the development in the form of recommendations by experienced staff;
3. For the transfer of all costs of the development to the purchases through the purchase price;
4. For the establishment of clear responsibility for right-of-way maintenance, easements and ease of permit issuance, thereby reducing the potential for expensive and lengthy litigation when such issues are not considered;
5. For reduction of disputes over land ownership by requiring accurate survey;
6. For compliance by all landowners to protect the value of property; and

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C. Benefits to the Municipality

1. Informing the municipality of the needs of proposed future developments;
2. Assuring that the road construction criteria are clearly established and obtaining the acknowledgement of the developer of his responsibility;
3. Assuring adequate rights-of-ways and setbacks;
4. Preventing the imposition of major development costs upon the municipality;
5. Assuring that emergency equipment can reach all lots;
6. Reducing or eliminating the possibility of floods, mine subsidence, erosion, pollution, lack of adequate water and water pressure;
7. Protecting remaining resources from destruction;
8. Planning developments in a coordinated manner to avoid the creation of future problems.

WHEREAS, the Board of Clearfield County Commissioners concurs with and supports the official position of the Clearfield County Comprehensive (1991) Plan as set forth herein as the Overall Goal; Policies; Recommendations; and further concur with the Benefits to the Lessee or Purchaser, the Benefits to the Sub-divider or Developer and the Benefits to the Municipality; and

WHEREAS, the Clearfield County Subdivision and land Development Ordinance is intended to cause subdivisions and land developments to conform with or to provide for such Goals, Policies, Recommendations and Benefits*;

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NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of
County Commissioners of Clearfield County, Pennsylvania, and it is enacted and ordained
as follows: *

* The above referenced Goals, Policies, Recommendations and Benefits, as well as the various standards and requirements found elsewhere in this Ordinance, are not intended to be interpreted as a development or consumer guarantee. However, they are intended to serve as guidelines and minimum requirements for use by the Commission, local government agencies and other interested groups and individuals.